

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).

cabinet members, Supreme Court Justices, foreign ministers and suites, and their respective families and another portion for persons to be admitted on the card of Members. The southerly half of the East Gallery is assigned for the use of Members' families. Representatives of the press⁽⁸⁾ and broadcast media⁽⁹⁾ are each entitled to have a portion of the gallery set aside for their use, subject to such regulations as the Speaker may prescribe. Supervision of these two portions of the gallery, including the designation of employees, is vested respectively in a standing committee of press correspondents and a second committee, the Executive Committee of the Radio and Television Correspondents' Gallery. Both of these committees, however, are subject to the direction and control of the Speaker.⁽¹⁰⁾

The Speaker, when he deems it necessary to protect the Members' and the Houses' facilities, may order special admission cards for the galleries or a search of visitors.⁽¹¹⁾ As part of his regular du-

8. Rule XXXII, *House Rules and Manual* §922 (1973).
9. Rule XXXIV clause 3, *House Rules and Manual* §930a (1973).
10. Rule XXXIV clauses 2 and 3, *House Rules and Manual* §§930 and 930a (1973).
11. See §5.1, *infra*.

ties under Rule I,⁽¹²⁾ the Speaker preserves order and decorum in the galleries, and in the case of disturbance or disorderly conduct, he may order the galleries cleared.⁽¹³⁾ When the House has resolved itself into the Committee of the Whole, the Chairman may exercise similar power in preserving order in the galleries.⁽¹⁴⁾

The Doorkeeper frequently distributes tickets for admission to the galleries on special occasions.⁽¹⁵⁾ Sometimes the House, by resolution, makes a special rule for admission to the galleries on the occasion of the electoral count⁽¹⁶⁾ or some other occurrence of great interest.⁽¹⁷⁾

Rule XIV clause 8⁽¹⁸⁾ prohibits a Member, while the House is in session, from introducing to or bringing to the attention of the House any occupant in the galleries. The Speaker may not entertain a request for the suspension of this rule by unanimous consent or otherwise,⁽¹⁹⁾ and if it

12. *House Rules and Manual* §§621-634 (1973).
13. Rule I clause 2, *House Rules and Manual* §622 (1973).
14. Rule XXIII clause 1, *House Rules and Manual* §861 (1973).
15. See §5.2, *infra*.
16. 3 Hinds' Precedents §1961.
17. 5 Hinds' Precedents §7033.
18. *House Rules and Manual* §764 (1973).
19. Rule XIV clause 8, *House Rules and Manual* §764 (1973).

is violated without objection from the other Members present in the Chamber, he will invoke it on his own initiative.⁽²⁰⁾

The rules and practices of the House do not permit visitors in the galleries to manifest their approval or disapproval of the proceedings on the floor by applause or otherwise.⁽¹⁾

On occasions when circumstances have warranted it, announcements by the Chair admonishing visitors in the galleries not to applaud have usually been sufficient to restore order.⁽²⁾ Under the customs and practices of the House, a visitor in the galleries may not, without authorization, photograph the House Chamber.⁽³⁾ The Speaker may find that it is not necessary to clear the galleries when one visitor is violating the rule. He may just order the offending party to leave the House Chamber.⁽⁴⁾

Speaker's Control Over Admission of Visitors

§ 5.1 When the Speaker's responsibility to protect the

20. See § 5.3, *infra*.

1. See § 5.6, *infra*.

2. See § 5.6, *infra*.

3. See § 3.5, *supra*.

4. See § 5.7, *infra*.

Members and the facilities require it, he may order special admission cards for the galleries or a search of visitors.

On Feb. 23, 1942,⁽⁵⁾ Speaker Sam Rayburn, of Texas, set forth the reasons for ordering the issuance of new gallery admission cards and the search of visitors entering the galleries:

THE SPEAKER: One of the responsibilities of the Speakership is the protection of the Members and the places in which they work. This responsibility, of course, is a little more anxious one right now than in ordinary times, and anything that is done or any regulation that is issued is issued after the best and most competent advice the Speaker is able to get.

Some time ago cards were issued and no one was allowed to come into the gallery without one. These cards have been outstanding for some time, and I am sorry to say they have been widely distributed, many of them mailed to distant points in the country. The Chair and those who advise him have decided that it is best to revoke all outstanding cards of admission to the galleries. New cards have been printed and will be distributed to the Members today and tomorrow, as the cards to the gallery outstanding will not be honored after Wednesday morning. . . .

Another thing that those who advise me think is highly advisable is that

5. 88 CONG. REC. 1524, 77th Cong. 2d Sess.

the people entering any of the galleries, except the Members' gallery, submit themselves to search. This is thought wise and judicious by men who will be in the Capitol and who will be competent for the work.

