

Chapter CCXLIV.¹

DISORDER IN DEBATE.

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2526. A Member may not in debate refer to another Member by name.

On May 13, 1932,² the War Department appropriation bill was being considered in the Committee of the Whole House on the state of the Union.

In the course of the debate under the five-minute rule, Mr. Thomas L. Blanton, of Texas, said:

Mr. Chairman, I maintain that the welfare of enlisted men does not require so many ex-major generals on the floor of the House of Representatives going into a huddle to break up committee bill.

This is not the first time I have put General Chiperfield and General Parker into a huddle. I have had them in a huddle before the Committee on Military Affairs for the last three weeks.

Mr. Andrew J. Montague, of Virginia, arose to a question of order.

The Chairman³ sustained the point of order and said:

The point of order is well taken. The rules require reference to Members in the third person.

2527. Language tending to hold a Member up to contempt is not in order in debate.

Characterization of the conduct of a Member as beneath the dignity of a pothouse politician was held subject to a point of order.

Remarks questioning the statesmanship of a Member do not constitute a breach of order.

On September 5, 1919,⁴ the Committee of the Whole House was considering the bill H. R. 1812, a private claims bill, when Mr. Arthur G. Dewalt, of Pennsylvania, said in debate, referring to the action of Mr. Thomas L. Blanton, of Texas, in objecting to the consideration of a bill on the Private Calendar.

¹Supplementary to Chapter CXIV.

²First session Seventy-Second Congress, Record, p. 10138.

³Fritz G. Lanham, of Texas, Chairman.

⁴First session Sixty-sixth Congress, Record, p. 4942.

Mr. Chairman, I wish to assure the gentleman from Texas that I am not at all angry. If I were angry I would pursue a method entirely different from that which I am now taking. I am trying to argue this matter clearly, and I hope effectively, not only for the benefit of the gentleman from Texas, but for the benefit of others who may follow his bad example. I doubt very much whether there are any gentlemen, Members of this House, who would stoop to follow the example that we have seen today.

Mr. Blanton raised a question of order against the remark.

The Chairman ¹ ruled:

The Chair will ask the gentleman to proceed in order and not to use language which tends to hold a Member of the House in contempt.

Later in his argument Mr. Dewalt said:

If that be the conduct of the statesman from Texas, then God save us from such statesmanship!

Mr. Blanton having again made a point of order, the Chairman held:

The Chair has ruled two or three times that the gentleman from Pennsylvania was overstepping the proper limits, but in merely questioning the statesmanship of the gentleman from Texas the Chair does not think he is.

Subsequently Mr. Dewalt, in the course of his remarks, stated:

I would state, Mr. Chairman and gentlemen of the House, if I have made any mistake at all in regard to alleged statesmanship, I am very willing to beg pardon of the gentleman from Texas. I will take it all back; but I am very much in doubt now whether the conduct I have described as being pursued by the gentleman from Texas even rises to the dignity of what one might call pothouse politics instead of statesmanship.

In response to a point of order from Mr. Blanton, the Chairman ruled:

The gentleman from Texas, the Chair thinks, is correct in questioning the language. The gentleman from Pennsylvania is instructed to proceed in order.

2528. A Member may not be taken from the floor by a question of privilege.

A Member called to order in debate must take his seat.

A Member on his feet and requesting recognition at the time, was recognized to demand that words be taken down although brief debate had intervened.

A request that a Member uttering objectionable words yield does not forfeit the right to demand that the words be taken down.

Words spoken in debate and taken down on demand of another Member may be withdrawn by unanimous consent only.

Action by the House on words taken down and reported from the Committee of the Whole is contingent on the Speaker's decision that a breach of order is involved.

Action in the House on words taken down and reported from Committee of the Whole is limited to the words reported.

Reference in debate to a Member as "the General who won the war" was held not to constitute a breach of order.

¹Nicholas Longworth, of Ohio, Chairman.

On May 13, 1932,¹ the War Department appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when in the course of debate Mr. Thomas L. Blanton, of Texas, said:

These big generals, like our friend General Martin, and our good friend from Illinois, General Chipfield, and our good friend from Connecticut, General Goss, and our friend, Mr. Parker of Georgia—who won the war—they are not going to stop this move to reduce the fixed charges.

Mr. Homer C. Parker, of Georgia, interrupted with a request that the gentleman yield.

Mr. Blanton declined to yield and Mr. Parker rose to a question of personal privilege.

The Chairman² ruled:

The gentleman can not take the gentleman from Texas off the floor on a question of personal privilege.

Whereupon, Mr. Parker demanded that the gentleman's words be taken down. The Chairman directed:

The gentleman from Texas will be seated.

Mr. Fiorello H. LaGuardia, of New York, made the point of order that debate having intervened, the request that the words be taken down came too late.

The Chairman overruled the point of order and said:

The gentleman from Georgia, Mr. Parker, was evidently on his feet trying to get recognition. The Chair supposed he was going to ask the gentleman from Texas to yield until the gentleman from Georgia made the point of order.

Mr. LaGuardia submitted the further point of order that having asked the speaker to yield, the right to demand that the words be taken down had been forfeited.

The Chairman dissented and said:

The point of order does not come too late, in view of the fact that the gentleman was on his feet and the Chair was not advised of the purpose for which the gentleman desired recognition. The Chair asked if the Gentleman from Texas would yield, and when the gentleman declined to yield, after that inquiry was made by the Chair, the gentleman from Texas said he declined to yield, and the gentleman from Georgia made the point of order and asked that the words be taken down. Will the gentleman from Georgia indicate, for the information of the Chair, the words objected to?

Mr. Parker having indicated the words objected to, Mr. Blanton proposed to withdraw them.

The Chairman said:

The language can only be withdrawn by unanimous consent.

Mr. Parker objected, and the Chairman directed:

The Clerk will report the words taken down.

¹First session Seventh-second Congress, Record, p. 10136.

²Fritz G. Lanham, of Texas, Chairman.

