

isdiction of the Ethics Committee by my comments here today. My indirect or direct comments made about [the two Members] have only concerned activities the former has admitted to and the latter has been convicted on. . . .

THE SPEAKER PRO TEMPORE: The gentleman will pause. The gentleman is discussing a matter pending before the Ethics Committee. I would remind the gentleman from California that clause 1 of rule XIV prevents Members in debate from engaging in personalities. Clause 4 of that rule provides that if any member transgresses the rules of the House, the Speaker shall, or any Member may, call him to order.

MR. DANNEMEYER: . . . George Washington Law Professor John Banzhaf has done extensive research on a case of Member "X." He concludes that Member "X" has publicly admitted to committing crimes, and a refusal to take any action would undermine the public's confidence in the mechanism set up to ensure that Members of Congress abide by ethical and moral standards at least as high as those to which we currently hold attorneys, cadets at the Nation's military academies, high military officials, and even school principals. . . .

The Boston Globe wrote, *Were Member X's transgressions serious enough to warrant his departure from Congress? Yes. For his own good and for the good of his constituents, his causes and Congress*"—

THE SPEAKER PRO TEMPORE: The gentleman will cease. The Chair would remind the gentleman, and will repeat again, and will read the Speaker's full statement, clause 1 of rule XIV prevents Members in debate from engag-

ing in personalities. Clause 4 of that rule provides that if any Member transgresses 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 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 on the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.

MR. DANNEMEYER: Madam Speaker, I have no longer made reference to a specific Member. I have merely made reference to "Member X."

THE SPEAKER PRO TEMPORE: The gentleman is referring to newspaper stories which specifically names Members.

The gentleman may proceed within the rules of the House.

## § 61. — Use of Colloquialisms

The use in debate of colloquial expressions, or familiar terms used in conversation, is governed by their current meaning and by the context in which they are uttered.<sup>(7)</sup> The Speaker has on occa-

7. Although the statesmanship of a Member may be questioned, a con-

sion referred to dictionaries to ascertain the current definitions of common expressions used on the floor in reference to Members.<sup>(8)</sup>

### ***References to Physical Characteristics***

#### **§ 61.1 References to a Member having a “hand like a ham”, grasping a microphone until it “groaned from mad torture”, and stamping up and down on the House floor “like a wild man” were held out of order.**

On Mar. 16, 1939,<sup>(9)</sup> Mr. John Taber, of New York, demanded that the following words used by Mr. Lee E. Geyer, of California, in reference to another Member be taken down:

I have seen him come out [on the House floor] with a hand that only he possesses, a hand like a ham, and grasp this delicate [microphone] until it groaned from mad torture. I have seen him come on the floor and stamp up and down like a wild man.

Speaker William B. Bankhead, of Alabama, ruled as follows:

temptuous remark, such as “pot-house politician,” may not be used in debate; see 8 Cannon’s Precedents §2527.

8. See §61.13, *infra*.

9. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

The words objected to and which have been taken down and read from the Clerk’s desk very patently violate the rule, because the words alleged do involve matters of personal reference and personality.

Mr. Geyer then asked and was granted unanimous consent to withdraw the words in question.

### ***Use of Particular Terms*** **—*Cheap, Sneaky, Sly***

#### **§ 61.2 The Speaker held unparliamentary a reference in debate to another Member’s proceeding in a “cheap, sneaky, sly way.”**

On Aug. 21, 1974,<sup>(10)</sup> Mr. Robert E. Bauman, of Maryland, demanded that the words below, as used in debate in reference to him by Mr. Thomas P. O’Neill, Jr., of Massachusetts, be taken down. After being read by the Clerk, Speaker Carl Albert, of Oklahoma, ruled the words out of order.

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

10. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

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. So, Mr. Speaker, in today's Record on page 29362 you will find the remarks of Mr. Bauman. You will not find the remarks of Mr. McClory, one of the people who had asked me to do this. You will not find the remarks of other Members of the Judiciary Committee, who were prepared at that time to put their remarks in the record; but you will find the remarks of Mr. Bauman and Mr. Bauman alone.