I hope this may not seem too irksome to some of our people who may come to Washington. I am willing to take this responsibility for the reason that if a mishap occurs around the Capitol somebody has got to take the responsibility, and I am willing to share my part of it. So I hope the cards that will be issued in lieu of those outstanding may be handed in Washington to visitors and constituents of yours and not be mailed around the country.

Parliamentarian's Note: Following the shooting which occurred in the House Chamber on Mar. 1, 1954,⁽⁶⁾ the Speaker canceled all outstanding gallery admission cards, effective the day following the shooting. New cards were printed for distribution the following day, with a request being made to all Members by the Speaker that gallery cards be issued only to persons who could be vouched for by each Member issuing the new cards.

Distribution of Gallery Tickets for Special Occasions

§ 5.2 The distribution of tickets for seats in the gallery for special occasions is the re-

6. See §2, supra.

sponsibility of the Doorkeeper of the House.

On Feb. 28, 1945,⁽⁷⁾ a Member on the minority side made an inquiry of the Chair concerning the allocation of gallery tickets for an upcoming joint session of Congress. The Member alleged that the majority generally receives all of the approximately 100 tickets that remain after each Member of the House and Senate receives one ticket. In response, the Speaker pro tempore⁽⁸⁾ declared that the tickets are distributed in a proper and equitable way, and stated that the matter was the responsibility of the Doorkeeper.

Reference by Members to Visitors Present in Galleries

§ 5.3 It is a violation of Rule XIV clause 8 to introduce or call attention to anyone in the galleries, and the Speaker, on his own initiative, will invoke this provision.

On Apr. 16, 1940,⁽⁹⁾ the following proceedings occurred:

7. 91 CONG. REC. 1594, 1595, 79th Cong. 1st Sess.
8. John W. McCormack (Mass.).
9. 86 CONG. REC. 4589, 76th Cong. 3d Sess. For further examples see 110 CONG. REC. 2264, 88th Cong. 2d Sess., Feb. 6, 1964; 109 CONG. REC. 10157, 10158, 88th Cong. 1st Sess., June 4, 1963; 100 CONG. REC. 12253, 83d Cong. 2d Sess., July 27, 1954.

MR. [BERNARD J.] GEHRMANN [of Wisconsin]: Mr. Speaker, I am very proud to be able to announce that there are two children in the gallery—

THE SPEAKER PRO TEMPORE:⁽¹⁰⁾ The gentleman from Wisconsin will suspend. The Chair calls the gentleman's attention to the fact that it is a violation of the rules of the House for a Member on the floor to introduce anyone in the gallery.

MR. GEHRMANN: Mr. Speaker, I beg the Chair's pardon, but I am not introducing them. I just want to say that there are two children who were stranded in Finland in the war zone. They got out of there just before—

THE SPEAKER PRO TEMPORE: The gentleman's remarks are still a violation of the rules of the House.

MR. GEHRMANN: Mr. Speaker, it would seem that the extraordinary occasion, the fact that the State Department interested itself—

THE SPEAKER PRO TEMPORE: The time of the gentleman from Wisconsin has expired.

Parliamentarian's Note: On several occasions,⁽¹¹⁾ a Member, in violation of Rule XIV clause 8,⁽¹²⁾ has called the presence of certain visitors in the gallery to the attention of the House. The remarks were made without objection by

10. Sam Rayburn (Tex.).

11. 111 CONG. REC. 6022, 6023, 89th Cong. 1st Sess., Mar. 25, 1965; 111 CONG. REC. 5637, 89th Cong. 1st Sess., Mar. 23, 1965.

12. *House Rules and Manual* §764 (1973).

other Members present in the Chamber, and the Speaker⁽¹³⁾ did not invoke the rule because at the time he was engaged in conversation at the rostrum and was unable to hear the remarks.

§ 5.4 It is not in order under Rule XIV clause 8 to refer to visitors in the galleries, even with permission to proceed out of order.

On July 27, 1954,⁽¹⁴⁾ a Member attempted to direct the attention of the House to a French nurse, a heroine of the Battle of Dien Bien Phu, who was seated in the gallery:

MR. [WALTER H.] JUDD [of Minnesota]: Mr. Chairman, I appreciate the gentleman's courtesy in permitting this short interlude. One of the things that always thrills everybody in the world is courage and devotion to duty, especially when under most trying and dangerous circumstances. I appreciate the opportunity to call attention to the presence in our gallery—

THE CHAIRMAN:⁽¹⁵⁾ The gentleman from Minnesota will suspend. The Chair regrets extremely—

MR. JUDD: Mr. Chairman, I ask unanimous consent to proceed out of order.

