ceedings of June 12, 1979,[6] were as follows:

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I expected resistance to this amendment and not necessarily my getting involved. I am not a member of this committee. But this amendment is probably the most detrimental to the main purposes of equal opportunity of education to the most needed segments of our society that has been presented thus far and probably could ever be presented. 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.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I demand that the words be taken down.

THE CHAIRMAN:[7] The Clerk will report the words objected to. . . .

THE CHAIRMAN: The Committee will rise. . . .

THE SPEAKER:[8] The Clerk will report the words objected to.

The Clerk read as follows: . . .

> 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 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.

§ 59. Criticism of Statements or Tactics in Debate

In order that free debate and discussion be preserved in the House, Members may argue with wide latitude against statements made on the floor by other Members.[9] But criticism of a Member's statements in debate may not extend to personal attacks,[10] and the use of certain derogatory terms, such as "disgraceful"[11] or "demagogic"[12] may be ruled out

6. 125 CONG. REC. 14461, 96th Cong. 1st Sess.

7. Lucien N. Nedzi (Mich.).

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

9. See the statement of Speaker Pro Tempore John J. O'Connor (N.Y.) cited at § 59.2, infra.

10. See § 59.9, infra. For the rule against invoking personalities in debate, see § 60, infra. A Member may not impugn the motives of another for statements made in debate, see § 62, infra.

11. See §§ 59.3, 59.4, 59.9, infra.

12. See §§ 60.3–60.6, infra. See also 5 Hinds' Precedents §§ 5150, 5151,

as unparliamentary. However, criticism of legislative tactics has been upheld.[13]

"Confusing the Issue" in Debate

§ 59.1 A statement in debate accusing a Member of intentionally confusing an issue was held in order.

On Sept. 25, 1951,[14] Mr. Wayne L. Hays, of Ohio, stated in debate: "I do not want you to stand up there and try to becloud the issue. What you are trying to do is make out that we are helping our enemies, when the very purpose of this act is to encourage our friends and to make them strong so that we can combat the people that we may have to fight against."

Mr. Howard H. Buffett, of Nebraska, demanded that the words be taken down and Speaker Sam Rayburn, of Texas, ruled that they were not unparliamentary and that there was nothing in the words that should be offensive to anybody.

5163, 5164, for past rulings on unparliamentary criticism of statements made in debate.

13. See § 58.10, supra.

14. 97 CONG. REC. 12074, 12075, 82d Cong. 1st Sess.

Characterizing Argument as "Crime"

§ 59.2 A statement in debate that another Member "was guilty of that crime"—referring to such Member's allegedly unwarranted attacks and arguments—was held to be in order.

On July 23, 1935,[15] Mr. Hamilton Fish, Jr., of New York, rose to object to the following language used in debate by Mr. John W. McCormack, of Massachusetts:

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

On the request of Speaker Pro Tempore John J. O'Connor, of New York, the words immediately preceding the language objected to were also read:

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

15. 79 CONG. REC. 11699, 74th Cong. 1st Sess.

The Speaker Pro Tempore ruled as follows on the point of order:

> The Chair may state, even though it may be gratuitous, that from his personal standpoint there has grown up in this House a ridiculous habit of causing the words of a Member to be taken down, which course often consumes a great deal of time; and, as the Chair said on the floor the other day, it appears to have come to pass recently that a Member cannot even say "boo" to another Member without some Member demanding that the words be taken down. This practice has become reductio ad absurdum. . . .
>
> For the gentleman from Massachusetts to state that what the gentleman from New York did or said was a "crime", in the opinion of the present occupant of the chair, is but a loose expression—a word commonly used as a mere figure of speech. The word "wrong" in the dictionary is a synonym for "crime", and the Chair holds that the use of the word "crime", under the particular circumstances, is not unparliamentary language; and the gentleman from Massachusetts may proceed.

The House then rejected an appeal from the decision of the Chair.