The Clerk read the words indicated and the committee having risen informally, the Chairman reported:

The committee having had under consideration the bill H.R. 11897, certain words, used in debate, were objected to and upon request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

The Speaker pro tempore¹ directed:

The Clerk will read the words reported from the committee.

The Clerk having read the words reported from the committee, Mr. Adolph J. Sabbath, of Illinois, referred to proceedings in the Committee of the Whole.

The Speaker pro tempore interrupted:

The Chair can take no official cognizance of anything except the words that have been officially taken down and reported.

Mr. Parker asked recognition to offer a motion.

The Speaker pro tempore declined:

The Chair will state to the gentleman from Georgia that the preliminary question for the Chair to decide is whether or not the words taken down are opprobrious or in contravention of the rules of the House and of orderly debate.

Thereupon, the Speaker pro tempore ruled:

The statement made by the gentleman from Texas, Mr. Blanton, has been reported by the Clerk and is now before the House for consideration.

The present occupant of the Chair, of course, regrets personally that he is called upon to make a decision affecting this matter, because the Chair can readily understand how the words in question may have been construed to disparage the gentleman from Georgia, but it is only the duty of the Chair, under the circumstances, to undertake to construe, from a parliamentary standpoint, whether or not the words used are offensive in their nature or tend to bring the gentleman from Georgia into contempt or disrepute before the House.

However much the Chair would like to have an expression of the House on this language that has been taken down, the Chair is compelled to come to the conclusion that the language in itself does not offend the rules.

2529. In debate a Member should not address another in the second person.

On February 26, 1930,² the House was considering the bill (H. R. 9683) to amend the Federal reserve act.

In the course of debate Mr. Wright Patman, of Texas, in addressing Mr. William J. Driver, of Arkansas, said:

Do you approve of what the Federal Trade Commission—

The Speaker³ admonished:

The Chair would like to call the attention of both gentlemen to the rule of the House which provides that one Member should address the other in the third person.

¹ William B. Bankhead, of Alabama, Speaker pro tempore.

² Second session Seventy-first Congress, Record, p. 4324.

³ Nicholas Longworth, of Ohio, speaker.

2530. An instance in which Members called to order for words spoken in debate apologized and were thereupon excused without further action on the part of the House.

Instance wherein the Sergeant at Arms carried the mace to the floor.

On February 23, 1911,¹ Mr. Frank W. Mondell, of Wyoming, moved to suspend the rules and pass the bill (H. R. 32080) leasing coal lands in Alaska.

During debate on the motion, Mr. James Wickersham, of Alaska, read a letter from the Secretary of the Interior certifying that payments had been received on 118 coal locations in Alaska.

Mr. Mondell said:

He is a liar; that is all.

Mr. Wickersham retorted:

You are a liar, if you say that; that is all.

Mr. Mondell and Mr. Wickersham advanced upon each other.

By direction of the Speaker pro tempore,² the Sergeant at Arms appeared upon the floor with the mace.

On motion of Mr. James A. Tawney, of Minnesota, the words used by Mr. Mondell and Mr. Wickersham were taken down and reported from the desk.

Mr. Tawney suggested:

Mr. Speaker, the language used by both gentlemen is in violation of the rules of the House, and I think they both ought to be required to apologize to the House.

Mr. Wickersham said:

Mr. Speaker, I do desire on my part to apologize to the House; I lost my temper.

Mr. Speaker, I want my apology to be just as broad as any gentleman in the House desires it to be.

Mr. Mondell, after a brief explanation, said:

I greatly regret, gentlemen, that anything I have said here has caused a disturbance or led to any unparliamentary action. If I have been unparliamentary, I desire to apologize to the House for having been so.

No further action relative to the matter was taken by the House.

2531. It is a breach of order to reflect upon or to refer invidiously to the decisions of present or former Speakers.

On May 7, 1910³ Mr. Dorsey W. Shackelford, of Missouri, while speaking to a question of personal privilege said:

I could say a great deal that transpired in this committee and a great deal that transpired in other committees if the Speaker of this House would not gavel me down when I undertook to say what happened in executive session.

The Speaker⁴ called to him to order and said:

The gentlemen will suspend. The gentleman is presenting a question of privilege, which he alleges to be a reflection against him in his representative capacity. In doing so he has no

¹Third session Sixty-first Congress, Record, p. 3235.

²Marlin E. Olmsted, of Pennsylvania, Speaker pro tempore.

³Second session Sixty-first Congress, Record, p. 5917.

⁴Joseph G. Cannon, of Illinois, Speaker.

right to right upon the Speaker of the House as “gaveling him down.” Under the rules the Speaker of the House, when references have been made to what passed in committee as to votes and action of the committee, has but enforced the rule, and we will dispose of this question of privilege without the gentleman violating the usages of the House, wandering out of his way to attack the present or any former Speaker of the House.

The gentleman will proceed in order.

2532. When a Member is called to order for words spoken in debate in Committee of the Whole the Chairman is without discretion and is constrained to recognize for that purpose.

After a demand has been made that words spoken in debate be taken down explanation of the meaning or proper interpretation of the words is not in order.

Charges of falsehood made in debate against one not a Member of the House were held not to constitute a breach of order.

A Member requesting that words spoken in debate in Committee of the Whole be taken down may withdraw that request at any time before the Committee rises to report to the House.

On March 24, 1926,¹ the legislative appropriation bill was under consideration in the Committee of the Whole House on the state of the Union.

During general debate on the bill, Mr. John J. O'Connor, of New York, being recognized, said:

My purpose in arising to-day is to call to the attention of the Members a news dispatch published yesterday. It is there narrated that Dr. Clarence True Wilson, of Washington, secretary of the Board of Temperance, Prohibition and Public Morals of the Methodist Church, in the course of his intemperate remarks, said:

“That the Sergeant at Arms had told him the chief duties of that office before prohibition were to ‘walk Members up and down and get the drunks to their homes,’ while now it was directing strangers.

