

sion. See the statement by Speaker pro tempore John W. McCormack, of Massachusetts, at 92 CONG. REC. 20, 79th Cong. 2d Sess., Jan. 14, 1946.

§ 4. Admission to House Floor

House Rule XXXII clause 1⁽¹⁰⁾ enumerates those persons entitled to be admitted to the floor or rooms leading thereto,⁽¹¹⁾ while the House is in session:

1. The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of departments, foreign ministers, governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the Law Library, the Resident Commissioner to the United States from Puerto Rico, each Delegate to the House, such persons as have, by name, received the thanks of Congress, ex-Members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, elect-

10. *House Rules and Manual* §919 (1973).

11. See § 4.1, *infra*.

ed officers and elected minority employees of the House (other than Members), the Parliamentarian and former Parliamentarians of the House, former elected officers and former elected minority employees of the House (other than ex-Members) who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any Member for unanimous consent.

Rule XXXII clause 2 sets forth the conditions under which persons may be admitted to the floor when the House is not in session:

There shall be excluded at all times from the Hall of the House of Representatives and the cloakrooms all persons not entitled to the privilege of the floor during the session, except that until fifteen minutes of the hour of the meeting of the House persons employed in its service, accredited members of the press entitled to admission to the press gallery, and other persons on request of Members, by card or in writing, may be admitted.

The provision that prohibits the Speaker⁽¹²⁾ from entertaining a request for the suspension of Rule XXXII has been rigidly enforced during regular sessions.⁽¹³⁾

12. This provision in Rule XXXII clause 1 is equally applicable to the Chairman of the Committee of the Whole. 5 Hinds' Precedents § 7285.

13. See § 4.2, *infra*; 5 Hinds' Precedents § 7284.

On the occasion of ceremonies, however, the provision is construed more broadly.⁽¹⁴⁾

At joint meetings of Congress, although Rule XXXII is observed, it is recognized under the customs and practices of the House that one of the purposes of a joint meeting is to permit selected people who do not have floor privileges to come upon the floor.⁽¹⁵⁾

Several of the classes of persons entitled to floor privileges under Rule XXXII have been further defined in rulings by the Chair. "Contestants" in election contests have been granted the privilege of the House floor even though they were not themselves candidates in the general election.⁽¹⁶⁾ A concur-

rent resolution expressing the thanks of Congress does not entitle the recipient to floor privileges under Rule XXXII. The expression of thanks must be in the form of an act of Congress,⁽¹⁷⁾ and the recipient must be named.⁽¹⁸⁾ The type of interest in the legislation under consideration that is sufficient to disqualify an ex-Member from the privilege of the floor has been interpreted on several occasions.⁽¹⁹⁾

The rule has been interpreted so as to exclude from the privilege of the floor clerks other than those employed by the committee in charge of the bill under consideration.⁽²⁰⁾ Similarly, floor privileges are not extended to employees of

14. Illustrative of this point is an occurrence described in 5 Hinds' Precedents §7290. On Dec. 19, 1894, Speaker Charles F. Crisp (Ga.) submitted a unanimous-consent request that a State Governor and his staff be admitted to the floor during a ceremony the following day, despite the provision in Rule XXXII that prohibits submission of such requests. The Speaker considered the rule to apply only when the House was engaged in the transaction of ordinary business.

15. See §4.4, *infra*. But see 5 Hinds' Precedents §9272, which states that the rule relating to admission to the floor does not apply to joint sessions of the two Houses.

16. See §4.5, *infra*.

17. See §4.6, *infra*.

18. 8 Cannon's Precedents §3638.

19. Speaker Sam Rayburn (Tex.) held that employment by an organization with a direct interest in the legislation under consideration was sufficient. For an interpretation of this provision by a committee of Congress, see 5 Hinds' Precedents §7289.

20. 8 Cannon's Precedents §3636.

Rule XXXII, which permits clerks of committees access to the floor during the consideration of business from their committee, has been interpreted by the Speaker to allow only a limited number of clerks on the floor at one time. 118 CONG. REC. 20318, 92d Cong. 2d Sess., June 8, 1972.

an executive department who have assisted the committee in the preparation of the bill under consideration.⁽¹⁾ United States Senators have been held not to possess the privilege of addressing the House, although they may be present on the House floor.⁽²⁾

In addition to the floor privileges granted under Rule XXXII, certain representatives of the press and broadcast media may be admitted to the floor under House Rule XXXIV:

2. . . . [A]nd the Speaker may assign one seat on the floor to Associated Press reporters and one to United Press International, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may prescribe, one additional representative of each press association.⁽³⁾

