THE SPEAKER PRO TEMPORE: The Chair did so rule.

MR. WALKER: And the penalty for such a ruling would normally be that the gentleman would not be allowed to speak for the rest of the day in the House Chamber, is that not correct?

THE SPEAKER PRO TEMPORE: The House permitted him to proceed in order.

MR. WALKER: Under the rules, Mr. Speaker, the rules state that someone having had the Chair so rule is not permitted to speak in the House for the rest of the day, is that not correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So by taking the action which the party did a few minutes ago, the majority party did, what they did was basically overrule the rules with regard to the penalty for having words taken down.

THE SPEAKER PRO TEMPORE: The motion to allow the gentleman to proceed is a proper parliamentary motion under the same rule.

MR. WALKER: Yes. I understand. But the effect of the action, the effect of the motion, was to override the rules of the House.

THE SPEAKER PRO TEMPORE: Under the rules of the House the Chair cannot say that one part of the rule has precedence over the practice of the House paramount to that rule.

MR. WALKER: Well, I have a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. WALKER: If the motion had not been made, the gentleman would not have been permitted to speak for the rest of the day, is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So the effect of the motion was to allow the gentleman to do something which the rules would otherwise not permit him.

THE SPEAKER PRO TEMPORE: The House has followed the normal practice. There are two aspects to the rule. The House proceeded under the rules, and both procedures are proper. The House voted and the gentleman was allowed to proceed for 16 seconds.

MR. WALKER: I have a further parliamentary inquiry. So in other words what the Chair is saying is that the will of the majority can prevail, even though it is over and above the rules that are adopted by the——

MR. YATES: Mr. Speaker, regular order.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Yates] is absolutely correct. That is not a parliamentary inquiry.

Parliamentarian's Note: Where the House has voted to allow a Member called to order to proceed in order, the offending Member is recognized for the remainder of his debate time, as indicated above.

§ 52. —Permission To Explain or To Proceed in Order

A Member whose words are demanded to be taken down must take his seat and if his words are

held unparliamentary may not proceed on the same day without the consent of the House.[4] But he may be recognized to ask unanimous consent to modify or withdraw his remarks before a ruling is made, and, if granted, he thereby retains the right to proceed in debate.[5]

The rules provide for motions to allow the Member to explain and to proceed in order, which motions must be made by another Member before the Speaker rules on the words.[6]

On occasion, the Speaker has recognized the Member called to order, before ruling on the words, to ask unanimous consent to make a limited explanation of his remarks. And the Speaker has permitted explanation, by unanimous consent, after ruling the words out of order.[7] Generally, however, the Member called to order may not debate the demand that his words be taken down or explain his remarks pending a ruling in the absence of a motion to that effect.[8]

Under clause 4 of Rule XIV in recent practice, the motion to permit the Member to explain must be disposed of prior to the Chair's ruling, and should not be used in the absence of unanimous consent, to question the Chair's ruling.[9]

After the words have been ruled out of order, the Member may be permitted to proceed in order either by motion[10] or by unanimous consent,[11] but this is generally preceded by the motion to expunge the words from the Record.[12]

Although the motion to allow the Member to explain is not normally made in contemporary practice, that motion has precedence over the motion to allow the Member to proceed in order since it should be made prior to the Chair's ruling.[13]

If the House declines to grant permission to proceed in order, the Member may not proceed in

4. See §§ 52.4–52.6, infra.

Parliamentarian's Note: The dicta of the Speaker Pro Tempore in 8 Cannon's Precedents § 2546 that a Member called to order can proceed without the consent of the House after the disposition of the pending question is at variance with the other rulings of the Chair that the disability remains throughout the legislative day.

5. See §§ 52.1, 52.2, infra.

6. Rule XIV clause 4, *House Rules and Manual* § 760 (1995).

7. See § 52.16, infra.

8. See § 52.15, infra.

9. See *House Rules and Manual* § 760 (1995).

10. See §§ 52.9, 52.12, infra.

11. See § 52.7, infra.

12. See § 52.14, infra.

13. See 5 Hinds' Precedents § 5187.

debate on the same day,[14] but does not lose the right to demand either a recorded or unrecorded vote in subsequent proceedings.[15]

Modification of Objectionable Words

§ 52.1 Where words are demanded to be taken down, the Member uttering them may by unanimous consent modify his remarks before a ruling is made.

On June 5, 1962,[16] Mr. John D. Dingell, Jr., of Michigan, accused another Member as speaking as "a mouthpiece for the AMA and as a mouthpiece for the house of delegates of the AMA [American Medical Association]." Mr. Thomas B. Curtis, of Missouri, demanded that the words be taken down and the Clerk reported the words objected to.

Mr. Dingell then asked unanimous consent to change the words complained of to "self-appointed spokesman" instead of "mouthpiece." There was no objection to the request, and Mr. Curtis withdrew his point of order.

§ 52.2 Where a demand is made that a Member's words be taken down, he may by unanimous consent be allowed to proceed in debate if permission is first granted to modify the words in order to delete the objectionable matter.

On Oct. 2, 1984,[17] during consideration of the balanced budget bill (H.R. 6300), Mr. John V. Weber, of Minnesota, stated that another Member had come to the floor with a gimmick "which he thinks will fool the people of Tulsa."[18] A point of order was made:

> MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, a point of order.
>
> THE SPEAKER PRO TEMPORE:[19] The gentlewoman will state her point of order.
>
> MS. OAKAR: Mr. Speaker, I question the speaker regarding impugning the motives of the chairman who has introduced this legislation.
>
> THE SPEAKER PRO TEMPORE: Does the gentlewoman insist that the gentleman's words be taken down?
>
> MS. OAKAR: Yes, Mr. Speaker, I do.
>
> THE SPEAKER PRO TEMPORE: The Clerk will report the words.

After several parliamentary inquiries, the following occurred:

> THE SPEAKER PRO TEMPORE: Does the gentleman have a unanimous-consent request?

