

that is the reason why I want every one of those votes counted to determine the result. . . .

MR. [MICKEY] LELAND [of Texas]: Yes, but now, Bob, you will admit—

THE SPEAKER PRO TEMPORE:⁽⁴⁾ Will the gentleman refrain from using personal names and use formal address in addressing another Member.

§ 57. Criticism of Speaker

It is not in order to refer invidiously or discourteously to the Speaker or the Chairman of the Committee of the Whole.⁽⁵⁾ If words impugning the Speaker are uttered, the Speaker does not rule on the words himself but customarily appoints a Member to occupy the Chair and to deliver a decision.

In recent Congresses, more explicit standards have been enunciated relating to debate regarding ethics charges against the Speaker.⁽⁶⁾

Criticism of Speaker's Performance of Duty

§ 57.1 It is out of order in debate for a Member to charge

4. Dale E. Kildee (Mich.).
5. For past rulings, see 2 Hinds' Precedents § 1653; 8 Cannon's Precedents § 2531.
6. See §§ 57.5 and 57.7, *infra*.

that the Speaker committed a dishonest act or that the Speaker repudiated and ignored the rules of the House.

On Feb. 7, 1935, Mr. George H. Tinkham, of Massachusetts, addressed the House as follows:

Mr. Chairman, before beginning the argument I want to say that this is an opportunity not only for this House but for the country to see who in this House are international eunuchs, who in this House wish to put us into Europe, who in this House wish us to sit down with Fascist Italy, sit down with national socialistic Germany, with murderous, homicidal communistic Russia. That is the issue in its largest aspect in relation to this appropriation [H.R. 5255].⁽⁷⁾

Mr. Thomas L. Blanton, of Texas, then demanded that certain words of Mr. Tinkham, made as part of the above statement and referring to former Speaker Henry T. Rainey, of Illinois, and present Speaker Joseph W. Byrns, of Tennessee, be taken down. The Committee rose, and Chairman William N. Rogers, of New Hampshire, reported the words objected to to the House. Speaker Byrns left the Chair and Mr. John J. O'Connor, of New York, assumed the Chair as Speaker Pro Tempore. The Speaker Pro Tempore then ruled, relying on a former ruling on words critical of the

7. 79 CONG. REC. 1680-82, 74th Cong. 1st Sess.

Speaker of the House, that Mr. Tinkham's words violated the rules of the House and were out of order. The words were then ordered "expunged from the Record." On an appeal from the ruling of the Speaker Pro Tempore, the House affirmed the decision.

§ 57.2 Language used in debate charging that the Speaker dishonestly resolved the House into a Committee of the Whole, and that he repudiated and ignored the rules of the House, was held out of order.

On May 31, 1934, Mr. Harold McGugin, of Kansas, was called to order and certain words used by him in debate were ordered taken down:

I take the position I am in order because I am charging that the House is not lawfully or honestly, under the rules of this House, in Committee of the Whole . . . for the good and sufficient reason that this House is not now honestly, fairly, truthfully, and within the rules of the House, in the Committee of the Whole, for the good and sufficient reason that the Speaker completely repudiated and ignored the rules of this House.⁽⁸⁾

After the Committee rose and Chairman John H. Kerr, of North Carolina, reported the objection-

8. 78 CONG. REC. 10167, 73d Cong. 2d Sess.

able words to the House, the Speaker left the chair and Speaker Pro Tempore Joseph W. Byrns, of Tennessee, ruled that the words were clearly out of order. The House ordered that the objectionable words be stricken from the *Congressional Record*.⁽⁹⁾

§ 57.3 The Speaker is addressed as "the Speaker" or as "the gentleman from — (his state)" and not by his nickname or surname ("Tip O'Neill") and it is improper to refer to him in a manner personally critical.

On June 25, 1981,⁽¹⁰⁾ the following exchange occurred in the House:

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

MR. [DENNY] SMITH of Oregon: Mr. Speaker, today we in the House face a test of the courage of our convictions. We will vote up or down on a motion that is much more than just a procedural vote. It is a motion that pits Tip O'Neill and his backroom political flimflam against one of the most strongly supported American Presidents in history.