“That is the effect of prohibition that I have seen in Congress myself,” added Doctor Wilson.

Gentlemen, is that true?

“I will presume to answer it, and I will answer it for my own boys and for the boys of America who shall come after us and sit in our places. It’s a lie—a deliberate, dastardly canard. And, My God, fallen from the lips of a minister of the gospel.”

Mr. Thomas L. Blanton, of Texas, demanded that the words be taken down.

Mr. O'Connor submitted that the words did not refer to a Member of the House.

The Chairman² said:

No debate is in order upon the meaning or the proper interpretation of the word; the words have been read.

The Chair will state that under similar conditions on June 22, 1922, the Chair made a preliminary decision in Committee of the Whole upon a point of order to words which had been taken down and to which exception had been taken. The Chair will avail himself of that precedent and say that, in the opinion of the present occupant of the chair, the words are not subject to the point of order. However, under the long practice of the House and the precedents it becomes the duty of the Chair to report to the House the words to which exception has been taken, and the committee will rise for that purpose.

¹First session Sixty-ninth Congress, Record, p. 6179.

²Carl R. Chindblom, of Illinois, Chairman.

Mr. C. Williams Ramseyer, of Iowa, as a parliamentary inquiry, asked if it was the duty of the Chairman to have taken down and reported to the House words which he did not consider unparliamentary.

The Chairman held:

Unfortunately, that seems to be the effect of the precedents.

Mr. Martin B. Madden, of Illinois, then inquired if it would be necessary to rise and report the words to the House if Mr. Blanton withdrew the request.

The Chairman said:

If the gentleman from Texas withdrew his request there would then be no occasion for reporting the words to the House.

Mr. Blanton, thereupon, withdrew the request and the Committee of the Whole proceeded with the consideration of the bill.

2533. When an demand is made in Committee of the Whole that words spoken in debate be taken down no further business is in order and the Committee rises automatically to report to the House.

It is not within the province of the Chairman to decide on the parliamentary character of words taken down on demand in Committee of the Whole.

When the Committee of the Whole reports to the House words taken down on demand, the Speaker in passing on the question raised is restricted to the words reported and may not take into consideration associated language not reported by the committee.

On January 18, 1930,¹ the Committee of the Whole House on the State of the Union was considering the Treasury and Post Office Departments appropriation bill.

During debate on a section providing for the Bureau of Prohibition, Mr. Adolph J. Sabath, of Illinois, in discussing court proceedings against certain prohibition enforcement officers, made a statement referring to the United States commissioners and then said:

Instead of being prosecuted, he is being defended by district attorneys in each and every case.

Mr. Carroll L. Beedy, of Maine, objected to the statement as reflecting on the judiciary and demanded that the words be taken down.

Mr. William H. Stafford, of Wisconsin, made the point of order that it was the duty of the Chairman before reporting to the House to determine whether the words taken down were out of order.

The Chairman² overruled the point of order and held:

The committee automatically rises.

The rule is this: When disorderly words are spoken in Committee of the Whole they are taken down and read at the Clerk's desk, whereupon the committee rises and reports the matter to the House.

The rules of the house provide that the words must be taken down and submitted to the House. There is not discretion lodged in Chair in this matter at this time.

The Committee having risen and the Chairman having reported the words to the House, Mr. Beedy submitted that all the words objected to had not been taken

¹Second session Seventy-first Congress, Journal, p. 164; Record, p. 1905.

²Bertrand H. Snell, of New York, Chairman.

down and that the Speaker in passing on the question should also take into consideration the reference to the United States commissioners which had not been reported by the Committee to the House.

The Speaker pro tempore¹ dissented and ruled:

The Chair can only rule on the words reported to the House by the Chairman of the Committee of the Whole House.

The present occupant of the Chair can see nothing objectionable, from a parliamentary stand-point, in the remarks reported.

The committee will resume its session.

2534. A Member called to order in debate was required to resume his seat until permitted by the House to proceed in order.

The Member shall confine himself to the question under debate avoiding personality.

A Member having been called to order for irrelevancy in debate, the Speaker entertained a motion that he be allowed to proceed in order.

A Member called to order and allowed to proceed must confine himself within the rules governing debate.

On March 2, 1921,² Mr. Nicholas J. Sinnott, of Oregon, moved that the rules be suspended and that the bill (S. 4864) providing for the leasing of coal lands in Alaska be passed.

While Mr. Thomas L. Blanton, of Texas, was debating the motion, Mr. Frank Clark, of Florida, made the point of order that he was not addressing himself to the question under consideration.

The Speaker³ said:

The Chair has listened to the gentleman, and he had not thought that the gentleman is discussing the bill. The gentleman must confine himself to the bill.

Mr. Blanton proceeded in debate, when Mr. Cassius C. Dowell, of Iowa, made the point of order that he was not complying with the order of the Chair.

The Speaker sustained the point or order, and when Mr. Blanton continued in irrelevant discussion said:

The rule of the House provides that the gentleman can only proceed by the consent of the House. The Chair will quote the rule, being paragraph 4 of Rule XIV:

"If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate.

"He shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate; if a decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise."

The gentleman must take his seat when the point of order is made and sustained.

Mr. Edward J. King, of Illinois, asked unanimous consent that Mr. Blanton be permitted to proceed out of order.

The Speaker said:

The Chair thinks the proper motion is ask that he proceed in order.

¹ John Q. Tilson, of Connecticut, Speaker pro tempore.

² Third session, Sixty-sixth Congress, Record, p. 4346.

³ Frederick H. Gillett, of Massachusetts, Speaker.

The motion being put, it was decided in the affirmative.

2535. On November 20, 1913,¹ Mr. Robert Y. Thomas, jr., of Kentucky, offered a concurrent resolution providing for adjournment of the first session of the Sixty-third Congress.

Mr. H. Robert Fowler, of Illinois, being recognized in debate, proceeded to discuss the subject of the mining and importation of fluorspar.

