

bama, ruled that the language violated the rules of debate since directed to the personality of another Member. The words were stricken from the Record.

§ 65. —Race and Prejudice

It is not in order in debate to accuse a Member of bigotry or racism.⁽⁸⁾ However, a Member may express the opinion in debate that another Member is by his actions and words doing a disservice to a minority race if terms not objectionable in themselves are not used.⁽⁹⁾

Remarks Relating to Race Generally

§ 65.1 A statement in debate expressing the opinion of the Member that if he were a Negro he would avoid association with non-Negroes was held not to reflect on any Member of the House and therefore to be in order.

On Apr. 5, 1946, Mr. Adam C. Powell, Jr., of New York, offered to H.R. 5990, the District of Columbia appropriation bill of 1947, an amendment to deny funds to

⁸. Compare §§ 65.5–65.7, *infra*.

⁹. See § 65.4, *infra*.

any agency, office, or department which segregated citizens on the basis of race, color, creed, or national origin.⁽¹⁰⁾ In commenting on the amendment, Mr. Powell stated:

If you do not believe that segregation is practiced here by the District government may I say look at me, one of your fellow Congressmen. I cannot get a card to play tennis, for instance, in any of the parks of the District of Columbia. . . .

Mr. John E. Rankin, of Mississippi, then commented as follows on the amendment:

Mr. Chairman, this amendment to deny funds to separate schools here in Washington is another one of those communistic movements to stir up race hatred in the District of Columbia. . . .

If I were a Negro I would want to be as black as the ace of spades, and I would not be running around here trying to play tennis on a white man's court. I would go with the other Negroes and have the best time in my life. . . .

Mr. Powell demanded that the last paragraph of Mr. Rankin's remarks be taken down. The Committee of the Whole rose and Speaker Sam Rayburn, of Texas, ruled as follows:

The Chair would think and would be compelled to hold that there is nothing

¹⁰. 92 CONG. REC. 3227, 79th Cong. 2d Sess.

in this language that refers to any specific person by name or otherwise as a Member of the House of Representatives, does not reflect upon his character, his integrity, or attribute to him any moral turpitude.⁽¹¹⁾

§ 65.2 The Speaker held that reference to a class or group of persons as “Negroes” was in order, although it was objected that a corruption of that term had been used, thereby insulting some Members of the House.

On Sept. 21, 1949,⁽¹²⁾ Mr. John E. Rankin, of Mississippi, was delivering remarks in debate against Paul Robeson, whom he termed a “Negro Communist”. Mr. Vito Marcantonio, of New York, made the following point of order:

The gentleman from Mississippi used the word “nigger.” I ask that that word be taken down and stricken from the Record inasmuch as there are two Members in this House of the Negro race, and that word reflects on them.

Speaker Sam Rayburn, of Texas, stated that he had understood Mr. Rankin to say “Negro,” and Mr. Rankin added that he had used that term ever since he had learned to talk. Mr. Marcantonio insisted that Mr. Rankin had said “nigger,” and Speaker Rayburn ruled as follows:

11. *Id.* at pp. 3229, 3230.

12. 95 CONG. REC. 13124, 81st Cong. 1st Sess.

The Chair holds that the remarks of the gentleman from Mississippi are not subject to a point of order. He referred to the Negro race, and they should not be ashamed of that designation.

Similarly, on Feb. 18, 1947,⁽¹³⁾ Mr. Rankin delivered the following remarks in debate:

Now, let us turn back to this Negro witness. His name is Nowell. He lived in Detroit. He said he was born in Georgia. Now, I have lived all my life and practiced law for years in a State where we had many, many lawsuits between Negroes and whites and between Negroes themselves. I am used to cross-examining them. I know something of the way they testify, and have a fairly good way weighting testimony, and if I am any judge this Negro, Nowell, was sincere in every word he said.

The following point of order and ruling by Speaker Joseph W. Martin, Jr., of Massachusetts, then took place:

MR. [ADAM C.] POWELL [of New York]: Is it within the rules of this Congress to refer to any group of our Nation in disparaging terms?

MR. RANKIN: It is not disparaging to call them Negroes, as all respectable Negroes know.

MR. POWELL: I am addressing the Speaker.

THE SPEAKER: The Chair is not aware of the disparaging term used.

MR. POWELL: He used the term “nigger” in referring to a group.

13. 93 CONG. REC. 1131, 80th Cong. 1st Sess.

THE SPEAKER: The Chair understood the gentleman to say "Negro."

MR. RANKIN: Mr. Speaker, I said what I always say and what I am always going to say when referring to these people.

THE SPEAKER: The gentleman will proceed in order.

MR. POWELL: Mr. Speaker, a point of order.

THE SPEAKER: The Chair overrules the point of order.

§ 65.3 It is not in order to impugn the motives of other Members as being racially prejudiced.

On Aug. 14, 1967,⁽¹⁴⁾ Speaker John W. McCormack, of Massachusetts, ruled that the use of the word "bigoted" in reference to another Member was not consistent with the rules of the House.

Similarly, on Dec. 13, 1973,⁽¹⁵⁾ Speaker Carl Albert, of Oklahoma, ruled that the use of the words "demagogic and racist" in relation to the motivation for an amendment was a breach of the rules of the House.

§ 65.4 In referring to another Member in debate the proper reference is "the gentleman from 'the state from which he comes'" and not "the Jew-

14. 113 CONG. REC. 22443, 22444, 90th Cong. 1st Sess.