14. See §§ 52.5, 52.17, infra.
15. See § 49.23, supra.
16. 108 CONG. REC. 9739, 87th Cong. 2d Sess.
17. 130 CONG. REC. 28522, 98th Cong. 2d Sess.
18. The words were stricken from the Record.
19. Richard A. Gephardt (Mo.).

MR. [GUY V.] MOLINARI [of New York]: Mr. Speaker, I repeat my request that the gentleman from Minnesota (Mr. Weber) be permitted to speak in order. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?

Does the gentleman from Minnesota first ask unanimous consent to modify his words?

MR. WEBER: Mr. Speaker, I ask unanimous consent to modify my words.

THE SPEAKER PRO TEMPORE: Is there objection?

MS. OAKAR: Mr. Speaker, reserving the right to object, I would like to know what his words are going to be that he is going to modify. . . .

THE SPEAKER PRO TEMPORE: The words that were uttered just prior to the gentlewoman's demand.

MS. OAKAR: Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota (Mr. Weber) may proceed in order.

Parliamentarian's Note: Permission for a Member to proceed in debate should not be granted until the words have been ruled on, or modified or withdrawn.

Withdrawal of Words

§ 52.3 Where a Member is granted unanimous consent to withdraw words ruled out of order by the Speaker, the Member may proceed in debate without the consent of the House, provided his time has not expired.

On Mar. 16, 1939,[20] Mr. Lee E. Geyer, of California, moved to strike out the last two words of a pending bill and then described in critical terms the personal characteristics of another Member while on the floor. The critical words were demanded to be taken down, the Committee of the Whole rose, and the words were reported to the House. Speaker William B. Bankhead, of Alabama, ruled that the words objected to violated the rules of the House because directed to personality.

Mr. John C. Schafer, of Wisconsin, to whom Mr. Geyer's objectionable remarks had referred, then asked if the words could not be withdrawn by unanimous consent since Mr. Geyer was "just carried away by the debate." The Speaker responded that the words could so be withdrawn, and Mr. Geyer was granted unanimous consent to withdraw the words in question.

The Committee resumed its sitting and Chairman Frank H. Buck, of California, then ruled

20. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

that the granting of the unanimous-consent request permitted Mr. Geyer to proceed in order without a motion provided his time had not expired:

THE CHAIRMAN: The gentleman from California is recognized for 3½ minutes.

MR. [JAMES W.] MOTT [of Oregon]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: Does the gentleman from California yield for a parliamentary inquiry?

MR. GEYER of California: I do not yield, Mr. Chairman.

MR. MOTT: A point of order, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. MOTT: As I understand, Mr. Chairman, the proceeding just had takes the gentleman off the floor, and he may proceed only by unanimous consent.

THE CHAIRMAN: The Chair may state that, by unanimous consent, the House permitted the gentleman to withdraw his words. That leaves the gentleman in the position he was before the words were uttered.

The gentleman from California will proceed.

MR. MOTT: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: Does the gentleman yield for a parliamentary inquiry?

MR. GEYER of California: I do not care to yield for another one, Mr. Chairman.

MR. MOTT: A point of order, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. MOTT: Mr. Chairman, I make the point of order that the time of the gentleman has expired.

THE CHAIRMAN: The time of the gentleman has not expired. The point of order is overruled.

Consent of House To Proceed in Order

§ 52.4 Where a Member is called to order for words spoken in debate, and such words are held unparliamentary, he may not proceed without the consent of the House.

On Oct. 31, 1963,[1] Mr. Edgar Franklin Foreman, of Texas, was called to order for referring to another Member of the House as a "pinko." Speaker John W. McCormack, of Massachusetts, ruled that "to characterize any Member of the House as a 'pinko' is in violation of the rules."

Objection was then made to unanimous-consent requests to explain the remarks objected to and to allow Mr. Foreman to proceed in order:

MR. [BRUCE R.] ALGER [of Texas]: Mr. Speaker, I ask to be recognized.

THE SPEAKER: The Chair recognizes the gentleman from Texas [Mr. Alger].

1. 109 CONG. REC. 20742, 88th Cong. 1st Sess.

MR. ALGER: Mr. Speaker, I have a copy of the statement the gentleman from Texas [Mr. Foreman] was attempting to deliver. If I understand this copy which he has not been permitted to continue with, the gentleman from Texas was just about to add something which would make the gentleman's objection to what he has had to say really out of order, if he knew what next followed.

THE SPEAKER: Does the gentleman ask unanimous consent to proceed for 1 minute?

MR. ALGER: I do, Mr. Speaker.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

MR. [JOHN J.] ROONEY of New York: Mr. Speaker, I object.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

THE SPEAKER: Is there objection to the request of the gentleman from Indiana?

There was no objection.

MR. HALLECK: Mr. Speaker, I desire to propound a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: Mr. Speaker, I understand that the ruling of the Chair was that the use of the word "pinko" involves a violation of the rules of the House.

THE SPEAKER: That is correct.

MR. HALLECK: Under those circumstances may not the gentleman from Texas be permitted to continue with the balance of his statement?

THE SPEAKER: Only by permission of the House.

MR. HALLECK: Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Foreman] be permitted to continue with the balance of his statement.

THE SPEAKER: In order?

MR. HALLECK: Yes, sir.

THE SPEAKER: Is there objection to the request of the gentleman from Indiana?

MR. ROONEY of New York: Mr. Speaker, I object.

On Feb. 22, 1945,[(2)] Mr. Frank E. Hook, of Michigan, was called to order for using blasphemous words in debate in reference to another Member. After Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled that the words were a violation of the rules of the House and the House ordered them stricken from the Record, Mr. Hook sought recognition to propose a parliamentary inquiry. The Speaker Pro Tempore ruled that Mr. Hook was required to take his seat and could not proceed in debate without the permission of the House:

MR. HOOK: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a point of order. The Member from Michigan [Mr. Hook] must keep his seat the rest of the day and keep his mouth shut, under the Rules of the House.

THE SPEAKER PRO TEMPORE: The gentleman from Michigan [Mr. Hoffman] will proceed.

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2. 91 CONG. REC. 1371, 1372, 79th Cong. 1st Sess.