Mr. Thomas made the point of order that debate must be confined to the concurrent resolution.

The Speaker sustained the point of order.

Mr. Fowler continuing the discussion of irrelevant matters, Mr. Thomas W. Hardwick, of Georgia, rose to a point of order and submitted that under the rules of the House a Member called to order in debate was required to be seated and was not permitted to proceed except on motion.

The Speaker² sustained the point of order and said:

The point of order is well taken. The gentleman under the rule, when the point is made, must take his seat and then, if any gentleman thinks he ought to proceed, he can make the motion to allow the gentleman from Illinois to proceed in order.

Mr. Hardwick moved that Mr. Fowler be allowed to proceed in order.

The motion was agreed to, and the Speaker announced:

The gentleman will proceed in order and confine himself to the question.

2536. The demand that disorderly words be taken down must be made at once before debate intervenes.

A Member having concluded his remarks and yielded the floor was not required to answer for words objected to as unparliamentary.

A Member may not in debate refer to another Member by name.

On August 3, 1917,³ while the House was considering the conference report on the bill H. R. 4961, the food control bill, Mr. J. Thomas Heflin, of Alabama, charged in debate that Mr. Fred A. Britten, of Illinois, and Mr. William E. Mason, of Illinois, were "out stirring up the country against conscription."

Mr. William H. Stafford, of Wisconsin, made the point of order that the language was unparliamentary and demanded that it be taken down.

Mr. J. Hampton Moore, of Pennsylvania, made the further point of order that Mr. Heflin had referred to Members of the House by name.

The Speaker⁴ said:

Of course that is contrary to the rules. The rule is that one Member must not address another or refer to him by his name, except where it is as, for instance, "the gentleman from Illinois, Mr. Britten." If the gentleman from Pennsylvania had raised the point while the gentleman from Alabama was doing it, the Chair would have sustained the point of order and admonished the gentleman from Alabama to keep within the rule. If there are any particular words in that speech which the gentleman from Pennsylvania wants taken down, the chair will hear him.

¹ First session Sixty-third Congress, Record, p. 5955.

² Champ Clark, of Missouri, Speaker.

³ First session Sixty-fifth Congress, Record, p. 5757.

⁴ Champ Clark, of Missouri, Speaker.

Mr. Moore then demanded that this language used by Mr. Heflin earlier in the course of his remarks be taken down, as follows:

A Senator from Georgia has introduced a bill to get every man's consent as to whether he will go abroad and fight for the country. On my responsibility as a southerner and as an American citizen, loyal to that flag, I repudiate the action of every southern Member who is not loyal to the country and to the President in this war.

Mr. Asbury F. Lever, of South Carolina, made the point of order that the demand came too late after Mr. Heflin had concluded his remarks and yielded the floor.

The Speaker ruled:

As the words which the gentleman from Wisconsin asked to be taken down, that request certainly does not come too late, because it was the very last sentence in the speech of the gentleman from Alabama, but as to the other remarks the Chair thinks the request comes too late. Of course, it is against the rules of both Houses for a Senator in one instance or a Member in the other to refer to a Member of the other body. That is the rule. But the Chair thinks the request comes too late. Now, the question is on these last words which were taken down at the demand of the gentleman from Wisconsin.

2537. Strictures in debate do not give rise to a question of privilege but are properly contravened by a demand that the words be taken down. It is too late to demand that disorderly words be taken down after business has intervened.

On March 16, 1920,¹ Mr. Charles Pope Caldwell, of New York, rose to a question of privilege and submitted as the basis thereof the following excerpt from a debate which had taken place earlier in the day:

Mr. Speaker, in the House a short time ago I rose and made this statement:

"If I can not get information on this subject, I will have to object; but I was trying in my feeble way to get it."

Whereupon the gentleman from Wyoming, Mr. Mondell, said:

"The gentleman was not asking for information on the subject."

The Speaker pro tempore² said:

The statement of the gentleman from Wyoming to the effect that the gentleman was not asking for information on the subject, in the view of the Chair, is not an intentional misrepresentation of the statement made by the gentleman from New York, and the impression of the Chair is that there is nothing in that statement impugning the gentleman's motives, but the Chair would gladly hear the gentleman from New York.

Mr. Caldwell insisted that his motives had been impugned and that he was entitled to redress.

Mr. James R. Mann, of Illinois, explained:

Mr. Speaker, it is not a question of personal privilege in any case. If the gentleman from Wyoming had impugned the motives or the statement of the gentleman from New York, it would not have been a question of personal privilege. It would have been a case where the gentleman from New York might have asked that the words of the gentleman from Wyoming be taken down. Not having done that, it is a past incident. I am inclined to think that the gentleman from New York is in error in thinking that he was asking for information about the resolution pending before

¹Second session Sixty-sixth Congress, Record, p. 4400.

²Joseph Walsh, of Massachusetts, Speaker pro tempore.

the House, and I do not say that with a view of impugning the gentleman's motives or his statement.

The Speaker held that it was too late to ask that the words be taken down, business having intervened, and that there was nothing in the colloquy upon which to base a question of privilege, and declined recognition.

2538. Demand being made that words spoken in debate be taken down as unparliamentary, it is in order to demand that words spoken by other Members in the same colloquy also be taken down to be simultaneously reported to the House when the committee rises.

Demand for the taking down of additional words, or words spoken by others, may be made at any time before the committee rises and the point of order may not be made that the demand comes too late because made after the words first objected to have been read at the desk.

A Member may withdraw words objected to in debate in Committee of the Whole by unanimous consent only.

Words spoken in debate having been taken down and read from the desk, the committee rises automatically under the rule and a motion to rise is not required.

Words taken down and read at the desk in Committee of the Whole are again read from the desk when reported to the House.

When the Committee of the Whole rises to report words objected to in debate no business is in order until the language reported has been read from the desk.

Members called to order on account of words spoken in debate may not remain standing but are required to be actually seated.