THE CHAIRMAN: The gentleman may not proceed out of order for the pur-

13. John W. McCormack (Mass.).

14. 100 CONG. REC. 12253, 83d Cong. 2d Sess.

15. Benjamin F. James (Pa.).

pose [for] which he manifestly intends to use the time. The Chair regrets extremely that he must so hold under the rules of procedure of the House. We are all conscious of the great heroism of the person to whom the Chair knows that the gentleman wishes to allude, but it is a matter of extreme regret that because of the rules of the House, reference may not be made to anyone in the gallery.

§ 5.5 It is a violation of Rule XIV clause 8 for a Member to insert in the *Congressional Record* a reference to visitors present in the galleries.

Parliamentarian's Note: On June 13, 1968,⁽¹⁶⁾ a Member was given permission to address the House for one minute and revise and extend his remarks. In revising his statement for the *Congressional Record*, he inserted a reference to visitors who had been present in the galleries, and sent the statement directly to the Government Printing Office instead of returning it to the Official Reporters of Debate. The Government Printing Office was advised to contact the Official Reporters of Debate or the Parliamentarian in the event similar violations of the rules are attempted.

Conduct of Gallery Occupants; Sanctions

§ 5.6 Under the rules and practices of the House visitors in

16. 114 CONG. REC. 17062, 90th Cong. 2d Sess.

the galleries may not manifest their approval or disapproval of proceedings on the floor by applause or otherwise.

On occasion it has become necessary for the Chair to admonish guests in the galleries that they must maintain order and refrain from manifestations of approval or disapproval of the proceedings on the floor.⁽¹⁷⁾

The following statement made by the Chairman of the Committee of the Whole, Chet Holifield, of California, on July 31, 1969,⁽¹⁸⁾ is typical:

The Chair will state that visitors in the gallery are guests of the House of Representatives. Under the rules and practices of the House of Representatives, visitors in the gallery are not permitted to make undue noise or to applaud or to in any way show their pleasure or displeasure as to the actions of the Members of the House.

§ 5.7 It is not necessary to clear the gallery when one visitor is violating the rules by taking pictures; the Speaker may order the of-

17. See, e.g., 111; CONG. REC. 27449, 91st Cong. 2d Sess., Aug. 5, 1970; 116 CONG. REC. 14449, 91st Cong. 2d Sess., May 6, 1970; 112 CONG. REC. 16837, 89th Cong. 2d Sess., July 25, 1966.

18. 115 CONG. REC. 21634, 91st Cong. 1st Sess.

fending party to leave the gallery.

On Feb. 22, 1950,⁽¹⁹⁾ a visitor with a camera was detected in the gallery:

THE SPEAKER:⁽²⁰⁾ The Chair understands there is a camera in the gallery. Whoever has that camera will remove the camera or remove themselves and the camera immediately. That is a violation of the rules of the House.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry. In that case, it is not the rule to clear the gallery?

THE SPEAKER: Not necessarily.

MR. RANKIN: To clear them of those who are violating the law.

THE SPEAKER: The Chair has just made that suggestion.

§ 6. Office Buildings

The House office buildings are under the control and supervision of the Architect of the Capitol, subject to the approval and direction of the House Office Building Commission.⁽¹⁾ The commission consists of the Speaker and two Members appointed by the Speaker.⁽²⁾ The commission is author-

19. 96 CONG. REC. 2152, 81st Cong. 2d Sess.

20. Sam Rayburn (Tex.).

1. 40 USC § 175 (1970).

2. 40 USC § 175 (1970). Under 40 USC § 176 (1970), the Speaker continues as a member of the commission until

ized to prescribe rules and regulations governing the use and occupancy of rooms in the House office buildings.⁽³⁾

The procedure for the assignment of rooms in the House office buildings is provided by statute⁽⁴⁾ and by rules adopted by the House Office Building Commission.⁽⁵⁾ Section 178 of title 40 provides that the assignment of vacant offices will be based on written requests filed by Members or Members-elect. If only one such request has been made for a particular vacant office, it will be assigned as requested. If two or more Members request the same vacant office, preference will be

his successor as Speaker is elected or his term as a Representative in Congress expires.

3. 40 USC § 175 (1970). Section 183 of title 40 provides that the assignment and reassignment of rooms and other space in the House office buildings shall be subject to the control of the House by rule, resolution, order, or otherwise, and that nothing in sections 177–184 of title 40 (discussed below) shall be construed to affect or repeal the provisions of section 175 of the same title, which places the House office buildings under the control of the Architect of the Capitol, subject to the approval and direction of the House Office Building Commission.
4. 40 USC §§ 177–184 (1970).
5. *House Rules and Manual* §985 (1971).