If you vote with Mr. O'Neill, you vote against President Reagan, against the

9. For the entire proceedings on the disorderly words, see *id.* at pp. 10167-70.

10. 127 CONG. REC. 14056, 97th Cong. 1st Sess.

American people, and against what is best for our country. If you vote with Mr. O'Neill, you are voting for higher taxes and higher Government spending.

THE SPEAKER:⁽¹¹⁾ The Chair will remind the gentleman from Oregon (Mr. Smith)—the Chair appreciates the fact that he is a new Member—that under the precedents which govern conduct in debate in the House, it is not proper to refer to another Member by his name in that manner.

MR. SMITH of Oregon: I apologize, Mr. Speaker.

THE SPEAKER: The Speaker knows that the gentleman is not fully acquainted with all the rules and this time will let it pass.

MR. SMITH of Oregon: Yes, sir.

§ 57.4 It is not in order to speak disrespectfully in debate of the Chair by charging dishonesty or disregard of the rules, and pending a point of order, the Speaker Pro Tempore has admonished a Member who had improperly criticized the count of a previous occupant of the chair; but the Member's subsequent assertion of a personal belief that a sufficient number had been standing to demand a recorded vote was held parliamentary as not necessarily charging the Chair with disregard of the rules.

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

On July 11, 1985,⁽¹²⁾ the House had under discussion a motion to instruct conferees on the Defense Authorization bill⁽¹³⁾ to insist on the House position on an amendment relating to the creation of a peacetime espionage offense with a death penalty in the Uniform Code of Military Justice. Several Members questioned an earlier count by Speaker Pro Tempore James C. Wright, Jr., of Texas, of Members standing when a recorded vote was demanded on a motion to recommit which included the same amendment.⁽¹⁴⁾

MR. [DANIEL E.] LUNGREN [of California]: I appreciate the remarks of the gentleman from Wisconsin, and I do not attribute any conspiracy to him or to anybody else. I will state emphatically, however, I was on the floor when we made the second attempt on a separate vote on the gentleman's amendment, and I will tell him that I believe absolutely there were more than 44 people standing. I know one Member did a quick count on our side and

12. 131 CONG. REC. 18545, 18550, 99th Cong. 1st Sess.

13. S. 1160.

14. The "McCollum" amendment, by Mr. Ira W. McCollum, of Florida. On June 27, 1985, also, several Members had taken the floor during special orders to complain about counts by the Chair on related demands for record votes. See 131 CONG. REC. 17893 et seq., 99th Cong. 1st Sess. The debate on that occasion was similarly unparliamentary.

counted 50, at least 50; our staff counted 60 back there.

I understand what the gentleman is saying. But I will not take lightly what occurred to us on our side. When our side feels that we cannot get a proper vote. It goes to the very fundamental questions of this House, because, frankly, there is a certain amount of comity that is necessary in this House.

MR. [THEODORE S.] WEISS [of New York]: Mr. Speaker, I wish to make a point of order. . . .

I think that this last statement of the gentleman impugns the motives of the Members of this body. I do not want to ask for the words to be taken down, but I think that maybe the gentleman would want to withdraw whatever insinuation along those lines that he has made. . . .

Mr. Speaker, I raise a point of order that motives of a Member of this body have been impugned by the suggestion that there was a deliberate miscount of votes by the Chair.

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ The Chair will make a general response to the point of order. Under the precedents of the House, it is not in order in debate to speak disrespectfully of the Chair, to charge dishonesty or disregard of the rules. May 31, 1934, Speaker pro tempore Burns; February 7, 1935, Speaker pro tempore O'Connor; Hinds' Volume V, 5192, 5188; Cannon's Volume VIII, 2531.

The Chair believes that any Member assigned to perform the duties of the Chair does so in a nonpartisan and forthright way, and the Chair will not permit to go unchallenged any im-

proper references to the performance or motives of the Chair.

MR. WEISS: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The Chair is making this as a general admonition.

The point of order is withdrawn.

The Chair recognizes the gentleman from California.