MR. RANKIN: Mr. Speaker, my point of order must be ruled on. I am speaking about the Member from Michigan [Mr. Hook] on my left. He has just said he used the word "——— liar," and I do not intend for him to speak in this House again today.

THE SPEAKER PRO TEMPORE: The Chair sustains the point of order made by the gentleman from Mississippi. That is the rule. The gentleman from Michigan [Mr. Hook] will be seated.

§ 52.5 A Member whose words are taken down and ruled out of order may not again proceed on the same day (even for a previously granted special order) without consent of the House.

On Jan. 29, 1946,[3] Mr. John E. Rankin, of Mississippi, demanded that words used in debate referring to certain Senators by Mr. Emanuel Celler, of New York, be taken down. The words were reported to the House. Speaker Sam Rayburn, of Texas, recognized Mr. Celler, over the objection of Mr. Rankin, to ask unanimous consent to withdraw the remarks objected to. Mr. Rankin objected to that request, and the Speaker held that the words uttered by Mr. Celler were unparliamentary in referring to the action of the membership of another body.

Parliamentarian's Note: Although Mr. Celler had a special order to address the House later in the day the Speaker did not recognize him, thereby holding in effect that Mr. Celler could not again proceed that day without the consent of the House.

On Aug. 14, 1967,[4] certain words used in debate by Mr. F. Edward Hébert, of Louisiana, accusing another Member of having prejudicial and bigoted views were demanded to be taken down. Speaker John W. McCormack, of Massachusetts, ruled that the words used were a breach of the rules of the House.

The Speaker then stated as follows: "Without objection, the gentleman from Louisiana is recognized for the remainder of his one minute and the words will be stricken." There was no objection, and Mr. Hébert concluded his remarks. Further debate took place, and Mr. Hébert delivered remarks in response to an inquiry by another Member. Mr. William F. Ryan, of New York, then stated a point of order that Mr. Hébert had lost the right to proceed in debate on the same day, his remarks having been ruled out of order. The Speaker overruled the point of order, since no objection had been voiced to the unanimous-consent request that Mr. Hébert be allowed to proceed in order.[5]

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3. 92 CONG. REC. 533, 534, 79th Cong. 2d Sess.

4. 113 CONG. REC. 22443, 22444, 90th Cong. 1st Sess.

5. Compare 8 Cannon's Precedents § 2546, where Speaker Pro Tempore

§ 52.6 A Member, having been called to order for words spoken in debate and those words having been held unparliamentary, may not proceed without the permission of the House.

On Aug. 21, 1974,[6] the following proceedings occurred in the House:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman). . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the gentleman's words be taken down.

THE SPEAKER:[7] The gentleman demands that the words be taken down. . . .

The Clerk will report the words objected to.

The Clerk read as follows:

Mr. O'Neill. Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman).

Yesterday, by mutual consent of the leadership on both sides of the aisle and by the Members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. Bauman). He gave a reason at that particular time.

I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected. . . .

I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.

THE SPEAKER: The words in the last sentence are not parliamentary. Without objection, the offending words will be stricken from the Record.

MR. BAUMAN: Mr. Speaker, reserving the right to object, I would only like to say to the gentleman from Massachusetts and to the House that as for the gentleman from Massachusetts, I can understand his concern about my objection yesterday. It was the only possible way in which I or any other Member could have actually spoken on the resolution pending.

If he will look at the page numbers he cited, he will find subsequent to that, that the gentleman from Ohio (Mr. Devine), the gentleman from Indiana (Mr. Dennis), and the gentleman from California (Mr. Wiggins), all in my presence asked permission and did extend their remarks. And, of course, the gentleman from Massachusetts got 5 legislative days to extend on his special order. I did not object to any of these requests.

Philip P. Campbell (Kans.), held that a Member called to order was not precluded from demanding the yeas and nays, and stated that in his opinion the disability from debate remained only until the disposition of the pending question.

6. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

7. Carl Albert (Okla.).

MR. O'NEILL: Mr. Speaker, will the gentleman yield on that point?

THE SPEAKER: The gentleman from Massachusetts cannot proceed at this point. . . .

Is there objection? . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I do object. . . .

MR. [B. F.] SISK [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Sisk moves that the words of the gentleman from Massachusetts, Mr. O'Neill, be stricken from the Record.

MR. SISK: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the motion offered by the gentleman from California.

The motion was agreed to.

§ 52.7 A Member may be allowed to proceed in order by motion or by unanimous consent where the Speaker has ruled that words spoken by the Member in debate were unparliamentary.

On Mar. 24, 1961,[8] Mr. Neal Smith, of Iowa, referred in debate to the "Goldwater-Ayres bill because it is an example of exempting multimillion dollar stores in Arizona" [Where Goldwater was the name of a Senator from Arizona]. Mr. Thomas B. Curtis, of Missouri, demanded that the words be taken down, the Committee of the Whole arose, and the words were reported to the House. Speaker Sam Rayburn, of Texas, ruled that the words were out of order as "a reference to a member of the other body by name." Speaker Rayburn then ruled that the House could by unanimous consent permit the Member called to order to proceed in order:

MR. [JAMES] ROOSEVELT [of California]: Would it be in order at this time to ask unanimous consent that the gentleman from Iowa be allowed to proceed in order?

THE SPEAKER: It would.

MR. [CARROLL D.] KEARNS [of Pennsylvania]: Mr. Speaker, I object to that.

THE SPEAKER: Let the Chair first state the request.

Is there objection to the request of the gentleman from California that the gentleman from Iowa be allowed to proceed in order?

MR. CURTIS of Missouri: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CURTIS of Missouri: The ruling means that these words will be stricken from the Record?

THE SPEAKER: If a motion is made to strike them from the Record.

MR. CURTIS of Missouri: I would make such a motion and then I would not object.

THE SPEAKER: The question is on the motion.

The motion was agreed to.

8. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

THE SPEAKER: Is there objection to the request of the gentleman from California that the gentleman from Iowa be allowed to proceed in order?

