MR. ROWLAND of Connecticut: I thank the gentleman for yielding.

Mr. Speaker, I would simply point out that I did not refer to anybody stealing an election. I just referred to the frustration that we as freshmen are exhibiting and fearing as we go through the deliberations. I did not refer to anybody.

THE SPEAKER PRO TEMPORE: The gentleman seemed to refer to the majority of the House, that it had stolen the election.

§ 54. Criticism of Committees or Their Members

Although a Member may generally criticize the action or inaction of a House committee or subcommittee or a member thereof,[5] he may not impugn the motives or honesty of committee members[6] such as charging that a committee proceeding is motivated by a desire to violate House rules in order to defame a witness.[7]

Particular Allegations; Abuse of Committee Power

§ 54.1 Although improper charges of unlawful committee activity have been stricken from the Record, a Member in debate may generally criticize the actions of a committee, as by alleging an abuse of its powers.

On Jan. 17, 1949,[8] Mr. Clare E. Hoffman, of Michigan, objected to the following language used in debate by Mr. Chet Holifield, of California, in reference to a House committee: "The gentleman from California [Mr. Havenner] has been the victim of the abusive, vicious, and irresponsible use of the power of a congressional committee twice."

Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair thinks that the gentleman would be going quite far afield if he said a Member of the House would not have the right to criticize the actions of a committee of the House. The gentleman from California will proceed in order.

On June 24, 1958,[9] during a discussion on the floor of the House about the proceedings in a subcommittee hearing, allegations were made that the subcommittee was deliberately trying to defame certain individuals. The precise words (which do not appear in the Record) were: "There is no question but that this procedure is the

5. See §§ 54.6, 54.8, 54.13, infra.
6. See §§ 54.1–54.5, infra.
7. See §§ 54.1 et seq., infra.
8. 95 CONG. REC. 428, 429, 81st Cong. 1st Sess.
9. 104 CONG. REC. 12120, 85th Cong. 2d Sess.

very thing that the House sought to forbid in Rule XI, paragraph m. and o. [now Rule XI, clause 2(k)]. Indeed the purpose of the tactics of the subcommittee on this measure demonstrate that its real purpose was to use the forum of the subcommittee to defame and degrade a person."

The words were objected to and taken down; and Speaker Rayburn held the words unparliamentary, stating:

> The Chair thinks it is very clear that this is a reflection on a committee of the House of a very serious type and, therefore, holds that the language is not parliamentary.

The words were expunged by unanimous consent from the *Congressional Record*.

§ 54.2 A statement in debate charging an investigative committee with "unlawful prying" was held unparliamentary and on motion stricken from the Record.

On Apr. 16, 1946,[10] the following words by Mr. Herman P. Kopplemann, of Connecticut, in relation to the Committee on Un-American Activities were objected to and ordered taken down:

> This would mean that all of our institutions up to and including our churches would be exposed to the unlawful prying of a committee.

Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair does not want it to be understood that he is ever going to hold out of order proper words that express the opinion of a Member of the House of Representatives.
>
> Two words, especially one in this statement, are very strong words. . . .
>
> The Chair holds that the words "unlawful prying" attributed to a committee of the House are improper words and therefore unparliamentary.

The words were then on motion stricken from the *Congressional Record*.

External Influence

§ 54.3 A statement by a Member that certain fascist organizations exercised extensive influence on a special House committee was held to impugn the motives and actions of a committee and of the individual members and was ruled a breach of order.

On Feb. 11, 1941, during consideration of House Resolution 90 to continue investigation by a special committee [the Dies Committee] on un-American activities, Mr. Samuel Dickstein, of New York, asked and was given permission to revise and extend his remarks.[11]

10. 92 Cong. Rec. 3761, 79th Cong. 2d Sess.

11. 87 Cong. Rec. 894, 77th Cong. 1st Sess.

Mr. John E. Rankin, of Mississippi, interrupted Mr. Dickstein's remarks and demanded that the following words be taken down as a violation of the rules of the House:

> I also charge, Mr. Speaker, that 110 Fascist organizations in this country had the back key, and have now the back key to the back door of the Dies committee.