MR. LUNGREN: I respect the gentleman's statement, because I would not withdraw those words even if a point of order were raised against me. I tried to state a fact as to what occurred, which I believe, and I said I believed there were, and I cited the number of people that were standing. I will be glad to stand on that at any point in time. I do not think the rules of the House prevent me from saying what I believe actually occurred or stating the truth. . . .

MR. WEISS: Mr. Speaker, I wish to state a point of order. . . .

Mr. Speaker, my point of order is that once again the distinguished gentleman from California has, in fact, impugned the motives and behavior of a Member of this body, particularly the Member sitting in the chair at the time that that vote was taken.

MR. LUNGREN: Mr. Speaker, if I might be heard on the point of order—

THE SPEAKER PRO TEMPORE: The Chair will state that he has read a general statement. The Chair would hope that the gentleman from California would adhere to the principles as contained within that general admonition to the House.

MR. LUNGREN: Mr. Speaker, if the Speaker would look at the words that I said, he would see that I spoke very

15. Beryl F. Anthony, Jr. (Ark.).

carefully about what I said I observed occurred, what I thought occurred, from my perception. And I do not appreciate the fact that on our side of the aisle we are told that we are to accept everything that happens in this House and if we bring to the attention of our other Members what we believe occurred that somehow rules will be interpreted such that we are not even allowed to utter what we thought occurred.

I did not cast aspersions on anybody's motivations. I stated what I thought occurred. I stated facts as I saw them. I said that I believe there were more than 44 people standing. I stated that a Member on our side counted at least 50. I stated that several members of our staff counted 60 Members. That is what I stated.

THE SPEAKER PRO TEMPORE: The Chair cannot comment on something that occurred previously. The Chair has the ability to regulate the debate as it occurs today. The gentleman from New York (Mr. Weiss) should consider the comment of the gentleman from California (Mr. Lungren) at the present time.

MR. WEISS: If the Speaker will allow, I have no problem with what the gentleman believes. I have a problem that he states as a matter of fact that there were x number of people standing when the Speaker, the Member who was in the chair, ruled otherwise and counted otherwise. That is not belief. That is in fact questioning the honesty of the vote count. That is what I am objecting to.

THE SPEAKER PRO TEMPORE: It is the opinion of the Chair that while the gentleman from California (Mr. Lun-

gren) may not in debate charge the Chair with disregard of the rules, he has only stated his personal belief as to something that may have occurred factually.

Parliamentarian's Note: Allegations of impropriety by the Chair, such as a charge of deliberate disregard of the rules, may be raised as questions of the privilege of the House, but may not be permitted during debate.

§ 57.5 Where several Members had improperly engaged in personalities during debate by references to the Speaker and to a Member who had filed a complaint regarding the Speaker's official conduct, the Speaker Pro Tempore (the Majority Leader) took the Chair to announce to the House that Members should not engage in such debate.

On June 14, 1988,⁽¹⁶⁾ several one-minute speeches contained references to charges made by a Member against the Speaker:

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, every Member of the House should be offended by a June 10 letter sent to Members by the Democratic Congressional Campaign Committee. That letter says, "You were apparently duped by Newt." It goes on to

16. 134 CONG. REC. 14317, 14318, 100th Cong. 2d Sess.

suggest, "It has become obvious his actions are generated by self-serving partisan political motives."

That letter from the Democratic Congressional Campaign Committee insults the Committee on Ethics which voted unanimously to investigate the Speaker. It insults Common Cause, the Wall Street Journal, the Washington Post, the New York Times, and 35 other newspapers which have called for an investigation.

Frankly, this House is rapidly dividing up between those who favor openness, honesty and ethics and those who delay, obscure and defend unethical behavior.

The Democratic Congressional Campaign Committee has apparently chosen to cover up rather than clean up. . . .

MR. [WILLIAM M.] THOMAS of California: Mr. Speaker, I really do not understand what all the controversy is over the book, if we were talking about the book itself, the book, of course, being "Reflections of a Public Man." It only costs \$6. I mean, what can one buy for \$6 today? Not much. That is what it is—not much. . . .

The question is not over the book. It is over the procedures involved with the book. On that point, I totally agree with the Washington Post editorial this morning that said that if the procedures surrounding the book are not against the rules of the House of Representatives, then we ought to change the rules. . . .