"Disgraceful" Argument

§ 59.3 A statement in debate referring to another Member as speaking in a disgraceful and unparliamentary manner was held not in order.

On May 16, 1946,[16] Mr. John E. Rankin, of Mississippi, objected to the use of certain words in debate by Mr. Arthur G. Klein, of New York, in the Committee of the Whole. The words were taken down, the Committee rose, and Speaker Sam Rayburn, of Texas, ruled that the words were unparliamentary.

Parliamentarian's Note: The words objected to and stricken from the Record read as follows: "The gentleman took the floor and in his self-appointed role as spokesman for the Committee referred to me in my absence in a disgraceful and unparliamentary manner."

§ 59.4 A statement in debate charging another Member with using disgraceful language was on demand taken down and ruled out of order.

On Feb. 12, 1946,[17] Mr. Hugh DeLacy, of Washington, used the following language in debate:

> I am standing here today to state to the gentleman from Mississippi [Mr. Rankin] that we do not propose to permit this kind of language to be indulged in on this floor. It is disgraceful.

Speaker Sam Rayburn, of Texas, ruled that the language used was unparliamentary.

---

16. 92 CONG. REC. 5106, 79th Cong. 2d Sess.

17. 92 CONG. REC. 1241, 79th Cong. 2d Sess.

"Intemperate" Argument

§ 59.5 A reference in debate to another Member's statement as "intemperate" was held not to be a breach of order.

On Aug. 1, 1963,[18] Mr. James C. Wright, Jr., of Texas, referred to Mr. H.R. Gross, of Iowa, as attacking the Secretary of the Navy in an "intemperate way." Mr. Gross demanded that the words be taken down and Speaker John W. McCormack, of Massachusetts, ruled that the language used was not objectionable, since the word "intemperate" might be used just as the word "improper" might be used in debate.

§ 59.6 The Presiding Officer of the Senate ruled that the words "the intemperate inference, the thinly veiled implication in which some have indulged" in reference to his colleagues were not unparliamentary.

On May 14, 1964,[19] during debate on a resolution relating to an investigation, Senator Michael J. Mansfield, of Montana, described his colleagues arguments with the words, "the intemperate inference, the thinly veiled implication in which some have indulged." Senator Clifford P. Case, of New Jersey, rose to make a point of order against the language used by Senator Mansfield. Presiding Officer Edward M. Kennedy, of Massachusetts, ruled that under the rules of the Senate, the language used was not objectionable. Senator Case attempted to appeal the ruling of the Chair but the Chair ruled that the expiration of the time limitation for debate and adoption of a motion to table carried the appeal to the table.

"Ludicrous" Argument

§ 59.7 A reference to another Member's remarks in debate as "ludicrous" were objected to but withdrawn before a ruling was made.

On May 11, 1964,[20] Mr. H. R. Gross, of Iowa, stated as follows: "Does the gentleman think this will give the gentleman from New York [Mr. John J. Rooney], ample opportunity to make ludicrous statements such as he did the other day with respect to the cost of amendments?"

When Mr. Rooney demanded that the words be taken down, Mr. Gross obtained unanimous

18. 109 CONG. REC. 13865, 13866, 88th Cong. 1st Sess.

19. 110 CONG. REC. 10926–31, 88th Cong. 2d Sess.

20. 110 CONG. REC. 10448, 88th Cong. 2d Sess.

consent to withdraw the word "ludicrous."

Characterizing Debate as Unfair

§ 59.8 It was held not unparliamentary to assert that remarks in debate tended to attack the character of other speakers rather than meet their arguments, particularly since the assertion included a disclaimer conceding possible lack of intention to impugn any Member's motives.