Words taken down and reported to the House by the Committee of the Whole are summarily disposed of by a motion to strike them from the Record with a demand for the previous question on the motion.

Language used by a Member in Committee of the Whole having been expunged from the Record when reported to the House, the motion that he be allowed to proceed in order is not entertained when the House again resolves into the committee.

On June 23, 1917,¹ the House was considering in the Committee of the Whole House on the state of the Union the bill (H. R. 4961) for the conservation of food and fuel.

During the debate a colloquy occurred between Mr. M. Clyde Kelly, of Pennsylvania, and Mr. Jacob E. Meeker, of Missouri, in which language used by the latter was objected to by Mr. J. Hampton Moore, of Pennsylvania, with the demand that it be taken down and reported to the House.

Subsequently, Mr. Charles P. Coady, of Maryland, requested that words used by Mr. Kelly in the controversy be taken down.

Mr. Edward J. King, of Illinois, made the point of order that the demand comes too late, and was not in order while the demand with reference to other words was pending.

¹First session Sixty-fifth Congress, Record p. 4175.

The Chairman¹ ruled:

The Chair thinks not. The words of the gentleman from Missouri will be taken down and the words of the gentleman from Pennsylvania will be taken down. In the opinion of the Chair they constitute one transaction, with no intervening business. The Chair is of opinion that they are all interlocking colloquies, that they constitute one transaction, that no business has intervened, and they should be taken down.

The Chairman directed the Clerk to report the words objected to.

Mr. Moore submitted that the language should be read when reported to the House rather than in Committee of the Whole.

The Chairman said:

The words will be read at the desk as soon as they are transcribed. The Clerk will read the words of the gentleman from Missouri.

The language having been read from the desk, Mr. Kelly indicated a willingness to withdraw the offending language.

The Chairman held:

The gentleman can not withdraw them without the unanimous consent of the committee.

Mr. Joseph C. McLaughlin, of Michigan, requested that additional portions of the colloquy be included.

The Chairman directed that all remarks objected to be included in full.

Mr. William W. Venable, of Mississippi, asked recognition for debate.

The Chairman said:

The Chair will state to the gentleman from Mississippi that the words are not debatable now.

Mr. Asbury F. Lever, of South Carolina, moved that the committee rise and report to the House.

The Chairman held that under the rule the action of the committee in rising was automatic and a motion was not required.

Accordingly the committee rose, and Mr. Claude Kitchin, of North Carolina, moved to strike the words from the Record.

Mr. Frank L. Greene, of Vermont, raised a question as to whether the words should be read in the House.

The Speaker pro tempore² held that the language should be read to the House before a motion for disposition was in order.

Thereupon Mr. Moore asked that the rule under which the words had been taken down be read for the information of the House.

The Speaker pro tempore reiterated:

The first question before the House is the reporting of the words taken down.

Mr. Moore made the point of order that Mr. Meeker and Mr. Kelly were standing, and asked as a parliamentary inquiry if it was permissible for them to remain on their feet during the proceedings.

The Speaker pro tempore said:

It is not. The rule provides that when the words are ordered to be taken down the Member called to order shall take his seat. Let the parties whose words are in question take their seats.

¹ Andrew J. Montague, of Virginia, Chairman.

² William C. Houston, of Tennessee, Speaker pro tempore.

The Clerk having read from the desk the words reported from the Committee of the Whole, Mr. Kitchin moved to strike from the Record the words reported and on that motion demanded the previous question.

The previous question was ordered and; the question recurring on the motion to expunge, it was decided in the affirmative, on division, yeas 183, nays none.

The House having again resolved into the Committee of the Whole House on the state of the Union for the further consideration of the food control bill, Mr. Kelly inquired of the Chairman as to the amount of time remaining to his credit.

Mr. Frederick H. Gillett, of Massachusetts, made the point of order that in view to the action of the House he was not entitled to the floor.

The Chairman sustained the point of order.

Mr. Alben W. Barkley, of Kentucky, moved that Mr. Kelly be allowed to proceed in order.

Mr. Swagar Sherley, of Kentucky, raised a question of order against the motion.

The Chairman ruled:

The point of order is sustained. The Chair thinks that when words objected to have been taken down and the committee has risen and reported the same to the House, the matter has passed out of control of the committee, and he does not think a motion of that kind can be entertained when the committee resumes its sitting. It might be different if the whole matter had not been referred to the House.

2539. When a demand is made that words spoken in Committee of the Whole be taken down, no further business is in order and the Committee automatically rises and reports the words to the House for decision by the Speaker.

Recognition by the Speaker to move that words reported from the Committee of the Whole be expunged is tantamount to a decision hold them unparliamentary.

Debate on a motion to expunge from the record is confined to the motion proper.

Consideration of words reported to the House from Committee of the Whole having been disposed of, either by decision of the Speaker holding them in order or by action of the House if held unparliamentary, the House resolves into the Committee of the Whole automatically.

A portion of a letter having been taken down on demand in Committee of the Whole and reported to the House, a motion to expunge the entire letter from the Record was held to be in order.

Instance wherein a letter objected to in Committee of the Whole and reported to the House having been withdrawn, the motion that it be expunged from the Record was withdrawn.

On April 23, 1928,¹ during consideration of the bill (S. 3740) for the control of floods on the Mississippi River, in the Committee of the Whole House on the state of the Union, a letter read in debate by Mr. Henry T. Rainey, of Illinois, was objected to by Mr. James A. Frear, of Wisconsin, who demanded that a portion of the letter be taken down.

¹First session Seventieth Congress, Record, p. 7018.

Mr. Rainey asked recognition and requested that he be heard on the demand. The Chairman¹ declined recognition and said:

It must be taken up in the House.

The gentleman from Wisconsin asks that the words be taken down. There can be business transacted until the Committee rises and reports to the House. The words being written, the Clerk will report them.

Whereupon, the Committee rose and reported to the House the words from that portion of the letter taken down on demand.