MR. [MERVYN M.] DYMALLY [of California]: Mr. Speaker, I believe it was last Friday that the New York Times carried a story on the so-called Gingrich charges against the Speaker. In

that article the gentleman from Georgia (Mr. Gingrich) openly admits that some of the charges were not founded, but he "just threw them in there for curiosity," recognizing very well that it would make partisan news. . . .

The politics involved in these charges, in my judgment, are shameful.

On June 15, 1988,⁽¹⁷⁾ Speaker Pro Tempore Thomas S. Foley, of Washington, made the following announcement:

THE SPEAKER PRO TEMPORE: Before the Chair recognizes the distinguished gentleman from Kentucky, the Chair has an announcement.

The Chair wishes to announce that clause 1 of rule XIV prevents Members in debate from engaging in "personalities." Clause 4 of that rule provides that if any Member transgress the rules of the House, the Speaker shall, or any Member may, call him to order.

Members may recall that on December 18, 1987, the Chair enunciated the standard that debate would not be proper if it attempted to focus on the conduct of a Member about whom a report had not been filed by the Committee on Standards of Official Conduct or whose conduct was not the subject of a privileged matter then pending before the House. Similarly, the Chair would suggest that debate is not proper which speculates as to the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.

17. 134 CONG. REC. 14623, 100th Cong. 2d Sess.

Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Parliamentarian's Note: A complaint against the conduct of the Speaker should be presented directly for the action of the House and not by way of debate on other matters. On one occasion, Speaker Thomas B. Reed, of Maine, in sustaining a call to order, stated that criticism of past conduct of the Chair is out of order, not because the Chair is above criticism but because such piecemeal criticism is not conducive to the good order of the House.⁽¹⁸⁾ Indeed, an insult to the Speaker has been held to raise a question of privilege not governed by the ordinary rule that disorderly words, to be actionable, need be taken down as soon as uttered.⁽¹⁹⁾

§ 57.6 The Minority Leader took the floor to criticize the Speaker for making certain remarks in his daily press conference concerning the President of the United States.

On July 25, 1984,⁽²⁰⁾ the following statement was made on

18. 5 Hinds' Precedents § 5188.

19. 2 Hinds' Precedents § 1248.

20. 130 CONG. REC. 20931, 98th Cong. 2d Sess.

the floor by Minority Leader Robert H. Michel, of Illinois:

MR. MICHEL: Mr. Speaker, a few moments ago the distinguished majority leader referred to the President as "intellectually dishonest."

Mr. Speaker, on July 19, 1984, United Press International reported that the Speaker of the House said the following things about the President of the United States—and I quote:

The evil is in the White House at the present time . . . and that evil is a man who has no care and no concern for the working class . . . He's cold. He's mean. He's got ice water for blood.

In almost 30 years in the House, I have never heard such abusive language used by a Speaker of the House about the President of the United States. . . .

There are precedents in our House rules forbidding personal abuse of a President on the floor of the House.

Surely the spirit of these rules ought to be adhered to by the Speaker off the floor as well as on the floor.

Parliamentarian's Note: While there are precedents indicating that it is a breach of order in debate to refer to the President disrespectfully,⁽¹⁾ the principle has not been extended to statements made outside the Chamber.

§ 57.7 The Chair has reaffirmed that it is not in order to speak disrespectfully of

1. See 8 Cannon's Precedents §§ 2497, 2498.

the Speaker or to arraign the personal conduct of the Speaker, and that under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges.

On Jan. 4, 1995,⁽²⁾ the Chair made the following announcement:

THE SPEAKER:⁽³⁾ The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. . . . Furthermore, the Chair may immediately interrupt Members in debate who transgress rule XIV by failing to avoid "personalities" in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker, and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

On Jan. 18, 1995,⁽⁴⁾ remarks pertaining to the Speaker were ordered to be taken down, and discussion ensued as to the proper limits of references to the Speaker and other Members:

(Mrs. Meek of Florida asked and was given permission to address the House

2. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.
3. Newt Gingrich (Ga.).
4. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

for 1 minute and to revise and extend her remarks.)