Speaker Sam Rayburn, of Texas, ruled that the language noted "certainly impugns the motives and actions of a committee and the individual members thereof." The House then expunged Mr. Dickstein's entire speech from the *Congressional Record*.

Charges Reflecting on Integrity; Falsehood

§ 54.4 Language in a telegram read in debate in the House which repudiated "lies and half-truths" of a House committee report was held out of order as reflecting on the integrity of committee members.

On June 16, 1947,[12] Mr. Chet Holifield, of California, read in the House a telegram from the Southern Conference for Human Welfare. Mr. John E. Rankin, of Mississippi, made a point of order against certain words in the telegram and demanded that they be taken down: "We completely repudiate the lies and half-truths of the report that was issued and consider it un-American" (in reference to a report of the Committee on Un-American Activities).

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words objected to were unparliamentary, since they "reflect upon the character and integrity of the membership of a committee." The words were stricken by motion from the *Congressional Record*.

§ 54.5 A statement in debate in reference to a House committee "I cannot respect the actions or even the sincerity of some of the committee members" was ruled out of order.

On June 26, 1946,[13] Mr. John E. Rankin, of Mississippi, demanded that the following words used by Mr. Donald L. O'Toole, of New York, in reference to a House committee be taken down: "I cannot respect the actions or even the sincerity of some of the committee members." Speaker Sam Rayburn, of Texas, ruled that the words ob-

12. 93 CONG. REC. 7065, 80th Cong. 1st Sess.

13. 92 CONG. REC. 7596, 79th Cong. 2d Sess.

jected to were clearly offending remarks and improperly used in debate.

The objectionable words were stricken by motion from the Record.

Committee Inaction

§ 54.6 An editorial read by a Member charging a committee with "pigeon-holing" certain legislation was held in order as not reflecting on the personal conduct of any Member but rather criticizing committee procedure.

On May 6, 1940,[14] Mr. C. Arthur Anderson, of Missouri, quoted the following language from a newspaper editorial:

> Unadulterated, self-seeking politics cast the vote that pigeon-holed the supplementary Hatch measure in the House Judiciary Committee Wednesday. Election-year jitters had solons by the napes of their necks. Rather than risk crippling State machines they chose to sink a harpoon into this excellent Government reform.

Objection was made to the language by Mr. Clare E. Hoffman, of Michigan, and the words were taken down. Speaker Pro Tempore Jere Cooper, of Tennessee, ruled that the "words reported do not go to the personal conduct of any Member of the House and are rather a criticism of procedure that may have been employed. Therefore the point of order is overruled."

§ 54.7 A statement by a Member in debate that "somebody is going to have the idea that the action of that committee was more or less pusillanimous" was held in order.

On May 31, 1939,[15] Mr. Sam C. Massingale, of Oklahoma, in discussing a general welfare bill stated of the Committee on Ways and Means "somebody is going to have the idea that the action of that committee was more or less pusillanimous, because that committee . . . has done nothing." Mr. Clare E. Hoffman, of Michigan, raised a point of order against Mr. Massingale and asked that the allegedly objectionable words be taken down. The Committee of the Whole rose and the words were reported to the House, but Speaker William B. Bankhead, of Alabama, ruled that he could find nothing objectionable in the words reported.

§ 54.8 A statement in debate accusing a committee of dereliction was held not to violate the rules of the House.

14. 86 CONG. REC. 5628, 76th Cong. 3d Sess.

15. 84 CONG. REC. 6445, 76th Cong. 1st Sess.

On Mar. 7, 1942,[16] 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 manner 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.

§ 54.9 A statement in debate, "When this committee investigates the recent wave of policy lynch murder in Mississippi" was held in order.

On Mar. 9, 1948,[17] the following words in debate, referring to the Committee on Un-American Activities, were objected to by Mr. John E. Rankin, of Mississippi, and demanded taken down: "When this committee investigates the recent wave of policy lynch murder in Mississippi, in the area of Jackson, and in the capital itself—"

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

"Packing" a Committee

§ 54.10 A statement referring to the "painless method of packing the Rules Committee" received the disapproval of the Speaker (against whom the allegation was directed) but the House adjourned before a decision was reached on the question.

On Jan. 12, 1961,[18] Speaker Sam Rayburn, of Texas, on his own initiative called Mr. H. R. Gross, of Iowa, to order for referring in debate to the "so-called painless method of packing the Rules Committee."