3. . . . [A]nd the Speaker may admit to the floor, under such regulations as he may prescribe, one representative of the National Broadcasting Company, one of the Columbia Broadcasting System, one of the Mutual Broadcasting System, and one of the American Broadcasting Company.⁽⁴⁾

The House may grant to someone not entitled to floor privileges under the House rules the rare honor of special admission to the

1. 6 Cannon's Precedents § 579.
2. See § 4.8, *infra*.
3. *House Rules and Manual* § 930a (1973).
4. *Id.*

privileges of the floor for a regular session of the House. This has been done, however, only on several early occasions.⁽⁵⁾

The Doorkeeper, as part of his general duties,⁽⁶⁾ enforces strictly the rules relating to the privileges of the Hall of the House⁽⁷⁾ and allows no person to enter the room over the Hall while the House is in session.⁽⁸⁾

He also sees that the floor is cleared of all persons without floor privileges 15 minutes before each meeting of the House and for 10 minutes after adjournment.⁽⁹⁾

An alleged violation of the rules relating to admission to the floor presents a question of privilege.⁽¹⁰⁾

5. On Feb. 10, 1870, the privileges of the floor for a day were extended to John Kitts, a Revolutionary War soldier, who had seen the surrender of Cornwallis. 5 Hinds' Precedents § 7293. On Jan. 8, 1844, the House extended the privileges of the floor to the widow of President Madison. 5 Hinds' Precedents § 7081.
6. For a more detailed discussion of the duties of the Doorkeeper, see Ch. 6, *infra*.
7. Rule V clause 1, *House Rules and Manual* § 651 (1973).
8. Rule V clause 2, *House Rules and Manual* § 653 (1973).
9. Rule V clause 2, *House Rules and Manual* § 653 (1973).
10. 6 Cannon's Precedents § 579.3 Hinds' Precedents §§ 2624–25.

Rooms Adjacent to Floor

§ 4.1 Persons who are not entitled to floor privileges under Rule XXXII may not be admitted to the “Hall of the House or rooms leading thereto,” which include the cloakroom and the Speaker’s lobby.

On Oct. 2, 1945,⁽¹¹⁾ the following proceedings occurred:

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹²⁾ The gentleman will state it.

MR. KEEFE: Mr. Speaker, rule XXXII of the Rules of the House of Representatives reads, in part:

The persons hereinafter named and none other shall be admitted to the halls of the House or rooms leading thereto. . . .

. . . [D]oes the language “or rooms leading thereto” include the lobby and reading room adjacent to the House floor?

THE SPEAKER: The Chair may say to the gentleman from Wisconsin [Mr. Keefe] that the present occupant of the Chair has always been very jealous of all the rules of the House, and especially this one.

The Chair thinks that no person who is not named in the rule should have the privilege of the floor of the House of Representatives or to the cloakroom

or to the Speaker’s lobby, so-called, where Members and the newspaper folk and others that are privileged to be in there confer.

Suspension of Rule Relative to Floor Privileges

§ 4.2 The Chair may not entertain a request to suspend Rule XXXII, which enumerates those persons entitled to admission to the House floor.

On Mar. 25, 1940,⁽¹³⁾ prior to the consideration of a bill to provide revenue for the District of Columbia, the following unanimous-consent request was made:

MR. [JACK] NICHOLS [of Oklahoma]: . . . First, Mr. Speaker, I ask unanimous consent that an expert who has aided this committee in the preparation of this bill be permitted to sit at the committee table.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Reserving the right to object, Mr. Speaker, I am afraid this would be establishing quite a precedent. It is contrary to the rules of the House.

MR. NICHOLS: I may say to the gentleman from Massachusetts that when similar bills were considered on two previous occasions on the floor of the House the same request was made and agreed to. Certainly there is precedent for such action in the House.

THE SPEAKER:⁽¹⁴⁾ The Chair observes that under the rules the Chair cannot entertain such a request.

11. 91 CONG. REC. 9251, 79th Cong. 1st Sess.

12. Sam Rayburn (Tex.).

13. 86 CONG. REC. 3359, 76th Cong. 3d Sess.

14. William B. Bankhead (Ala.).

MR. NICHOLS: Similar requests have been submitted and granted when previous tax bills have been under consideration, Mr. Speaker.

THE SPEAKER: Rule XXXIII [now Rule XXXII], which enumerates those persons entitled to the floor, provides, in part, as follows:

It shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the Chair the request of any Member for unanimous consent.

This is the general rule relating to admission to the floor of the House.

Of course, personally, the Chair has no feeling in the matter. Although it may have been done heretofore, the attention of the Chair was not called to it.

Joint Sessions of Congress

§ 4.3 Prior to a scheduled joint meeting of Congress, the Speaker frequently announces that only persons with floor privileges will be admitted to the floor during the joint meeting.