15. 119 CONG. REC. 41271, 93d Cong. 1st Sess.

ish gentleman from New York."

On Oct. 24, 1945,⁽¹⁶⁾ Mr. John E. Rankin, of Mississippi, in debate referred to Mr. Emanuel Celler, of New York, as the "Jewish gentleman from New York." The words were demanded to be taken down by Mr. Celler, and Speaker Sam Rayburn, of Texas, ruled them out of order.

Mr. Rankin then continued with his remarks and criticized Mr. Celler for protesting reference to him as a "gentleman of his race".

Mr. Celler demanded that those words be taken down on the grounds that Mr. Rankin was again referring to him by innuendo as the Jewish gentleman from New York. Speaker Rayburn ruled that there was no breach of order in referring to another Member merely as a member of a minority race. Mr. Rankin then asked the Speaker:

. . . I wish to proceed in order. Does the Member from New York [Mr. Celler] object to being called a Jew or does he object to being called a gentleman? What is he kicking about?

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The Chair desires to make a little statement.

The Chair trusts that points of order may be properly points of order here-

16. 91 CONG. REC. 10032, 10033, 79th Cong. 1st Sess.

after, and that a Member before he makes a point of order secures the recognition of the Chair.

The gentleman from Mississippi will proceed in order, and the Chair trusts that the gentleman from Mississippi understands what the Chair means.

On May 22, 1947,⁽¹⁷⁾ Mr. Rankin delivered the following words in debate.

Mr. Speaker, I might say in the beginning that I know of no man who in my opinion has done the Jews of this country more harm than the gentleman from New York [Mr. Celler].

The words were demanded to be taken down by Mr. Celler and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used were merely an expression of an individual opinion and that they did not reflect in an unparliamentary manner upon Mr. Celler.

§ 65.5 It is not in order in debate to refer to a Member as having reached “bigoted” conclusions.

On Aug. 14, 1967,⁽¹⁸⁾ the following words used in debate by Mr. F. Edward Hébert, of Louisiana, in relation to another Member were demanded to be taken down: “His conclusions have

17. 93 CONG. REC. 5663, 5664, 80th Cong. 1st Sess.

18. 113 CONG. REC. 22443, 22444, 90th Cong. 1st Sess.

already been reached. They are prejudicial and bigoted.” Speaker John W. McCormack, of Massachusetts, ruled that the use of the word “bigoted” was not consistent with the rules of the House. The words were stricken from the Record and Mr. Hébert was recognized for the remainder of his time.

§ 65.6 The Speaker ruled out of order in debate remarks characterizing the motivation for an amendment as “demagogic” and “racist.”

On Dec. 13, 1973,⁽¹⁹⁾ the Committee of the Whole was considering H.R. 11450, the Energy Emergency Act. Mr. John D. Dingell, of Michigan, offered an amendment to prohibit the use of petroleum for the busing of schoolchildren beyond the nearest public school. In debate on the amendment, Ms. Bella S. Abzug, of New York, stated as follows:

An amendment like this can only be demagogic or racist because it is only demagoguery or racism which impels such an amendment like this.

Mr. Robert E. Bauman, of Maryland, demanded that the words be taken down and Ms. Abzug responded that her language had not in any way im-

19. 119 CONG. REC. 41271, 93d Cong. 1st Sess.

pugned the motives of Mr. Dingell.

The Committee rose and Speaker Carl Albert, of Oklahoma, ruled as follows:

On May 4, 1943 . . . Speaker [Sam] Rayburn [of Texas] held:

Statement by Newsome of Minnesota that, "I do not yield to any more demagogues," held not in order.

It is the opinion of the Chair that the statements reported to the House are within the framework of this ruling, and without objection the words are therefore stricken from the Record.

Exciting To Prejudice

§ 65.7 A statement in debate accusing a Member of remarks on the floor calculated to stir up race prejudice was ruled in order as a statement of opinion and not reflecting upon the character or integrity of the Member mentioned.

On Feb. 25, 1948,⁽²⁰⁾ Mr. Frank B. Keefe, of Wisconsin, used the following words in debate in relation to Mr. John E. Rankin, of Mississippi:

[T]hat statement of the gentleman from Mississippi is just as wrong as many of the other inflammatory statements which he makes on the floor of this House in an attempt to stir up

race prejudice that ought to be subdued rather than stirred up.

Mr. Rankin demanded that the words be taken down and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that Mr. Keefe had merely stated his opinion and did not reflect upon the character or integrity of Mr. Rankin. The Speaker ruled that the statement was not unparliamentary since it only expressed a difference of opinion.

§ 66. — Disloyalty

Remarks in debate impugning the loyalty of a Member are not in order.⁽¹⁾ However, if such language is directed at the House or at its membership in general, the remarks may not be improper.⁽²⁾ Allegations of disloyalty or lack of patriotism may assume various forms, including such labels as

1. Accusations of active disloyalty are in order when the subject is relevant to disciplinary proceedings brought by the House against a Member, or to the consideration of resolutions of censure, expulsion, or exclusion. See Ch. 7, *supra* (disloyalty as disqualification for membership) and Ch. 12, *supra* (conduct; punishment, censure, or expulsion).
2. See, for example, § 53.1, *supra*. Compare 5 Hinds' Precedents § 5139 ("rebel elements" in House held unparliamentary).

²⁰ 94 CONG. REC. 1707, 80th Cong. 2d Sess.