There was no objection.

On Apr. 19, 1934,[9] certain words used in the Committee of the Whole in reference to another Member were demanded to be taken down. The Committee arose, the words were reported to the House, and Speaker Henry T. Rainey, of Illinois, ruled the words objectionable as impugning the motives of another Member. The House agreed to a motion to strike the words from the Record. The Speaker then ruled that a motion to allow the Member called to order to proceed could be made:

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I move that the gentleman from Texas be allowed to proceed in order.

MR. [JOHN] TABER [of New York]: Mr. Speaker, should not that motion be made in the Committee rather than in the House?

MR. PATMAN: It can be made either in the House or in the Committee. The motion was agreed to.

THE SPEAKER: The Chair has now permitted the gentleman from Texas to proceed in order in the Committee of the Whole House on the state of the Union.

The Committee will resume its session. . . .

THE CHAIRMAN:[10] The gentleman from Texas is recognized to proceed in order.

§ 52.8 A Member having uttered objectionable words in debate and such words having been ruled unparliamentary, the Chair may recognize the Member to proceed in order by unanimous consent.

On Aug. 14, 1967,[11] certain words used in debate by Mr. F. Edward Hébert, of Louisiana, accusing another Member of having prejudicial and bigoted views were demanded to be taken down. Speaker John W. McCormack, of Massachusetts, ruled that the words used were a breach of the rules of the House.

The Speaker then stated as follows: "Without objection, the gentleman from Louisiana is recognized for the remainder of his one minute and the words will be stricken." There was no objection, and Mr. Hébert concluded his remarks.

Thereafter, Mr. Hébert delivered some remarks in debate in response to another Member. The Speaker ruled that he had the right to proceed in order pursuant to the unanimous-consent request:

9. 78 CONG. REC. 6947, 6948, 73d Cong. 2d Sess.

10. William J. Sears (Fla.).

11. 113 CONG. REC. 22443, 22444, 90th Cong. 1st Sess.

MR. [WILLIAM F.] RYAN [of New York]: Mr. Speaker, the gentleman from Louisiana is out of order. His words have been taken down, and the Speaker has ruled that they were of an unparliamentary nature.

THE SPEAKER: The Chair has already recognized the gentleman without objection. The gentleman from Louisiana is properly addressing the House. The point of order is overruled.

Motion To Proceed in Order

§ 52.9 A motion that a Member be permitted to proceed in order is a privileged motion after the Chair has held the Member to be out of order.

On June 7, 1933,[12] Mr. Thomas L. Blanton, of Texas, referred to another Member of the House, Bertrand H. Snell, of New York, critically and by name in debate. Mr. Frederick R. Lehlbach, of New Jersey, demanded that the words be taken down, and Speaker Henry T. Rainey, of Illinois, ruled that the words were a violation of the rules of the House in that they referred to a Member by name and held him up to ridicule.

Mr. Rankin then moved that Mr. Blanton be permitted to proceed in order and the question was immediately put on the motion.

§ 52.10 After words taken down in debate in Committee of the Whole have been reported to the House and ruled out of order by the Speaker, a privileged motion that the Member whose words were ruled out of order be permitted to proceed in order may be made.

During consideration of the Department of Education Organization Act of 1979 (H.R. 2444) in the Committee of the Whole, certain words used in debate were reported to the House, the Speaker ruled on those words and a motion to allow the Member whose words were ruled out of order to proceed in order was agreed to. The proceedings of June 12, 1979,[13] were as follows:

THE SPEAKER:[14] The Clerk will report the words objected to.

The Clerk read as follows:

MR. [HENRY B.] GONZALEZ [of Texas]: . . . The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.

THE SPEAKER: The Chair is ready to rule.

The Chair, having read the references concerning deception and hypocrisy, will state that there have been previous opinions by the Chair that there is nothing wrong with using the

12. 77 CONG. REC. 5203–05, 73d Cong. 1st Sess.

13. 125 CONG. REC. 14461, 96th Cong. 1st Sess.

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

word, "deceptive," or the word, "hypocritical," in characterizing an amendment's effect but when a Member so characterizes the motivation of a Member in offering an amendment that is not in order.

Consequently, the words in the last sentence read by the Clerk are unparliamentary and without objection, the offensive words are stricken from the Record. . . .

The Chair recognizes the gentleman from Texas (Mr. Brooks).

MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I move that the gentleman from Texas (Mr. Gonzalez) be allowed to proceed in order.

The motion was agreed to.

THE SPEAKER: The Committee will resume its sitting.

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. 2444, with Mr. Nedzi in the chair.

THE CHAIRMAN:[15] The gentleman from Texas (Mr. Gonzalez) has the floor, and the gentleman will proceed in order.

§ 52.11 While clause 4 of Rule XIV provides that a Member whose words are ruled out of order may not automatically proceed in debate, the precedents of the House authorize a motion to permit the offending Member to proceed in order.

On May 9, 1990,[16] it was demonstrated that the motion that a Member ruled out of order for words spoken in debate be permitted to proceed in order is not inconsistent with the prohibition in clause 4 of Rule XIV that the offending Member may not automatically proceed, since it permits the House to determine the extent of the sanction for the breach of order. The proceedings in the House were as follows:

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

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, you heard it here today: Republican Member after Republican Member taking the floor, predicting that the President will never raise taxes.

I am here to predict that he will raise taxes. And, Mr. Speaker, we are both right because no doubt, for the President's friends, for those of privilege in America, he will never raise taxes.

But for you and for me and for the overwhelming majority of Americans, he is—he says that he is going to, and he is about doing it. It isn't, Mr. Speaker, that the President is intellectually dishonest, though indeed in the last election he was. It is about the fact that he has a $500 billion——

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask that the gentleman's words be taken down.

The words in question were held to be unparliamentary, the Speaker Pro Tempore[17] stating as follows:

15. Lucien N. Nedzi (Mich.).

16. 136 CONG. REC. 9828, 9829, 101st Cong. 2d Sess.