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

The House agreed to a motion to strike the objectionable words from the Record.

—*Slippery, Snide, and Sharp Practices*

**§ 61.3 A statement in debate “where I come from the people do not like slippery, snide, and sharp practices,” was held in order as not reflecting on any Member.**

On July 26, 1951,<sup>(11)</sup> Mr. John J. Rooney, of New York, while discussing opposition amendments to a pending bill, stated as follows:

Where I come from great faith is put on a man's ability to stand up and fight for what he believes and what he thinks is best for the country. The people in my district do not like slippery, snide, and sharp practices.

Mr. Clare E. Hoffman, of Michigan, demanded that the words be taken down and Speaker Sam Rayburn, of Texas, ruled as follows:

. . . The Chair does not think that it should offend anybody for the gentleman from New York [Mr. Rooney] to brag of his constituents, as to their character or as to their ability. It appears to the Chair that these words were spoken with reference to an amendment and not with respect to a Member of the House of Representatives; and therefore, there is no reflection on any Member of the House.

—*Alleging “Coverup”*

**§ 61.4 An allegation in debate in the Senate that a colleague “did all he could to cover up wrongdoing” was held to be a breach of order as impugning the integrity or conduct of another Senator.**

On Mar. 20, 1968,<sup>(12)</sup> Senator Joseph S. Clark, of Pennsylvania,

11. 97 CONG. REC. 8968, 8969, 82d Cong. 1st Sess.

12. 114 CONG. REC. 7153, 90th Cong. 2d Sess.

and Senator Carl T. Curtis, of Nebraska, were engaged in a colloquy in relation to the investigation of an employee of the Senate. Senator Curtis stated to Senator Clark "you did all you could to cover up wrongdoing." Senator Clark requested the Chair to admonish Senator Curtis for that language and to require him to take his seat under the Standing Rules of the Senate.

Presiding Officer Birch E. Bayh, of Indiana, ruled that the language used was objectionable under Rule 14, prohibiting a Senator from impugning the integrity or conduct of a colleague in debate. Senator Curtis was then permitted to proceed in order.

—*Horning In*

**§ 61.5 In contrast to the usual procedure of taking words down, a Member sought to rise to a question of personal privilege to challenge another Member's reference to him in debate as "another guy" who was "horning in on the act."**

On Aug. 4, 1970,<sup>(13)</sup> Mr. Page H. Belcher, of Oklahoma, referred to Mr. Silvio O. Conte, of Massachusetts, in debate as "another guy"

13. 116 CONG. REC. 27130, 91st Cong. 2d Sess.

who was "horning in on the act" in relation to a certain measure before the House. Rather than demand that the words be taken down, Mr. Conte sought recognition for a point of personal privilege and requested a definition from Mr. Belcher of "another guy" and "horning in". After some discussion, Mr. Thomas G. Abernethy, of Mississippi, stated the point of order that the proper procedure was to take the words down and have a ruling by the Chair on whether they were in order. Speaker Pro Tempore Edward P. Boland, of Massachusetts, ruled that the point of order came too late and entertained a unanimous-consent request that the words "another guy" used by Mr. Belcher be stricken from the Record and be substituted by "the gentleman from Massachusetts."

—*Loose Talk*

**§ 61.6 A statement in debate accusing colleagues who opposed a measure of "loose talk" was held merely an expression of opinion mentioning no Member by name and not a breach of order.**

On May 6, 1941,<sup>(14)</sup> the following words used in debate in

14. 87 CONG. REC. 3670, 77th Cong. 1st Sess.

the Committee of the Whole were demanded to be taken down:

If everybody would talk as loosely and recklessly with the truth as some of these opponents of the administration measures that they are carrying on, it is no wonder there is confusion.

The Committee rose, and Speaker Sam Rayburn, of Texas, ruled that the language objected to simply expressed an opinion that certain things bring about confusion in the House and mentioned no Member of the House by name. Therefore the words were not violative of the rules of the House.