The following announcement, made by Speaker John W. McCormack, of Massachusetts, on Jan. 10, 1967,⁽¹⁵⁾ is typical:

15. 113 CONG. REC. 34, 35, 90th Cong. 1st Sess. For further illustrations see 111 CONG. REC. 27, 89th Cong. 1st Sess., Jan. 4, 1965; 107 CONG. REC. 1340, 87th Cong. 1st Sess., Jan. 26, 1961; 97 CONG. REC. 4072, 82d Cong. 1st Sess., Apr. 18, 1951.

THE SPEAKER: The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that at the time set for the joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House. The Chair suggests that ex-Members of the House seat themselves in the folding chairs so that sitting Members may find their accustomed places in the Chamber.

Parliamentarian's Note: On Apr. 14, 1948, Speaker Joseph W. Martin, Jr., of Massachusetts, addressed a letter to all Members of the House suggesting that they refrain from attempting to bring children or relatives on the floor, during the upcoming celebration of the 50th anniversary of the liberation of Cuba.

§ 4.4 Although Rule XXXII, which enumerates those persons entitled to floor privileges, is observed at joint meetings of Congress, it is recognized that under the customs and practices of the House, one of the purposes of a joint meeting is to permit people who do not have the privilege of the floor to come upon the floor.

On Feb. 24, 1970,⁽¹⁶⁾ the following parliamentary inquiry was raised:

MR. [BERTRAM L.] PODELL [of New York]: Mr. Speaker, I should like to make a parliamentary inquiry.

THE SPEAKER:⁽¹⁷⁾ The gentleman will state his parliamentary inquiry.

MR. PODELL: I should like to know whether or not on tomorrow, at 12:30, during the address by President Pompidou to the joint meeting of the House of Representatives and the Senate, whether Rule 32 of the Rules of the House of Representatives relating to admissions to the floor will be recognized, or whether those rules will be suspended?

THE SPEAKER: The answer to that is that the rule will be recognized, but the purpose of the joint meeting is to receive the visitor who will come to the House Chamber. The Chair will follow the rules of the House.

MR. PODELL: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. PODELL: I should like to know whether or not rule 32, which relates to the restriction of those people to be admitted to the floor, will be observed tomorrow, or whether it will be suspended because it is a joint meeting or because the House is in recess?

THE SPEAKER: The Chair will state that one of the purposes of a joint meeting is to permit people who do not have the privilege of the floor to come upon the floor.

16. 116 CONG. REC. 4546, 91st Cong. 2d Sess.

17. John W. McCormack (Mass.).

MR. PODELL: . . . I shall read to you [rule] 32 of the Rules of the House of Representatives relating to admission to the floor.

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members-elect. . . .

It continues on with a few more categories, and it says that no other person shall be admitted to the floor and the Speaker may not request such permission under the appropriate provisions.

THE SPEAKER: In further response to the gentleman's inquiry, the Chair will follow the customs and the practices of the House when there is a joint meeting taking place.

Contestants in Election Contests

§ 4.5 On one occasion challengers in an election contest were considered to be "contestants" who were entitled to floor privileges pursuant to Rule XXXII during the pendency of their case, even though they had not been candidates in the election in which the sitting Members were re-elected.

Parliamentarian's Note: On Sept. 16, 1965, three of the five representatives of the Mississippi Freedom Democratic Party who

were contesting the re-election of the five sitting Members of the House from Mississippi, requested permission from the Speaker to be present on the floor the following day for the debate relative to their cases. Under Rule XXXII, “contestants in election cases during the pendency of their cases in the House”⁽¹⁸⁾ are entitled to floor privileges. Since none of the challengers had been actual candidates in the congressional elections the previous November, however, their status as “contestants” within the meaning of Rule XXXII was in doubt. The challengers had been defeated in the Democratic primary, and state law had not permitted them to be candidates in the general election. They alleged that the State of Mississippi had systematically excluded blacks from the electoral process, and that the election was therefore without constitutional validity. The Speaker⁽¹⁹⁾ noting that both the resolution dismissing the election contests (H. Res. 585) and the report of the Committee on House Administration (H. Rept. No. 1008, 89th Cong. 1st Sess. [1965]), referred to the petitioners as contestants, ruled that they were “contestants”

18. Rule XXXII clause 1, *House Rules and Manual* §919 (1973).

19. John W. McCormack (Mass.).

within the meaning of Rule XXXII, and were therefore entitled to be present on the floor during the consideration of their challenges.⁽²⁰⁾

Recipients of Congressional Appreciation

§ 4.6 A concurrent resolution expressing the thanks of Congress, because it is not an act of Congress, is not sufficient to bestow floor privileges, under Rule XXXII.