17. John P. Murtha (Pa.).

In referring to the President during debate a Member shall abstain from "terms of approbrium," such as calling the President a "liar"—V, 5094, VIII, 2498.

Without objection the gentleman from New Jersey [Mr. Torricelli] may proceed in order.

[Objection was heard.]

THE SPEAKER PRO TEMPORE: Does any Member move that the gentleman from New Jersey [Mr. Torricelli] may proceed in order? . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I make that motion.

THE SPEAKER PRO TEMPORE: The question is on the motion of the gentleman from Illinois [Mr. Yates]. . . .

So the motion was agreed to. . . .

THE SPEAKER PRO TEMPORE: . . . The House has voted to allow the gentleman to proceed in order. The gentleman has 16 seconds remaining. . . .

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman from Pennsylvania will state his parliamentary inquiry.

MR. WALKER: If I understand correctly what just happened in the course of events, it was that the Chair did rule that the gentleman's words were inappropriate, is that correct?

THE SPEAKER PRO TEMPORE: The Chair did so rule.

MR. WALKER: And the penalty for such a ruling would normally be that the gentleman would not be allowed to speak for the rest of the day in the House Chamber, is that not correct?

THE SPEAKER PRO TEMPORE: The House permitted him to proceed in order.

MR. WALKER: Under the rules, Mr. Speaker, the rules state that someone having had the Chair so rule is not permitted to speak in the House for the rest of the day, is that not correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So by taking the action which the party did a few minutes ago, the majority party did, what they did was basically overrule the rules with regard to the penalty for having words taken down.

THE SPEAKER PRO TEMPORE: The motion to allow the gentleman to proceed is a proper parliamentary motion under the same rule.

MR. WALKER: Yes. I understand. But the effect of the action, the effect of the motion, was to override the rules of the House.

THE SPEAKER PRO TEMPORE: Under the rules of the House the Chair cannot say that one part of the rule has precedence over the practice of the House paramount to that rule.

MR. WALKER: Well, I have a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. WALKER: If the motion had not been made, the gentleman would not have been permitted to speak for the rest of the day, is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So the effect of the motion was to allow the gentleman to do something which the rules would otherwise not permit him.

THE SPEAKER PRO TEMPORE: The House has followed the normal practice. There are two aspects to the rule. The House proceeded under the rules, and both procedures are proper. The

House voted and the gentleman was allowed to proceed for 16 seconds.

MR. WALKER: I have a further parliamentary inquiry. So in other words what the Chair is saying is that the will of the majority can prevail, even though it is over and above the rules that are adopted by the——

MR. YATES: Mr. Speaker, regular order.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Yates] is absolutely correct. That is not a parliamentary inquiry.

Parliamentarian's Note: Where the House has voted to allow a Member called to order to proceed in order, the offending Member is recognized for the remainder of his debate time, as indicated above.

§ 52.12 When a Member is called to order for words used in debate, he may be permitted to proceed in order by unanimous consent, or by a motion "that the gentleman be allowed to proceed in order" which may be stated on the initiative of the Chair.

The proceedings of Mar. 29, 1995,[18] where Speaker Pro Tempore Peter G. Torkildsen, of Massachusetts, took the initiative in moving that a Member called to order for words used in debate be permitted to proceed in order, were as follows:

THE SPEAKER PRO TEMPORE: . . . 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:

> I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical?

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, ascribing hypocrisy to another Member has been ruled out of order in the past, and is unparliamentary.

Without objection, the words are stricken from the record.

There was no objection.

Without objection, the gentleman may proceed in order.

MR. [JOHN D.] DINGELL [of Michigan]: Reserving the right to object, Mr. Speaker. I have been waiting for an apology from the gentleman. I know he wants to apologize and does not want to leave these things on the record, because I am sure he realizes that it reflects unfavorably upon him, as it does upon me, so I am waiting for the apology. I know the gentleman wants to give it to me.

MR. [MARTIN R.] HOKE [of Ohio]: Mr. Dingell, I very clearly stated that I ask unanimous consent to withdraw my words, and I requested that that be done. You objected to that.

I have told you on the Record that I will not apologize.

18. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

MR. DINGELL: Mr. Speaker. I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The question is: Shall the gentleman be allowed to proceed in order?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

MR. [JOHN] CONYERS [Jr., of Michigan]: Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 197, answered "present" 2, not voting 23, as follows: . . .

So the gentleman from Ohio [Mr. Hoke] was allowed to proceed in order.

The result of the vote was announced as above recorded.

MR. [RICHARD J.] DURBIN [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state the nature of his parliamentary inquiry.

MR. DURBIN: Mr. Speaker, I would like the Chair to clarify the vote that was just taken. It is my understanding that words were taken down, words uttered by the gentleman from Ohio [Mr. Hoke] and those words were determined by the Speaker to be out of order. At which point, if I recall correctly, the words were stricken, and the Chair stated a unanimous-consent request that the gentleman be able to proceed.

There was objection to that unanimous-consent request, at which point, if I am not mistaken, the Chair then stated a motion to give the gentleman the opportunity to proceed and speak.

Is my recollection correct, is that the motion which we just voted on?

THE SPEAKER PRO TEMPORE: The gentleman's recollection is correct.

MR. DURBIN: Mr. Speaker, I would like to ask this of the Chair then; it is my understanding that the Chair has the right under the rules to make a unanimous-consent request that an individual be allowed to proceed after his words have been stricken, but in this case I wonder if it is the prerogative of the Chair to make such a motion, or whether it should have been made by a Member of the body?

THE SPEAKER PRO TEMPORE: The Chair has the right to entertain unanimous-consent requests. Under previous rulings of the Chair in 1991, the Chair does have the right to put that question to the body.

MR. DURBIN: Beyond the unanimous-consent request?

THE SPEAKER PRO TEMPORE: Beyond the unanimous-consent request, since it is ultimately the House's decision, no Member sought to question the ruling of the Chair, the question was put to the House.