—*Mouthpiece for Another*

**§ 61.7 Where a statement that a Member spoke as a “mouthpiece” for a professional medical association was objected to in debate, the statement was by unanimous consent changed to “self-appointed spokesman” before a ruling on the point of order was made.**

On June 5, 1962,<sup>(15)</sup> Mr. John D. Dingell, Jr., of Michigan, referred to another Member as a “mouthpiece for the AMA [American Medical Association].” Mr. Thomas B. Curtis, of Missouri, de-

15. 108 CONG. REC. 9739, 87th Cong. 2d Sess.

manded that the words be taken down, but before a ruling was made, Mr. Dingell asked unanimous consent to change the word “mouthpiece” to “self-appointed spokesman.” There was no objection to the request and the point of order was withdrawn.

—*Crybaby*

**§ 61.8 In response to a parliamentary inquiry during debate on a question of personal privilege (involving derogatory statements to the press by one Member against others), the Speaker Pro Tempore advised that the term “crybaby” would not be an appropriate phrase to be used in the debate as a reference to a particular Member.**

On May 31, 1984,<sup>(16)</sup> the following proceedings occurred in the House:

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: I yield for a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:<sup>(17)</sup> The gentleman will state his parliamentary inquiry.

16. 130 CONG. REC. 14624, 98th Cong. 2d Sess.

17. John P. Murtha (Pa.).

MR. FRANK: The parliamentary inquiry is dealing with the question of propriety. Is the term "crybaby" an appropriate phrase to be used in a debate in the House?

THE SPEAKER PRO TEMPORE: The Chair would hope that the phrase would not be used.

—*Pinko*

**§ 61.9 It is not in order in debate to refer to another Member of the House as "pinko."**

On Oct. 31, 1963,<sup>(18)</sup> Mr. Edgar Franklin Foreman, of Texas, was recognized under previous order to address the House for 60 minutes. Mr. Foreman discussed a newspaper story which quoted him as calling 20 of his colleagues in the House "pinkos." When Mr. Foreman commenced to describe the one occasion on which he called a Member a pinko, Mr. John J. Rooney, of New York, demanded that his words be taken down and then stated as follows:

Mr. Speaker, in view of the fact that it is my understanding of the rules that no Member of the House may be labeled a "pinko" by anyone who would put himself above everybody else in the House, regardless which side of the aisle he is on, this becomes so interesting that I withdraw my demand to have the words taken down at this

18. 109 CONG. REC. 20742, 88th Cong. 1st Sess.

point so that I may hear what further the gentleman from Texas [Mr. Foreman] has to say that is of interest.

Mr. Foreman continued:

The fact of the matter is, as I was saying, to set the record straight, I have only referred to one Member of this body as a "pinko." On Friday, October 18, 1963, during a speech in San Jose, Calif., I referred to the gentleman from California, Mr. Don Edwards, as Don "Pinko" Edwards.

Mr. Rooney then demanded that those words be taken down and Speaker John W. McCormack, of Massachusetts, ruled that to characterize any Member of the House as a "pinko" is in violation of the rules.

The House then rejected a unanimous-consent request for Mr. Foreman to continue with the balance of his statement.

—*You Are Going To "Skin Us"*

**§ 61.10 A statement in debate "you are going to skin us" was held merely a colloquialism which did not reflect upon any Member and was in order.**

On Feb. 18, 1941,<sup>(19)</sup> Mr. Clare E. Hoffman, of Michigan, used the following language in relation to his opposition on a certain measure: "You are going to skin us, are

19. 87 CONG. REC. 1126, 77th Cong. 1st Sess.

you not?" Mr. Robert F. Rich, of Pennsylvania, demanded that the words be taken down, the committee rose, and Speaker Sam Rayburn, of Texas, ruled that the expression contained in those words was merely a colloquialism which did not reflect in an unparliamentary manner upon any Member.