During consideration of H.R. 2760 (prohibition on covert aid in Nicaragua) in the Committee of the Whole on July 28, 1983,[1] it was demonstrated that when a demand is made in Committee for words to be taken down, the Committee rises automatically and reports the words to the House:

> MR. [DAVID R.] OBEY [of Wisconsin]: I am concerned, as I said, about the statements that I have heard on the floor today, because I believe that what they have a tendency to do, even though that may not be the intention, I think they have the tendency to try to assassinate the character of the person making the statement rather than to effectively assassinate the argument.
>
> MR. [C.W. BILL] YOUNG of Florida: Mr. Chairman, I demand that the gentleman's words be taken down. . . .
>
> THE CHAIRMAN:[2] The Committee will rise.
>
> Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2760) to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba . . . certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.
>
> THE SPEAKER:[3] The Chairman of the Committee of the Whole House on the State of the Union reports that during the consideration of the bill, H.R. 2760, certain words used in the debate were objected to [and] taken down and read at the Clerk's desk and does now report the words objected to to the House.
>
> The Clerk will report the words objected to. . . .
>
> The words having been read, and the gentleman from Wisconsin having very definitely included in his statement a disclaimer that he does not impugn the motives or intentions of any Member of the House, in the opinion of the Chair, in his legislative argument the words of the gentleman from Wisconsin are not unparliamentary and the gentleman may proceed.

1. 129 CONG. REC. 21461, 21462, 98th Cong. 1st Sess.
2. William H. Natcher (Ky.).
3. Thomas P. O'Neill, Jr. (Mass.).

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. 2760, with Mr. Natcher in the chair.

Parliamentarian's Note: The Speaker's ruling should not be taken to mean that a Member may say anything in debate as long as it is accompanied by a disclaimer of intent to impugn the motives of another Member, although in this instance the inclusion of the disclaimer made it easier to hold the words in order.

§ 59.9 Clause 1 of Rule XIV, requiring all Members engaging in debate to "avoid personality" applies to the Speaker when he takes the floor in debate; and on one occasion, the Speaker's opinion expressed in debate that a Member had deliberately stood in the well before an empty House and challenged the Americanism of other Members, "and it is the lowest thing that I have ever seen in my thirty-two years in Congress" was held to constitute an unparliamentary characterization of that Member's motives and actions and was ruled out of order on a demand that the words be taken down.

On May 15, 1984,[4] a demand was made that Speaker Thomas P. O'Neill's words, spoken from the floor, be taken down, as indicated below:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: . . . My personal opinion is this: You deliberately stood in that well before an empty House and challenged these people, and you challenged their Americanism, and it is the lowest thing that I have ever seen in my 32 years in Congress.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, if I may reclaim my time, let me say first of all that——

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, I demand that the Speaker's words be taken down.[5]

THE SPEAKER PRO TEMPORE:[6] Words will be taken down.

The Clerk will report the words.

The Clerk read as follows:

My personal opinion is that you deliberately stood in that well before an empty House and challenged these people and you challenged their Americanism and it is the lowest thing that I have ever seen in my 32 years in Congress. . . .

MR. LOTT: If the Chair would rule, I have a request that I would like to make.

---

4. 130 CONG. REC. 12201, 12202, 98th Cong. 2d Sess.

5. On an earlier occasion (Feb. 12, 1798), words spoken by Speaker Jonathan Dayton, of New Jersey, were ruled out of order as he participated in debate in Committee of the Whole. See 2 Hinds' Precedents § 1367 (note).

6. John Joseph Moakley (Mass.).

THE SPEAKER PRO TEMPORE: The Chair feels that that type of characterization should not be used in debate.

MR. LOTT: Mr. Speaker, I ask unanimous consent at this point that the Speaker be allowed to continue in order. . . .

Our point has been made. I think that we want to change the tenor of this debate and we should now proceed on a higher plane with this debate. . . .

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

There was no objection. . . .

MR. O'NEILL: I am not questioning the gentleman's patriotism, I am questioning his judgment. I also question the judgment of the Chair. . . .

MR. [VIN] WEBER [of Minnesota]: A point of parliamentary inquiry. . . .