Parliamentarian's Note: While under section 394 of Jefferson's Manual no motion can be made without rising and addressing the Chair (5 Hinds' Precedents §§ 4984, 4985), in the circumstance where the House must decide whether to permit a Member who has been ruled out of order in debate to proceed in order, the

Speaker has put that question to a vote without necessarily entertaining a motion from the floor. See § 52.13, infra.

§ 52.13 The motion to permit a Member called to order to proceed in order is debatable (and as such may be laid on the table under clause 4 of Rule XVI).

As demonstrated by the proceedings of Oct. 8, 1991,[19] the motion "shall (a Member) be permitted to proceed in order?" may be put by the Chair sua sponte and is debatable under the hour rule. Since the motion is debatable, it is subject to the motion to table. Where the Chair states the motion on his own initiative, the Chair has discretion in recognition of a Member to control one hour of debate. Debate is limited to the question of whether to permit the offending Member to proceed in order. Finally, adoption of the motion permits the offending Member to proceed in order for the remainder of his/her debate time.

MS. [ROSA L.] DELAURO [of Connecticut]: Mr. Speaker, the Senate is about to embark on a misguided journey.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, point of order.

THE SPEAKER PRO TEMPORE:[20] The gentlewoman will refrain from direct reference to the other body.

MS. DELAURO: How can there be a vote to place Judge Thomas in a lifetime appointment to the Supreme Court under this cloud? To be sure, a person is innocent until proven guilty, but without a full and public hearing about the veracity of these very serious charges of sexual harassment, a decision this evening to elevate Judge Thomas to the Supreme Court casts doubt on the entire process.

MR. SENSENBRENNER: Mr. Speaker, I demand the gentlewoman's words be taken down.

MS. DELAURO: The actions of the Committee on the Judiciary say loud and clear——

MR. SENSENBRENNER: Mr. Speaker, I demand the words of the gentlewoman be taken down.

THE SPEAKER PRO TEMPORE: The gentlewoman will suspend.

The Chair has repeatedly asked Members to refrain from specific reference to the other body and would admonish the gentlewoman to do so.

Does the gentleman from Wisconsin [Mr. Sensenbrenner] insist on his request?

MR. SENSENBRENNER: Yes, Mr. Speaker, I do. I think the precedent ought to be set and put in the precedents of the House on what the extent of the prohibition against discussing the proceedings in the other body are.

THE SPEAKER PRO TEMPORE: The Chair's rulings previously today are consistent with and constitute the precedents of the House. The Chair

19. See 137 CONG. REC. 25757–25760, 102d Cong. 1st Sess.

20. Michael R. McNulty (N.Y.).

will insist upon compliance with those precedents.

Under those circumstances, does the gentleman from Wisconsin [Mr. Sensenbrenner] still insist?

MR. SENSENBRENNER: Yes, Mr. Speaker, I do.

THE SPEAKER PRO TEMPORE: The Clerk will report the words that are objected to. . . .

The Clerk read as follows:

> . . . to be sure a person is innocent until proven guilty, but without a full and public hearing about these very serious charges a decision this evening to elevate Judge Thomas to the Supreme Court casts doubt on the entire process.

THE SPEAKER:[1] It is the Chair's opinion that the words inevitably relate to an action to be taken by the Senate with respect to a nomination by the President subject to the confirmation of the Senate and, accordingly, are not in order, and the words, accordingly without objection, will be stricken from the Record.

There was no objection.

Without objection the gentlewoman from Connecticut [Ms. DeLauro] may proceed in order.

MR. SENSENBRENNER: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

The question is: Shall the gentlewoman from Connecticut [Ms. DeLauro] be permitted to proceed in order?

MR. SENSENBRENNER: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. Sensenbrenner moves to table the motion.

THE SPEAKER: The question is on the motion offered by the gentleman from Wisconsin [Mr. Sensenbrenner] to lay on the table the motion to proceed in order. . . .

So the motion to table was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: This is my parliamentary inquiry, Mr. Speaker: Is the motion now before the House a motion which is debatable?

THE SPEAKER: The motion now before the House is subject to debate, the gentleman is correct, within the narrow limits of the motion.

MR. WALKER: Mr. Speaker, who would control the time?

THE SPEAKER: The Chair intends to recognize the majority leader, Mr. Gephardt, to control the time, since the Chair put the question sue sponte on the motion when objection was heard.

MR. WALKER: And the subject matter would be strictly——

THE SPEAKER: The question is whether the gentlewoman from Connecticut [Ms. DeLauro] should be permitted to proceed in order.

MR. WALKER: I thank the Chair.

If the gentlewoman was permitted to proceed in order, would she be allowed to continue the remarks that she was engaged in at the time that she was called to order by the Chair?

THE SPEAKER: The gentlewoman from Connecticut will be permitted to

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1. Thomas S. Foley (Wash.).

proceed in order as long as her remarks are in order. Members are allowed to proceed as long as their remarks are in order. . . .

The gentleman from Missouri [Mr. Gephardt] is recognized for 1 hour....

MR. [RICHARD A.] GEPHARDT [of Missouri]: . . . Mr. Speaker, I would say to the Members that the resolution we have before us makes it clear that the gentlewoman's words are to be taken down. The resolution calls for her being allowed to proceed with her statement. . . .

MR. WALKER: . . . Mr. Speaker, our concern I think is that we are developing a pattern where the taking down of words carries with it no penalty. I think the gentleman from Pennsylvania is correct in stating that taking down of words is supposed to carry with it the penalty that the Member of Congress who utters the unparliamentary words is to be taken off their feet for the rest of that legislative day. . . .

MR. GEPHARDT: The motion that is in front of us is to take words down and to proceed, obviously with the admonition that the precedents which are now clear will be followed.

Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER: The question is, Will the gentlewoman from Connecticut [Ms. DeLauro] be allowed to proceed in order?

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. SENSENBRENNER: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 145, answered "present" 2, not voting 26. . . .

THE SPEAKER PRO TEMPORE: The gentlewoman from Connecticut is recognized for the balance of her 1 minute which shall constitute 28 seconds.

MS. DELAURO: I thank the Speaker.