Parliamentarian's Note: The House, on July 20, 1962,⁽¹⁾ and the Senate, three days later,⁽²⁾ passed a concurrent resolution (H. Con. Res. 347) expressing the thanks of Congress to General of the Army, Douglas MacArthur. In response to an informal inquiry, the Parliamentarian, on Aug. 10, 1962, informed a Member that while Rule XXXII extends floor privileges to “such persons as have, by name, received the

20. For a Member's statement during the debate on the resolution dismissing the election contests acknowledging the presence of the three contestants on the floor, see 111 CONG. REC. 24267, 24268, 89th Cong. 1st Sess., Sept. 17, 1965.

1. 108 CONG. REC. 14329, 87th Cong. 2d Sess.

2. 108 CONG. REC. 14528, 87th Cong. 2d Sess., July 23, 1962.

thanks of Congress,"⁽³⁾ the concurrent resolution passed in favor of General MacArthur was not an act of Congress and did not bestow the privilege.

Ex-Members of the House

§ 4.7 An ex-Member who has a direct interest in a bill pending before Congress or who is in the employ of an organization with such an interest may not enjoy the privilege of the floor during pendency thereof that is normally afforded ex-Members by Rule XXXII.

On Oct. 1, 1945, a former Member, Winder Harris, was present at the majority table while the House was considering a ship-sales bill. [*Parliamentarian's Note*: Winder Harris was at the time an officer in a ship-building firm.] The following day,⁽⁴⁾ the propriety of his presence was questioned:

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁵⁾ The gentleman will state it.

MR. KEEFE: Mr. Speaker, rule XXXII of the Rules of the House of Representatives reads, in part:

3. Rule XXXII clause 1, *House Rules and Manual* §919 (1973).
4. 91 CONG. REC. 9251, 79th Cong. 1st Sess., Oct. 2, 1945.
5. Sam Rayburn (Tex.).

The persons hereinafter named and none other shall be admitted to the halls of the House or rooms leading thereto.

Then follows a list of those permitted, including:

Ex-Members of the House of Representatives who are not interested in any claim or directly in any bill pending before the Congress.

. . . [D]oes the quoted rule bar from the halls of the House or rooms leading thereto ex-Members of Congress who are in the employ of organizations, corporations, or individuals that have a direct interest in the defeat or passage of a bill pending and under debate in the House?

THE SPEAKER: The Chair may say to the gentleman from Wisconsin [Mr. Keefe] that the present occupant of the chair has always been very jealous of all the rules of the House, and especially this one. The Chair thinks that not even an ex-Member of Congress when he has a bill he is personally interested in that is coming up for consideration in the House nor any ex-Member of the House who is in the employ of an organization that has legislation before the Congress should be allowed the privilege of the House or the rooms that . . . constitute a part of the House of Representatives.

United States Senators

§ 4.8 Since United States Senators have the privilege of the floor, but not the privilege of addressing the House, the Speaker will not recognize a Member who wishes to

request unanimous consent for consideration of a resolution inviting Members of the Senate to address the House; such a resolution will be referred to the proper committee.

On Oct. 11, 1943,⁽⁶⁾ after several Members expressed a desire that the House invite five Members of the Senate, who had just returned from the war fronts to address the House, Speaker Sam Rayburn, of Texas, made a statement on the subject, which was followed by several clarifying parliamentary inquiries:

The Chair does not intend to recognize a Member to ask unanimous consent for the present consideration of a resolution inviting Senators to address the House in open or executive session, because the Chair thinks that is tantamount to an amendment to the rules of the House and, therefore, is a matter for the House to determine. If resolutions like that are introduced, they will be sent to the proper committee.

MR. [JOHN E.] RANKIN [of Mississippi]: A parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Of course, the Speaker has a right to refuse to recognize me for that purpose, but I think if the Speaker will investigate the rules he will find that we have a right to invite those men to come here to address the Members in the House.

THE SPEAKER: The Chair has already investigated that and finds it is otherwise. Members of the Senate have the privilege of the floor, but they do not have the privilege of addressing the House of Representatives.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: Would it be within the rules to have a recess, as we do when foreign potentates and rulers come here, and have the Senators come over and talk to us?

THE SPEAKER: If the House stands in recess at that time.

B. HOUSE GALLERIES AND BUILDINGS

§ 5. Galleries

The House rules vest in the Speaker control over the galleries in the House Chamber. Under

^{6.} 89 CONG. REC. 8197, 8198, 78th Cong. 1st Sess.

Rule XXXII⁽⁷⁾ the Speaker is responsible for assigning sections of the galleries. He sets aside a portion of the West Gallery for the President of the United States,

^{7.} *House Rules and Manual* §922 (1973).