MRS. [CARRIE P.] MEEK of Florida: Mr. Speaker, the Speaker's unbelievably good book deal, after all these secret meetings and behind the scenes deal-making, which each day brings to light new and more startling revelations, I am still not satisfied with the answers I am getting about this very large and lucrative deal our Speaker has negotiated for himself.

Now more than ever before the perception of impropriety, not to mention the potential conflict of interest, still exists and cannot be ignored. . . .

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

THE SPEAKER PRO TEMPORE:⁽⁵⁾ The Clerk will read the gentlewoman's words.

The Clerk read as follows:

News accounts tell us that while the Speaker may have given up the \$4.5 million advance, he stands to gain that amount and much more. That is a whole lot of dust where I come from. If anything now, how much the Speaker earns has grown much more dependent on how hard his publishing house hawks his book.

THE SPEAKER PRO TEMPORE: It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order.

PARLIAMENTARY INQUIRY

MR. [HAROLD L.] VOLKMER [of Missouri]: I have a parliamentary inquiry, Mr. Speaker.

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

5. Cliff B. Stearns (Fla.).

MR. VOLKMER: Is the Speaker now saying it is the ruling of the Chair that any statements as to activity, whether it is illegal or not, by the Speaker of the House in his private actions cannot be brought to the floor of this House? Is that the Chair's ruling? It appears that it is. . . .

THE SPEAKER PRO TEMPORE: In answer to the gentleman's question, first, it has been the Chair's ruling, and the precedents of the House support this, a proper level of respect is due to the Speaker. . . .

MR. VOLKMER: Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR.
LINDER

MR. [JOHN] LINDER [of Georgia]: Mr. Speaker, I offer a motion.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

Mr. Linder moves to lay the Volkmer motion on the table. . . .

So the motion to table was agreed to. . . .

THE SPEAKER PRO TEMPORE: Without objection, the words will be stricken from the Record.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I object. . . .

THE SPEAKER PRO TEMPORE: . . . The question is: Shall the words be stricken from the Record? . . .

So the motion to strike the words was agreed to. . . .

MRS. MEEK of Florida: Mr. Speaker, may I be recognized?

THE SPEAKER PRO TEMPORE: Without objection, the gentlewoman from Florida [Mrs. Meek] may proceed in order.

(There was no objection.)

MRS. MEEK of Florida: Mr. Speaker, I have reviewed my statement carefully. I do not see anything in my statement that should be so objectionable and obnoxious. I have been elected to this House to speak the truth. . . .

MR. [ROBERT E.] WISE, [Jr., of West Virginia]: Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, my parliamentary inquiry is based upon the Speaker's recent ruling and the action by this Chair and by this body. The question I have may involve several Members about to speak.

Is the Speaker entitled to a higher level of avoidance than other Members? That seems to be the issue raised in the Speaker's response on this. . . .

Does the body refrain from raising certain questions about the Speaker that it could raise about other Members in the Chamber?

THE SPEAKER PRO TEMPORE: All Members are entitled to have no personal references made about them when that question is brought up.

MR. WISE: Mr. Speaker, continuing my parliamentary inquiry, then the Speaker is not entitled to any higher standard than any other Member in regard to personal references, is that correct, or any lower standard?

THE SPEAKER PRO TEMPORE: The Chair has already ruled, but the Speaker as a Member and as presiding officer is entitled to the respect of all Members.

MR. WISE: But what about the Speaker? Is the Speaker as Speaker entitled to any different level of attention or respect than any other Member in the Chamber?

THE SPEAKER PRO TEMPORE: The Speaker is entitled to respect. . . .

MR. WISE: Is it the Chair's position that no questions can be raised about the Speaker's personal financial dealings?

THE SPEAKER PRO TEMPORE: There are proper channels in the House for questioning the conduct of Members, including the Speaker. . . .

MR. WISE: With a privileged resolution or an ethics resolution not pending, is it appropriate to question any of the financial dealings of the Speaker in the context of 1-minute speeches or other activities?

MR. [TOM] DELAY [of Texas]: Regular order.