Impugning Motives

§ 54.11 A reference in debate to the Committee on Un-American Activities as "the Un-American Committee" was held out of order.

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16. 88 CONG. REC. 2056, 77th Cong. 2d Sess.

17. 94 CONG. REC. 2408, 80th Cong. 2d Sess.

18. 107 CONG. REC. 650, 87th Cong. 1st Sess.

On June 12, 1947,[19] Mr. John E. Rankin, of Mississippi, demanded the taking down of the reference by Mr. Chet Holifield, of California, in debate to the Committee on Un-American Activities as the "Un-American Committee."

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the reference impugned the motives of the committee in question and were used in debate in violation of the rules of the House.

§ 54.12 The asking of the question "Did the gentleman's committee also find paid agents of Hitler on the congressional payroll?" was held not in violation of House rules.

On Mar. 31, 1943,[20] the following question by Mr. Howard J. McMurray, of Wisconsin, in debate was ordered taken down as a violation of the rules of the House:

> Did the gentleman's committee also find paid agents of Hitler on the congressional payroll?

Speaker Pro Tempore William M. Whittington, of Mississippi, ruled as follows:

> The gentleman from Wisconsin asked a question. The mere asking of the question propounded by the gentleman from Wisconsin is not in violation of any rule of the House so far as the Chair has been advised.

§ 54.13 It is not a personality to characterize as "badgering" a colleague's questioning of a witness in a committee hearing.

On July 29, 1994,[1] the Chair, while ruling that words objected to were not unparliamentary, ruled that a Member's subsequent behavior was a breach of decorum:

> MS. [MAXINE] WATERS [of California]: Madam Speaker, last evening a Member of this House, Peter King, had to be gaveled out of order at the Whitewater hearings of the Banking Committee. He had to be gaveled out of order because he badgered a woman who was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Speaker, the day is over when men can badger and intimidate women.
>
> MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Madam Speaker, I demand the gentlewoman's words be taken down. . . .
>
> THE SPEAKER:[2] The Clerk will report the words. . . .
>
> While in the opinion of the Chair the word "badgering" is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from

19. 93 CONG. REC. 6895, 6896, 80th Cong. 1st Sess.
20. 89 CONG. REC. 2787, 2788, 78th Cong. 1st Sess.

1. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.
2. Thomas S. Foley (Wash.).

California was not in good order in the subsequent period immediately following those words having been uttered.

Accordingly, the Chair rules that without leave of the House, the gentlewoman from California may not proceed for the rest of today.

§ 55. References to Unreported Committee Proceedings; Discussion of Ethics Committee Deliberations

Under parliamentary law and under the practice of the House, it has been held a breach of order in debate to refer to committee proceedings which have not been formally reported to the House.[3] Under the more modern practice, where committee meetings and hearings are open to the public, the rationale for not permitting floor discussion of committee proceedings is tenuous. However, it is still true that the minutes of executive committee sessions may not be read, quoted from, or paraphrased in debate, unless the committee has voted to make the minutes public.[4]

A point of order must be made, however, and the Speaker does not on his own initiative call a Member to order for violating the rule.[5]

Clause 4(e)(2)(F) of Rule X requires a vote of the Committee on Standards of Official Conduct to authorize the public disclosure of the content of a complaint or the fact of its filing. That rule applies only to members of that committee and its staff; however, references in floor debate to the content of a complaint or the fact of its filing are nevertheless governed by the rules of order in debate. Unlike the calling up of a resolution of censure, the filing of a complaint does not embark the House on consideration of a proposition to which such references would be relevant. That a complaint may be pending in its own right rather than only as the assertion of a Member in debate does not legitimize reference even to the mere fact of its pendency much less to its content.[6]

Where the House has under consideration a resolution involving the conduct of a Member, a wider range of debate is permitted. In the context of a specific legislative proposal involving censure, reprimand, or expulsion, or a proposal advocating an investigation of misconduct, the facts

3. See Jefferson's Manual, *House Rules and Manual* §§ 319, 360 (1995).

4. See §§ 55.2–55.4, infra.

5. See § 55.4, infra.

6. See §§ 55.8 and 55.9, infra.