Mr. Speaker, allegations of sexual harassment are serious charges which deserve serious consideration. The Justices of the Supreme Court must demonstrate respect for law and for individual rights. To impugn the integrity of Professor Hill, to elevate that of Judge Thomas, is not appropriate nor is it a credible tactic. The American people deserve more than a dismissal of Professor Hill's charges. They deserve to know the truth.

Mr. Speaker, let us take the time to uncover the truth.

THE SPEAKER PRO TEMPORE: The time of the gentlewoman from Connecticut [Ms. DeLauro] has expired.

Parliamentarian's Note: While clause 4 of Rule XIV suggests that a Member whose words are ruled out of order may not automatically proceed in debate, traditionally the Speaker's ruling is sufficient sanction and the chastized Member is permitted to proceed in order by unanimous consent; however the House may dictate the further consequences of the ruling by proper motions under clauses 4 or 5 of Rule XIV to strike the unparliamentary remarks from the Record and to proceed in order.

Striking Words From Record

§ 52.14 Where a unanimous-consent request that a Member be permitted to proceed in order is pending, the Speaker having held certain words unparliamentary, a motion to strike those words from the Record is in order.

On Mar. 24, 1961,[2] certain words used in debate in the Committee of the Whole and objected to were reported to the House. Speaker Sam Rayburn, of Texas, ruled that the words were a violation of the rules of the House. A unanimous-consent request that the Member called to order be allowed to proceed in order was then made and stated by the Chair. Pending the request, a parliamentary inquiry was stated and Speaker Rayburn ruled that pending the unanimous-consent request a motion to strike the words from the Record was in order:

> MR. [JAMES] ROOSEVELT [of California]: Would it be in order at this time to ask unanimous consent that the gentleman from Iowa be allowed to proceed in order?
>
> THE SPEAKER: It would.
>
> MR. [CARROLL D.] KEARNS [of Pennsylvania]: Mr. Speaker, I object to that.
>
> THE SPEAKER: Let the Chair first state the request.
>
> Is there objection to the request of the gentleman from California that the gentleman from Iowa be allowed to proceed in order?
>
> MR. [THOMAS B.] CURTIS of Missouri: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. CURTIS of Missouri: The ruling means that these words will be stricken from the Record?
>
> THE SPEAKER: If a motion is made to strike them from the Record.
>
> MR. CURTIS of Missouri: I would make such a motion and then I would not object.
>
> THE SPEAKER: The question is on the motion.
>
> The motion was agreed to.
>
> THE SPEAKER: Is there objection to the request of the gentleman from California that the gentleman from Iowa be allowed to proceed in order?
>
> There was no objection.

Explanation by Member Called to Order

§ 52.15 When a demand is made that the words of a Member be taken down, such Member may not debate the demand or explain his remarks absent special permission from the House.

On Mar. 24, 1961,[3] words used in debate by Mr. Neal Smith, of Iowa, were demanded to be taken down. When Mr. Smith rose to ob-

2. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

3. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

ject to the demand on the ground that he had not violated the rules of the House, Chairman Francis E. Walter, of Pennsylvania, ruled pursuant to a point of order that Mr. Smith was required to take his seat pursuant to a demand that his words be taken down.

On Oct. 9, 1940,[4] Mr. Sol Bloom, of New York, objected to certain words used in debate by Mr. John C. Schafer, of Wisconsin, and demanded that they be taken down. When Mr. Schafer attempted to explain his remarks and to contend that he was proceeding in order, Speaker Sam Rayburn, of Texas, ruled pursuant to a point of order by Mr. Bloom that Mr. Schafer was required to take his seat.[5]

§ 52.16 When words are taken down, the Speaker may, without objection, permit the offending Member to explain his words, following which the Speaker may make his final ruling on whether the remarks are in violation of the rules.

On Nov. 10, 1971,[6] certain words used in debate by Mr. John H. Dent, of Pennsylvania, were demanded to be taken down by Mr. John N. Erlenborn, of Illinois, and reported to the House, whereupon Speaker Carl Albert, of Oklahoma, ruled them out of order. The Speaker allowed Mr. Dent, by unanimous consent, to explain the objectionable words and on the basis of the explanation ruled that the words were not in fact unparliamentary:

THE SPEAKER: The Clerk will report the words objected to.

The Clerk read as follows:

MR. DENT: The second lie which is deliberate, in my opinion, and ought not to be brought back time after time into this controversy, is that there is no such thing——

THE SPEAKER: The Chair will state that the words "second lie" are not parliamentary, and without objection will be stricken from the Record.

MR. DENT: Mr. Speaker, what part of that was being stricken?

THE SPEAKER: The Chair will state that the words are "the second lie."

MR. DENT: Mr. Speaker, I have not said what the second lie is. How can you strike it?

THE SPEAKER: The manner in which the gentleman referred to the words in the following statement: "the second lie which is deliberate." Without objection,

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4. 86 CONG. REC. 13477, 76th Cong. 3d Sess.

5. See also 94 CONG. REC. 205, 80th Cong. 2d Sess., Jan. 15, 1948; and 87 CONG. REC. 894, 895, 899, 77th Cong. 1st Sess., Feb. 11, 1941.

6. 117 CONG. REC. 40442, 92d Cong. 1st Sess. See also 86 CONG. REC. 954, 76th Cong. 3d Sess., Feb. 1, 1940, in which the Chair overruled a point of order that a Member was quoting testimony taken before an executive session of a committee, upon the Member's assurance that he was not.

the gentleman may explain his statement.

MR. DENT: But I have not said what the lie is. I have not accused anybody here of lying. I have accused the second lie of being propagandized all over the State, and through different individuals, and the third lie and the fourth lie. I have not accused the gentleman. There have been many persons on this floor—not many on the floor—but many persons who have put out the word that this deliberately wipes out X-rays as a means of determining pneumoconiosis, and the bill does not do that. And if it does not do that it is all untrue.

THE SPEAKER: The Chair will request the gentleman from Pennsylvania to state whether the gentleman was referring to any Member of the Congress.