Mr. Frear moved that the entire letter be expunged from the Record and was recognized to debate the motion.

While Mr. Frear was proceeding in debate, Mr. William. B. Bankhead, of Alabama, raised the question of order that he was not confining his remarks to the pending motion.

The Speaker² ruled:

The Chair thinks the gentleman should proceed to discuss his motion, which is to strike out certain language that is offensive to him.

Debate having been concluded, Mr. John J. O'Connor, of New York, submitted that the motion to expunge should be confined to the words actually taken down and that it was not in order to move to expunge the entire letter.

The Speaker said:

The motion of the gentleman from Wisconsin, as the Chair understood, was to strike the entire letter from the Record.

The Chair thinks under the circumstances the gentleman from Wisconsin has the right to make the motion.

It is for the House to decide whether to support the motion of the gentleman from Wisconsin or not. The Chair thinks the motion is in order, and the House will be called upon to vote whether or not to strike the entire letter from the Record.

Mr. Charles R. Crisp, of Georgia, called attention to the rule governing such proceedings under which the Speaker was required to pass on the parliamentary character of the words so taken down.

The Speaker held:

The fact that the Chair recognized the gentleman from Wisconsin carries with it the necessary implication that he regarded the words as not parliamentary. The gentleman from Georgia is right, that the Chair must decide in the first place whether the words taken down are unparliamentary or not. The Chair did not announce in so many words, but the fact that he recognized the gentleman from Wisconsin implied that he regarded the words of an unparliamentary nature and allowed the gentleman to move that they be stricken from the Record.

Thereupon, a request by Mr. Rainey that he be permitted to withdraw the letter was agreed to.

Whereupon, Mr. Frear withdrew his motion.

By direction of the Speaker, the Committee of the Whole resumed its session.

¹Frederick R. Lehlbach, of New Jersey, Chairman.

²Nicholas Longworth, of Ohio, Speaker.

2540. Words demanded to be taken down under the rule may be withdrawn by unanimous consent only.

It is for the House and not the Chair to decide on the propriety of words demanded to be taken down as unparliamentary.

In demanding that words spoken in debate be taken down it is not necessary that they be quoted verbatim.

A Member called to order for words spoken in debate is required to take his seat and may not proceed unless permitted to do so on motion.

A request having been made that words objected to as unparliamentary be taken down, no motion is in order until the words have been read from the desk.

Time consumed in proceedings incident to taking down disorderly words is not charged to time allotted the Member when he resumes the floor.

On February 8, 1910,¹ while the Committee of the Whole House on the state of the Union had under consideration the diplomatic and consular appropriation bill, Mr. Robert B. Macon, of Arkansas, said, in general debate, referring to a speech made by Mr. William S. Bennet, of New York, on the floor on January 25:

Gentlemen, that remark was only characteristic of the extravagance of the gentleman's remarks throughout his speech, and he had no evidence whatever of a truthful character to show that a thousand Americans had not made shorter trips to Paris than he; and yet when he made that statement it received applause, when every Member that applauded him knew that was no truthful foundation upon which his statement could rest.

Mr. Bennet demanded to have taken down:

His words in which he said every man in the House knew there was no truth or foundation in that statement.

Mr. Macon proposed to withdraw the words, but Mr. Joseph H. Gaines, of West Virginia, having objected that they could not be withdrawn without unanimous consent, was sustained by the Chairman.²

Mr. Macon continuing on the floor, Mr. Gaines submitted that a Member called to order for words spoken in debate should be seated.

The Chairman sustained the point of order and Mr. Macon took his seat.

Mr. Dorsey W. Shackelford, of Missouri, made the point of order that the demand that words be taken down was insufficient in that it did not specify the exact words used.

The Chairman held that the words had been indicated with sufficient accuracy to identify them and requested the reporter to transcribe them.

Mr. Shackelford insisted that the words to be read to the House were the words as repeated by Mr. Bennet in his demand and not the words used by Mr. Macon as transcribed by the reporter.

The Chairman overruled the point of order and directed the Clerk to read the language as supplied by the reporter.

¹ Second session Sixty-first Congress, Record, p. 1617.

² John Q. Tilson, of Connecticut, Chairman.

Mr. Ollie M. James, of Kentucky, moved that Mr. Macon be permitted to proceed in order.

The Chairman ruled that no motion was in order until the words objected to had been read from the desk.

The Clerk read:

And yet when he got upon his feet and made that part of the statement it received Republican applause, when every man who applauded knew that there was no truthful foundation whatever upon which it could rest.

Mr. Joseph T. Robinson, of Arkansas, made the point of order that the words were not objectionable and the request that they be taken down was not in order.

The Chairman held that the rule was mandatory on request from a Member, and said:

That is not for the Chair to determine, but for the House to determine.

Mr. Shackelford renewed the point of order that Mr. Bennet's demand was not in order because it had not correctly quoted the words objected to, and called attention to the fact that Mr. Bennet quoted "and every man in the House knew," whereas the language actually used was "every man who applauded knew."

The Chairman ruled:

The Chair is of the opinion that it is not necessary that the words be specified verbatim. The Chair holds that it would not be necessary for the gentleman from New York to state the exact language, but to so state it that it can be identified.

Mr. James again offered the motion that Mr. Macon be permitted to proceed in order.

The motion being agreed to, the Chairman recognized Mr. Macon to continue.

Mr. James B. Perkins, of New York, raised the point of order that the time allotted to Mr. Macon had been consumed in the proceedings, incident to taking down words objected to and asked recognition.

Mr. Macon took the position that time so consumed was not chargeable to him.

The chairman ruled:

The gentleman will suspend until the Chair rules upon the point of order made by the gentleman from New York. The Chair immediately upon the parliamentary situation being concluded deducted the time that was consumed, and there are remaining now to the gentleman from Arkansas six minutes.

2541. A motion to expunge words taken down having been rejected, the Member called to order proceeds from the point of interruption.