Do the rules of the House apply to the Speaker of the House?

THE SPEAKER PRO TEMPORE: The rules of the House apply to all Members of the House.

Parliamentarian's Note: The Speaker's words, though ruled to be unparliamentary, were not ordered stricken from the Record by the House; the Chair did not so order and no other Member moved that the words be stricken.

§ 59.10 A Member's statement during debate that another Member's demand that words be taken down during a special-order speech was "an unfair stealing of time" was held not to be unparliamentary, as not necessarily implying an illegal action.

The following proceedings occurred in the House on Feb. 27, 1985:[7]

MR. [BOB] MCEWEN [of Ohio]: . . . I [have] observed what I see as an increasing parliamentary maneuver to destroy and steal the time of people who are trying to present their position on the floor of this House. . . . I have seen a significant deterioration over recent years of the privilege and courtesy of Members to yield time. When a debate is progressing in a direction [with] which they disagree, they take upon themselves the courtesy that is usually extended another Member, that of yielding, grab the microphone and continue to shout, "Will the gentleman yield"? until such time as his train of thought is destroyed or his point has been stopped.

When that is unsuccessful, I have observed on more recent occasions an effort to request that words be taken down which, upon their repetition by the Clerk, are obviously not offensive to anyone, and yet the debate has been destroyed and an effort has been made to prevent the point that the speaker was attempting to present from going forward. . . . I think the Members should be allowed to express themselves during special orders without this kind of unfair stealing of time. . . .

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I demand the words be taken down.

7. 131 CONG. REC. 3899, 3900, 99th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:[8] The Clerk will report the words taken down.

The Clerk read as follows:

> . . . I think the Members should be allowed to express themselves during special orders without this kind of unfair stealing of time.

THE SPEAKER PRO TEMPORE: The Chair thinks in the connotation that the words were used, there is no allegation of illegality. The words are not unparliamentary, in the opinion of the Chair. . . .

MR. MCEWEN: Mr. Speaker, I wish to make it abundantly clear that at no time in my presentation did I accuse anyone or intend to imply that anyone was stealing anything.

MR. JACOBS: Mr. Speaker, I withdraw my point of order.

§ 60. Critical References to Members

The form and the substance of a Member's reference to another Member in debate are regulated by the rules and longstanding practice of the House. So that "order, decency, and regularity be preserved in a dignified public body,"[9] the motives of Members may not be impugned or their personalities attacked,[10] and indecent or grossly accusatory language may not be used in criticizing a Member. Indeed, Rule XIV provides that a Member must confine himself to the question under debate, avoiding personality.[11]

The proper procedure to be followed when objectionable words are used in reference to a Member is the demand that they be "taken down,"[12] and the House has on occasion demanded an apology from or reconciliation between hostile Members.[13]

Senate rules of proceedings are similar to those of the House, the Standing Rules of the Senate prohibiting remarks in debate imputing conduct or motive unworthy of a Senator to one or more of his colleagues.[14]

---

8. Tommy F. Robinson (Ark.).

9. Jefferson's Manual, *House Rules and Manual* § 285 (1995). See also *id.* at §§ 353–379, for parliamentary principles as to order in debate.

10. For a distinction between general language used in debate and that involving personalities, see 5 Hinds' Precedents § 5153.

The Speaker may intervene in debate to prevent breaches of order in referring to personalities. See 5 Hinds' Precedents § 5163.

Breaches of order include sarcastic or satirical compliments; see 5 Hinds' Precedents §§ 5165, 5167, 5168.

Members may be censured for invoking personalities in debate; see 2 Hinds' Precedents §§ 1251, 1253, 1254, 1259.

11. Rule XIV clause 1, *House Rules and Manual* § 749 (1995).

12. See § 49, supra.

13. See 2 Hinds' Precedents §§ 1651, 2648, 2650.

14. See Rule XIX clause 2, Standing Rules of the Senate § 19.2 (1975).