MR. DENT: Absolutely not, Mr. Speaker. I will be glad to have that cleared up. But I have not said or named a Member's name yet.

THE SPEAKER: If the gentleman was not referring to a Member of the House——

MR. DENT: I was not. I was referring to two lies, and they are lies, and they have been put out all over the State in letters and newspaper items.

THE SPEAKER: But the gentleman from Pennsylvania states that he was not referring to a Member of the House?

MR. DENT: The Record will show that I did not refer to a Member of the House.

THE SPEAKER: Does the gentleman state again that he was not referring to a Member of the House?

MR. DENT: Yes; if I said it, it would have been in the Record.

THE SPEAKER: Then the Chair will state that the gentleman's words are not unparliamentary, and the Committee will resume its sitting.[7]

Member Cannot Proceed for Balance of Day

§ 52.17 Where unparliamentary words used in debate have been stricken from the Record, the offending Member may be permitted to proceed in order by unanimous consent or by motion; but a Member who is not permitted by the House to proceed in order loses the floor and may not participate in debate on the same day even in time yielded to him by another Member.

The following proceedings occurred in the House on Mar. 19, 1985:[8]

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 did not. . . . I was called away from something very important to become

7. Rule XIV clause 4, *House Rules and Manual* § 760 (1995) provides that a Member called to order "immediately sit down, unless permitted, on motion of another Member, to explain. . . ."

8. 131 CONG. REC. 5532, 5533, 5537, 99th Cong. 1st Sess.

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:[9] 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. . . .

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I ask unanimous consent that the gentleman from Nevada may be permitted to proceed.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Washington that the gentleman from Nevada be allowed to finish his remarks?

MR. [DANIEL E.] LUNGREN [of California]: Reserving the right to object——

THE SPEAKER PRO TEMPORE: The gentleman from California reserves the right to object. . . .

Let the Chair restate what has occurred here.

9. Kenneth J. Gray (Ill.).

The gentleman has propounded a parliamentary inquiry, and the Chair has responded that the Chair has ruled that those words are offensive and shall be stricken. It is not a matter of further debate.

MR. LUNGREN: I understand. I am still proceeding under my reservation, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The question occurs now on whether or not the gentleman is allowed to proceed with the understanding that those words have been stricken. . . .

MR. LUNGREN: . . . Mr. Speaker, under my reservation, I ask the gentleman at this point in time whether he would agree to withdraw his remarks. . . .

THE SPEAKER PRO TEMPORE: It is not in the parliamentary procedures or rules of the House for any further debate on this matter. The Chair has ruled affirmatively that the words shall be stricken.

The only question now before this House is whether or not——

MR. LUNGREN: Mr. Speaker, you have constrained me to object, and I do object at this time. . . .

THE SPEAKER PRO TEMPORE: Objection is heard.

Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 5 minutes. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I recognize the gentleman from Nevada (Mr. Reid). I yield to the gentleman from Nevada. . . .

THE SPEAKER PRO TEMPORE: The gentleman cannot be yielded to at this time. . . .

Is there objection to the gentleman from Arkansas yielding further to the gentleman from Nevada?

MR. ALEXANDER: . . . Do I not have a right to yield to any Member of this House? . . .

THE SPEAKER PRO TEMPORE: The Chair will rule that if a Member in this particular case has been precluded from continuing, he cannot be yielded to on this subject without unanimous consent.

If the gentleman wants to propound the unanimous-consent request, and hearing no objection, he could yield.

Is there objection to the request of the gentleman from Arkansas to yield to the gentleman from Nevada? . . .

MR. LUNGREN: . . . I will be constrained to object, and I do object at this time. . . .

MR. ALEXANDER: Mr. Speaker, I have not announced the subject which I intend to address. How can the Chair rule against me yielding to another Member when the Chair does not know the subject that I intend to address?

THE SPEAKER PRO TEMPORE: The Chair would announce to the distinguished gentleman from Arkansas that, under the rules of the House, at any time a Member's words are taken down, under the rules he is not permitted on that particular legislative business day to speak to the House without permission of the body. An objection was heard to the unanimous-consent request. . . .

MR. WEBER: Mr. Speaker, I ask unanimous consent that the gentleman from Nevada (Mr. Reid) be allowed to proceed.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Minnesota?

There was no objection.

§ 52.18 While a Member who is held to have breached the rules of decorum in debate is presumptively disabled from further recognition on that day, by tradition the Speaker's ruling and any necessary expungement of the Record are deemed sufficient sanction, and by custom the chastened Member is permitted to proceed in order (usually by unanimous consent).

See the proceedings of July 29, 1994, discussed in § 48.13, supra.

G. REFERENCES TO HOUSE, COMMITTEES, OR MEMBERS

§ 53. Criticism of House or Party

In order that free debate not be hindered in the deliberations of the House, Members are permitted to voice critical opinions of Congress, of the House, and of the political parties.[10] In this regard, a wider latitude is permitted Members today than in early Congresses.[11] However, critical opinions in debate of the House or of its membership may not extend to gross misstatements of motive[12] or to descriptions employing language objectionable in itself.[13]

Congress

§ 53.1 Statements that are critical of Congress will not be ruled out of order for that reason alone; thus, a statement in debate claiming that the campaign expenses of Members were paid by certain interests was held not to be a personal reflection on any Member of the House and to be in order.

On Mar. 16, 1939,[14] Mr. Francis D. Culkin, of New York, demanded that the following

10. See the statements of Speaker Sam Rayburn (Tex.), cited at §§ 53.2, 53.3, infra.

11. In early Congresses it was held not in order to cast reflections on the House or its membership present or past, 5 Hinds' Precedents §§ 5132–5138, 5161, 5162, and the Speaker would intervene on his own initiative to prevent objectionable references. 5 Hinds' Precedents §§ 5132, 5137, 5163. For a recent occasion of such intervention, see § 54.10, infra.

12. See § 53.3, infra.

13. See 5 Hinds' Precedents § 5135 ("damnable heresies").

14. 84 CONG. REC. 2883, 2884, 76th Cong. 1st Sess.