THE SPEAKER PRO TEMPORE: The Chair is entertaining a parliamentary inquiry. . . .

Simply put, in debate references personally to the Speaker are not in order. . . .

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, a further parliamentary inquiry.

Mr. Speaker, while the Chair has ruled, it must now be clear to all Members that the comity of this House and our ability to proceed depends upon an understanding of the Chair's ruling. I would therefore inquire as to what precedents the Chair has relied upon. . . .

Clearly there are Members of the institution who recall that . . . a Member of this institution came to the floor raising questions about former Speaker Wright's publishing activities. Did therefore the Parliamentarian at any time rule that those inquiries were inappropriate? . . .

THE SPEAKER PRO TEMPORE: The Chair would state that on June 15,

1988, Speaker pro tempore at that point Tom Foley cautioned all Members to avoid personal references to the conduct of the Speaker and to those who brought charges.

MR. TORRICELLI: Mr. Speaker, my parliamentary inquiry was this: Was the Member from Georgia's words . . . ever taken down when he rose on the floor and raised questions about the \$12,000 publishing deal of Mr. Wright? . . .

THE SPEAKER PRO TEMPORE: . . . [T]he Speaker pro tempore announced a standard but did not rule in response to a point of order on that occasion. And more importantly, those words were not challenged at the time. . . .

MR. DINGELL: Mr. Speaker, the Chair has made the ruling that it is not parliamentary language to raise questions by innuendo. May I inquire of the Chair what that means with regard to the right of Members to raise questions about the propriety of the behavior of other Members of this body under either the rules or the statutes of the United States and the House of Representatives?

THE SPEAKER PRO TEMPORE: Personal references to Members are clearly not in order.

MR. DINGELL: What about questions, though, Mr. Speaker, relative to the propriety of the behavior of Members under the rules of the House of Representatives and the laws of the United States? Are those questions still permitted to be raised under the rules and have the rules of the House been changed with regard to those matters? . . .

THE SPEAKER PRO TEMPORE: The gentleman realizes, there are rules and

proper channels for bringing conduct of Members before the House.

MR. DINGELL: And I appreciate that, Mr. Speaker, but that does not respond to my question. I asked, are Members now precluded from raising questions about the behavior of other Members of this body?

THE SPEAKER PRO TEMPORE: It would depend upon whether it was a personality in the debate.

MR. DINGELL: Have the rules been changed to effect a different order of precedents and dignity to the Speaker? Is he now treated differently than other Members of this body so that questions about propriety of behavior of other Members may be raised but questions about the propriety of the behavior of the Speaker may not now be raised?

THE SPEAKER PRO TEMPORE: Simply put, personalities in regard to all Members should not be part of the debate.

On the following day,⁽⁶⁾ a point of order was raised concerning the account in the *Congressional Record* of the Chair's ruling, and further discussion ensued with respect to the limits placed on Members' references to others, including the Speaker:

MR. [BARNEY] FRANK of Massachusetts: Mr. Speaker, I make a point of order.

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The gentleman from Massachusetts is recognized.

MR. FRANK of Massachusetts: Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

In the Congressional Record that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the Record.

The first change is as follows:

He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, "It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order."

That has been altered and that does not appear verbatim in the Congressional Record. Instead, it says, "It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order."

Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, "It has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker."

In the Congressional Record that has been changed to "a proper level of respect."

Now, I do not believe that changing "personal" to "critical" and "proper" to

6. See 141 CONG. REC. p. ____, 104th Cong. 1st Sess., Jan. 19, 1995.

7. David Dreier (Calif.).

“higher” is either technical, grammatical, or typographical. . . .

THE SPEAKER PRO TEMPORE: The Chair might respond to the gentleman.

The Chair would recite from the manual that in accordance with existing, accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling.

The Chair would under the circumstances inform the House on behalf of the Parliamentarian that the new rule is as it might apply to the role of the Chair will be examined. . . .

MR. DINGELL: . . . Yesterday the Speaker then presiding made a ruling which now appears in the precedents of the House. It interpreted the precedents of the House. It related to the rights, the behaviors, the dignities of the Members, and it dictated the future course of conduct of Members of this body.