Immediately upon disposition of a report from the Committee of the Whole of words taken down in debate the House automatically resolves again into the Committee of the Whole for the further consideration of the measure under discussion.

On February 9, 1920,¹ during consideration of the agricultural appropriation bill in the Committee of the Whole House on the state of the Union, Mr. John I.

¹Second session Sixty-sixth Congress, Record, p. 2670.

Nolan, of California, referring to Mr. Thomas L. Blanton, of Texas, used this language in debate:

Mr. Chairman, I am not going to take the time of the House in trying to answer the references made by the gentleman from Texas to myself. I have been here since 1913, and my record is well known. Now, I am an advocate of free speech, but I want it to be free speech and I want a man when he attacks anybody to attack him to his face and not steal into the Congressional Record like a thief in the night behind his back.

Mr. Blanton demanded that the words be taken down.

The words, having been taken down and read from the desk, were reported to the House, and Mr. Charles R. Crisp, of Georgia, moved that they be expunged from the Record.

The question being put, it was decided in the negative, yeas 70, nays 186.

Thereupon the House automatically resolved into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, and the Chairman¹ announced:

The gentleman from California, Mr. Nolan, has three minutes remaining.

2542. A Member called to order for words spoken in debate having withdrawn the language objected to, no further action was taken by the House.

It is not within the province of a Member assailed in debate to object to such language being taken down under the rule.

Reference in debate to action of a Member in no way connected with his official duties or capacity was considered by the House a breach of the privilege of debate.

A Member called to order in debate was required to be seated.

An instance in which the Speaker called up as unfinished business a motion to expunge remarks from the Record on which the previous question had not been ordered.

On February 18, 1915,² Mr. A Mitchell Palmer, of Pennsylvania, recognized by unanimous consent, was making a personal statement, when Mr. John R. Farr, of Pennsylvania, interposed and said:

Mr. Speaker, I am amazed at the gall of the gentleman from Pennsylvania. Why, Mr. Speaker, he robbed you of two delegates in Luzerne because of his pretenses, his demagoguery, his hypocrisy. They were your delegates. The people of Pennsylvania wanted you. They wanted you in my district, and that gentleman, under the pretense of reform, went all over the great State of Pennsylvania, and he in every way possible, honorably and dishonorably—

Finis J. Garrett, of Tennessee, demanded that the words be taken down under the rule.

Mr. Palmer expressed himself as having no desire to have the words taken down.

The Speaker held that it was not within the province of a Member assailed in debate to say whether the rule should be invoked.

The Speaker required Mr. Farr to be seated and directed the Clerk to report the words taken down.

¹ Joseph Walsh, of Massachusetts, Chairman.

² Third session Sixty-third Congress, Record, p. 4076.

The language having been reported from the desk, Mr. Garrett moved to strike it from the Record and demanded the previous question.

Whereupon the House adjourned.

On the following day, before disposition of business on the Speaker's table, the Speaker announced that the question pending at adjournment on the previous day was on ordering the previous question on Mr. Garrett's motion to strike from the Record language used by Mr. Farr in debate.

Mr. Garrett yielded to Mr. Farr, who asked unanimous consent to withdraw the phrase "honorably and dishonorably" and substitute "deprived you, Mr. Speaker, of delegates when Democratic public sentiment was in your favor."

The request being agreed to, Mr. Garrett withdrew his motion to expunge.

2543. Words taken down under the rule against disorderly words spoken in debate may not be withdrawn except by unanimous consent.

On June 3, 1918,¹ when the bill (H. R. 3563) to increase the salary of the United States district attorney for the district of Rhode Island was reached in the call of the Consent Calendar, Mr. Louis C. Cramton, of Michigan objected to its consideration.

In a colloquy which ensued, Mr. George F. O'Shaunessy, of Rhode Island, used words which Mr. Cramton demanded be taken down

Mr. O'Shaunessy offered to withdraw the words, and objection was made by Mr. Leonidas C. Dyer, of Missouri.

The Speaker pro tempore² ruled:

When a request is made that the words be taken down, it can not be withdrawn except by unanimous consent. Is there objection?

2544. On August 8, 1919,³ Mr. Thomas L. Blanton, of Texas, in speaking to a question of personal privilege said:

And we Congressmen sit here on our seats and truckle, truckle, with anarchy invading our land. The President of the United States is the greatest man living to-day, in my judgment, and yet he is human. We are now experiencing the fruits of our Nation's truckling in the passage of the Adamson law, the most colossal blunder of Woodrow Wilson's whole life.

Mr. Otis Wingo, of Arkansas, rose to a point of order and demanded that the words be taken down.

Mr. Blanton thereupon announced that he would withdraw the offending words.

Mr. Champ Clark, of Missouri, as a parliamentary inquiry, asked if the withdrawal of the disorderly words by Mr. Blanton did not dispose of the matter.

The Speaker⁴ said:

The Chair put that question to the House, whether he should be allowed to withdraw, and objection was made. I think it is very rarely that there has been objection.

The Chair is informed by the parliamentary clerk that anybody has a right to make an objection.

¹ Second session Sixty-fifth Congress, Record, p. 7316.

² Martin D. Foster, Illinois, Speaker pro tempore.

³ First session Sixty-sixth Congress, Record, p. 3724.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

Mr. Joseph G. Cannon, of Illinois, corroborated the Speaker's statement and argued:

Suppose a gentleman of the House should utter the most offensive words about another Member, and after he has made them, and while they were being taken down, he should withdraw them, or should withdraw them after they are taken down. If he can withdraw them before they are reported to the House, then I could make all kinds of offensive remarks, if I choose to do so, so offensive that I would deserve to be expelled, and get away with it.

The Speaker affirmed:

It seems to the Chair that the logic suggested by the gentleman from Illinois is sound, and the Chair adhere to the rule.

2545. Charges of deliberate misrepresentation are not in order in debate.

A Member required to take his seat because of unparliamentary language may not be recognized to present a point of order against ensuing proceedings.