—*Snoop*

**§ 61.11 It is a breach of order in debate to refer to another Member as a "snooper."**

On July 16, 1935,<sup>(20)</sup> Mr. Hamilton Fish, Jr., of New York, referred to Mr. Wright Patman, of Texas, in debate as a "snooper." The words were taken down. After consulting Webster's Dictionary and reading the definition of the term as "to look or pry about or into others' affairs in a sneaking way," or as "one who snoops, a prying sneak," Speaker Joseph W. Byrns, of Tennessee, held that the use of the term violated the rules of the House.

—*Stool Pigeon*

**§ 61.12 It is a breach of order in debate to refer to another Member as a "stool pigeon."**

On July 16, 1935,<sup>(1)</sup> Speaker Joseph W. Byrns, of Tennessee,

20. 79 CONG. REC. 11256, 74th Cong. 1st Sess.

1. *Id.*

ruled that the use of the term "stool pigeon" by a Member in debate referring to another Member was clearly a breach of order. The Speaker stated that it was not necessary for the Chair or for any Member to consult the dictionary in order to ascertain the meaning of the language objected to.

—*Yapping*

**§ 61.13 The word "yapping" used in debate to refer to another Member's remarks is not unparliamentary.**

On June 16, 1934,<sup>(2)</sup> Speaker Henry T. Rainey, of Illinois, ruled that the word "yapping," used by Mr. George E. Foulkes, of Michigan, in debate to refer to addresses on the floor by Mr. John Taber, of New York, was not unparliamentary. The Speaker had consulted the dictionary and stated that the term meant "to talk loudly; chatter; scold" and was not objectionable.

—*Lacking Guts*

**§ 61.14 The Chair on one occasion intervened to admonish Members not to characterize the motivations of other Members, without a challenge from the floor and**

2. 78 CONG. REC. 12114, 73d Cong. 2d Sess.

**without any specific Member being mentioned.**

The following proceedings occurred in the House on July 9, 1992,<sup>(3)</sup> during consideration of House Resolution 513 (the rule providing for consideration of H.R. 5518, Department of Transportation appropriations for fiscal year 1993):

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . The problem is that the Democratic leadership and the Committee on Rules that they control are so weak and pathetic that they cannot stand up for honor and they cannot stand up for law. . . .

Why can you not at least have the guts to stand up for real deficit reduction and for the budget process? . . .

THE SPEAKER PRO TEMPORE:<sup>(4)</sup> Members are reminded to refrain from characterizing the actions or motivations of other Members of the House.

**§ 62. —Questionable Motives**

Members may not in debate impugn the motives of other named Members in the performance of their legislative duties.<sup>(5)</sup> A rea-

3. 137 CONG. REC. p. \_\_\_\_, 102d Cong. 2d Sess.

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

5. A Member must avoid personality in debate. Rule XIV clause 1, *House Rules and Manual* § 749 (1995).

In the early practice of the House the Speaker customarily intervened

sonable difference of opinion on the intent of another Member in offering a bill or debating a proposition may be stated,<sup>(6)</sup> as may an opinion on the general motives of the House or a political party in adopting or rejecting a proposition.<sup>(7)</sup> But an assertion that a Member's use of the legislative process is motivated by personal gain or is deceitful is not in order.<sup>(8)</sup>

**Generally**

**§ 62.1 It is a breach of order in debate to impugn the motives of other named Members.**

On Feb. 7, 1935, certain language was used in the Committee

in debate to prevent even the mildest imputation on the motives of Members; see 5 Hinds' Precedents §§ 5161, 5162.

6. Compare §§ 62.2–62.5, *infra*.

Purposely misquoting a Member's remarks is a breach of order. See 5 Hinds' Precedents § 5150.

7. See § 62.7, *infra* (motive of political party).

If words used to describe the motive of the House are objectionable in themselves, they are a breach of order; see § 65.6, *infra* (characterization of amendment as "demagogic" and "racist").

8. See § 62.8, *infra*; 5 Hinds' Precedents §§ 5147, 5149; 8 Cannon's Precedents § 2546.