Is the Chair informing us that the rulings of the Chair yesterday stand, that the rulings of the Chair yesterday have been changed without approval by the House? . . .

THE SPEAKER PRO TEMPORE: The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule XIV establishes an absolute rule against engaging in personality in debate where the subject of a Member’s conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule XIV. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated as follows:

Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds’ Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.

Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons: first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities. . . .

MR. DINGELL: . . . My question is: What is now the status of the original ruling by the previous occupant of the chair in connection with the matter of the 1-minute yesterday and the remarks of the gentlewoman from Florida? . . .

THE SPEAKER PRO TEMPORE: In response to the gentleman's parliamentary inquiry, the Chair has interpreted there will not be a change based on the precedents that have been established. The statement that appeared in the Record was not different than that that had been provided. . . . [T]he revisions that were made were technical and not substantive. That is the ruling of the Chair. . . .

MR. [RICHARD J.] DURBIN [of Illinois]: . . . If I might, I would like to ask the Chair's position as to whether Members in statements on the floor

can make any references to activities of Members which may raise ethical questions.

THE SPEAKER PRO TEMPORE: The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule 14 establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule 14. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. . . .

MR. DURBIN: . . . I just would like to ask two questions by parliamentary inquiry and then I will sit down. I thank the Chair for rereading the ruling. It is improving every time he reads. But I would ask this question. Can a Member during the course of a 1-minute make any reference to an activity of another Member, including the Speaker, which has taken place outside this Chamber?

THE SPEAKER PRO TEMPORE: Based on the precedents, only a factual reference can be made.

MR. DURBIN: A factual reference can be made.

THE SPEAKER PRO TEMPORE: Without any suggestions whatsoever of impropriety.

MR. DURBIN: One further inquiry. Does this limitation in terms of reference to personal conduct beyond factual conduct apply to those who serve in Government and the executive branch as well as the legislative branch?

THE SPEAKER PRO TEMPORE: It applies to the President of the United States.

MR. DURBIN: Does it apply to anyone else serving in the executive branch?

THE SPEAKER PRO TEMPORE: It applies to the President of the United States.

The gentleman from Michigan.

MR. [DAVID E.] BONIOR [of Michigan]: Parliamentary inquiry, Mr. Speaker, and this will be the final comment by me on this issue. We are eager to get on with the business of the House. But there are some very fundamental issues, as we have heard on the floor this morning, at stake here. We are being told that the Speaker is being placed above criticism and comments.

THE SPEAKER PRO TEMPORE: The gentleman is incorrect in drawing that conclusion.

§ 58. Criticism of Legislative Actions or Proposals

While it has been held unparliamentary to arraign the motives of Members⁽⁸⁾ or their legislative actions, the content of an introduced bill or amendment can be criticized.⁽⁹⁾ Whether a legislative ac-

8. See §§ 58.6, 58.12, *infra*.

9. See §§ 58.1, 58.3, 58.5, *infra*.

tion is good or bad, needed or not, is after all the essence of legislative deliberation.⁽¹⁰⁾ The forces in society which sway legislative decisions are “fair game” in debate;⁽¹¹⁾ and it has been held within the bounds of propriety to indicate the relative importance of Member-sponsorship.⁽¹²⁾ Criticism of legislative tactics has been upheld.⁽¹³⁾

Criticism of Bills

§ 58.1 Words uttered in debate criticizing a bill, as distinguished from a Member, are held in order.

On Jan. 31, 1946,⁽¹⁴⁾ while the Committee of the Whole was considering a bill providing for appointment of fact-finding boards to investigate labor disputes, the following words were used by Mr. Emanuel Celler, of New York, in criticism of the bill: “and, to quote the Bible, ‘would they be like a fool who returneth to his folly, or a dog that returneth to his vomit?’”

Speaker Sam Rayburn, of Texas, ruled that since the name of

10. See § 58.4, *infra*.

11. See §§ 58.7–58.9, *infra*.

12. See § 58.2, *infra*.

13. See § 58.10, *infra*.

14. 92 CONG. REC. 675, 676, 79th Cong. 2d Sess.