On March 3, 1919,¹ Mr. Clarence B. Miller, of Minnesota, in speaking to a question of privilege raised by Mr. Louis T. McFadden, of Pennsylvania, was interrupted by Mr. Otis Wingo, of Arkansas, who said:

The devotion of the gentleman from Minnesota to the truth is so notorious that I shall not reply.

Mr. James R. Mann, of Illinois, demanded that the words be taken down.

The words having been read by the Clerk, Mr. J. Hampton Moore, of Pennsylvania, moved that they be stricken from the Record.

Mr. Wingo rose to submit a point of order.

The Speaker² declined to recognize him and said:

This is a summary proceedings. The gentlemen from Arkansas will please be seated. The question is, Shall these words be stricken from the Record?

2546. A Member called to order in debate must take his seat and may not proceed unless permitted by the House on motion, but such disability does not extend beyond consideration of the point immediately under discussion, and a Member so called to order was permitted to demand the yeas and nays on the question under consideration at the time he was required to be seated.

On March 2, 1923,³ the House was considering a motion by Mr. Gilbert N. Haugen, of Iowa, to suspend the rules and pass the joint resolution (H. J. Res. 456) for the investigation of reforestation problems, when Mr. Thomas L. Blanton, of Texas, in debate, mentioned Mr. William D. Upshaw, of Georgia, by name, and intimated that he was influenced in his support of the bill by the prospect of a junketing trip.

On demand of Mr. Upshaw, the words were taken down and read by the clerk.

¹Third session Sixty-fifth Congress, Record, p. 4912.

²Champ Clark, of Missouri, Speaker.

³Fourth session Sixty-seventh Congress, Record, p. 5239.

A motion by Mr. Adolph J. Sabath, of Illinois, that the words be expunged from the Record was agreed to.

Debate having been concluded, the question was taken on agreeing to the motion to suspend the rules. Mr. Blanton, who had been required to take his seat when called to order, demanded the yeas and nays.

The Speaker pro tempore¹ declined to recognize him and held:

The gentleman from Texas is not recognized for that purpose.

Mr. Blanton proposed to appeal from the decision of the Chair.

The Speaker pro tempore said:

The gentleman can not be recognized for any purpose until he has the permission of the House. The gentleman will take his seat.

Mr. Finis J. Garrett, of Tennessee, made the point of order that Mr. Blanton was entitled to recognition.

In debating the point of order, Mr. John Q. Tilson, of Connecticut, said:

Mr. Speaker, I think it is clear that so far as speaking again during the period in which this matter was being considered, when he was called to order, that he can not be recognized again until he has the consent of the House. But I agree with the gentleman from Tennessee that for the purpose of demanding the yeas and nays, which is a constitutional right, the gentleman from Texas was clearly within the rights, and should be recognized for that purpose.

Mr. William H. Stafford, of Wisconsin, also argued:

Mr. Speaker, I assume that the purpose of the rule in denying a Member who has infringed the rules of debate by using unparliamentary language and not allowing him to proceed further until the House gives him the privilege is to protect the House from the further use of language on matter under consideration, which might allow further use of similar unparliamentary language. But, until the House takes some action of censure or expulsion, every Member of the House has the privilege of voting, and has the privilege of exercising his rights in demanding the yeas and nays or offering amendments.

There has been no motion made for a censure; all that was done was that the House expunged the remarks from the Record, and refused to allow the gentleman from Texas to proceed further in debate. But that does not carry the proposition that his right to vote or his right to demand the yeas and nays or his right to offer an amendment have been curtailed. They are fundamental. The question is whether the gentleman from Texas is still a Member of the House or not.

The Speaker pro tempore ruled:

The Chair has invited this discussion because the precedents are very vague as to when the gentleman from Texas or any gentleman, having been refused the right to participate in debate, as was done in this case, might again be heard on the floor. In order to get the matter before the House, the Chair has assumed the responsibility of calling the attention in this way in order that a decision might be had. The Chair believes that a reasonable construction of the rule would be that the Member called to order would be called to order only for the period required for the consideration of the matter that was then under consideration. The Chair thinks that is a reasonable construction, although it has not been so held. It appears from decisions that a Member was precluded if the motion was not made until the following day. With that construction the Chair does not agree. The Chair is glad of the opportunity at this time to decide that the Member from Texas is in the exercise of his rights at the conclusion of debate in demanding the yeas and nays. The Chair sustains the point of order made by the gentleman from Tennessee.

Mr. Blanton, thereupon, demanded the yeas and nays, which were ordered.

¹ Phillip P. Campbell, of Kansas, Speaker pro tempore.

2547. While a Member called to order for words spoken in debate is required to relinquish the floor he may not be deprived of his constitutional right to demand a quorum.

On May 13, 1924,¹ while the Committee of the Whole House on the state of the Union was considering the bill (H. R. 3933) for the purchase of the Cape Cod Canal, Mr. J. Scott Wolff, of Missouri, in debating the bill, said:

I want to say to the gentleman from Massachusetts, who heads that great committee of this House, that I have listened to him from the floor of this House tell us about certain things. This I know is a steal, an absolute steal. I am talking about this bill. It represents an absolute valuation of \$200,000, a steal of over \$11,300,000 for a few people in Massachusetts, and I want to say to you that I do not condone that steal.

On demand of Mr. Edward E. Denison, of Illinois, the Chairman² directed the Clerk to take down the words and report them from the desk.

Mr. Wolff made the point of order that there was not a quorum present.

Mr. Carl R. Chindblom, of Illinois, submitted that a Member called to order in debate was required to take his seat and might not raise the question of a quorum.

The Chairman overruled the point of order and held that while a Member called to order was required to relinquish the floor in debate he could not be deprived of his constitutional right to demand a quorum.

¹First session Sixty-eighth Congress, Record, p. 8481.

²Louis C. Cramton, of Michigan, Chairman.