

MR. ERLBORN: Mr. Chairman, I understand there are 5 minutes in opposition that are available, under the rule; and I claim those 5 minutes.

THE CHAIRMAN: It is the Chair's understanding that at this point debate on the amendment is under the limitation. The gentleman could claim his 5 minutes under the rule if the amendment were offered, notwithstanding the limitation, but not at this time. . . .

MR. ERLBORN: Mr. Chairman, I have 5 minutes, under the time limitation?

THE CHAIRMAN: That is correct.

MR. ERLBORN: Without using that, am I not entitled to 5 minutes to oppose a published or printed amendment?

THE CHAIRMAN: No, because the proponent of the amendment did not take his time under the rule. The gentleman from Indiana (Mr. Hayes) had 5 minutes reserved under the limitation of time. The Chair understands the gentleman from Indiana took his time under the limitation and not under the rule.

## J. READING PAPERS AND DISPLAYING EXHIBITS

### § 80. In General

Until it was rewritten in the 103d Congress,<sup>(18)</sup> Rule XXX required the consent of the House or the Committee of the Whole for the reading of papers if objection was made:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.<sup>(19)</sup>

Rule XXX now states:<sup>(20)</sup>

18. See H. Res. 5, 103d Cong. 1st Sess., Jan. 5, 1993.
19. *House Rules and Manual* §915 (1991). For parliamentary law on reading papers, see Jefferson's Manual, *House Rules and Manual* §§ 432–436 (1995).
20. *House Rules and Manual* §915 (1995).

When the use of any exhibit in debate is objected to by any Member, it shall be determined without debate by a vote of the House.

Under the former rule, the consent of the House was only required for the reading of papers on which a Member was not called to vote. The reading of messages, and bills and resolutions which had been called up for consideration, were governed by other rules and practices which are not discussed in this division. Committee reports which were not to be voted upon could be read in debate, but the consent of the House was required if objection was made.<sup>(1)</sup> If a report presented facts

1. See 5 Hinds' Precedents §§ 5292, 5293. Similarly, the statement accompanying a report may be read

and conclusions without accompanying a legislative proposition, it was read to the House if acted upon.<sup>(2)</sup>

The requirement of unanimous consent applied to all documents not subject to a vote, including a Member's own written speech.<sup>(3)</sup>

Where a Member sought to challenge the reading of a paper by another, the proper procedure was to object to the reading rather than to raise a point of order. The House and not the Chair decided whether the reading was proper,<sup>(4)</sup> if the contents of the document were otherwise in order under the rules of the House.

However, a point of order could and may be made against disorderly language contained in a document being read.<sup>(5)</sup>

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only with leave of the House. 5 Hinds' Precedents §§ 5261, 5262; and 8 Cannon's Precedents § 2606.

2. See 2 Hinds' Precedents § 1364 and 4 Hinds' Precedents § 4663.
3. See § 80.5, *infra*.
4. See § 80.1, *infra*.
5. See § 83.5, *infra*. As to relevancy, specific consent of the House to read a paper waived that particular objection; see § 80.2, *infra*.

Certain papers cannot be read at all and are subject to a point of order in the first instance, such as reports of Senate proceedings (see § 83.3, *infra*) and reports of executive sessions of House committees (see § 83.4, *infra*).

### Cross References

- Publications of the House in general, see Ch. 5, *supra*.
- Reading of bills, resolutions, petitions, and memorials generally, see Ch. 24, *supra*.
- Reading communications from the executive branch, see Ch. 35, *infra*.
- Reading conference reports, see Ch. 33, *infra*.
- Reading of evidence in impeachment proceedings, see Ch. 14, *supra*.
- Reading the Journal, see Ch. 5, *supra*.
- Reading messages from the Senate, see Ch. 32, *infra*.
- Reading propositions for amendment, see Ch. 27, *supra*.
- Reading unreported proceedings of House committees is not in order, see § 55, *supra*.
- Senate practice as to reading House proceedings, see § 46, *supra*.

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### *Procedures Under Former Rule XXX: Objections to Reading*

**§ 80.1 The proper procedure for challenging the reading of a paper under Rule XXX was not by a point of order but by voicing objection thereto, and calling for a vote on the reading by the House.**

On Feb. 27, 1946,<sup>(6)</sup> Mr. Vito Marcantonio, of New York, made a point of order against the read-

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6. 92 CONG. REC. 1729, 79th Cong. 2d Sess.

ing in debate of a document by Mr. John E. Rankin, of Mississippi. Speaker Sam Rayburn, of Texas, stated that the proper procedure under Rule XXX of the House rules was a vote by the House on permission to read, after objection had been made to the reading:

MR. MARCANTONIO: The gentleman from Mississippi is reading from a document and pamphlet. It is out of order and cannot be done except by obtaining the consent of the House. . . .

I [ask] for a ruling on my point of order.

THE SPEAKER: If the gentleman from Mississippi is reading from something that the House does not want to hear, it is entirely within the power of the House to decide the question, not the gentleman from New York.

MR. MARCANTONIO: Does he not have to have consent to read a document?

THE SPEAKER: The gentleman from Mississippi is speaking to his motion, and that gives him a rather wide latitude. If the gentleman is reading something the House does not want to hear, then the House has its remedy.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SABATH: Mr. Speaker, is it not the duty of the Speaker to pass on the point of order or to pass on whether the gentleman is speaking in order or not? I think it is up to the Speaker. The gentleman here has been reading from Foster or Thomas, or whatever the man's name is, something he has

written or said some years ago, today or yesterday, trying to make the House believe that I have had something to do with the articles that Foster has written.

THE SPEAKER: The Chair did not have the specific rule before him when he answered the inquiry of the gentleman from New York [Mr. Marcantonio].

Rule XXX states:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

MR. MARCANTONIO: Mr. Speaker, that bears out my contention and I definitely object.

THE SPEAKER: Does the gentleman object?

MR. MARCANTONIO: I do, Mr. Speaker. I object to the dragging of an irrelevant red herring into this discussion.

THE SPEAKER: The question is: Shall the gentleman be permitted to proceed to read the paper from which he is now reading?

The question was taken; and the House decided that Mr. Rankin be permitted to proceed with the reading.

THE SPEAKER: The gentleman from Mississippi will proceed in order.

### ***Relevancy Not Required Where Permission To Read Is Given***

**§ 80.2 Where unanimous consent is granted for the reading of a letter in debate, and no reservation of objection is made as to the contents of**

**the letter, a subsequent objection may not be made that the letter is irrelevant to the pending subject.**

On July 28, 1939,<sup>(7)</sup> Chairman Virgil M. Chapman, of Kentucky, ruled that where unanimous consent was granted for the reading of a letter, a subsequent point of order that the letter was not pertinent to the pending subject came too late:

MR. [ABE] MURDOCK of Utah (interrupting the reading of the letter): Mr. Chairman, I make the point of order that the gentleman from Michigan [Mr. Hoffman] did not get consent to proceed out of order, and when he asked that the letter be read, I assumed it was pertinent to the debate here on the pending bill. I now make the point of order that it is not.

THE CHAIRMAN: The gentleman from Michigan obtained unanimous consent that the letter be read, and stated the name of the person who wrote the letter. The point of order is overruled.

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, he did not state the purport or intent of the letter.

THE CHAIRMAN: All the gentleman from Michigan said was that it was a letter written by a former Member from New York, Mr. O'Conner, and asked unanimous consent that it be read by the Clerk. That unanimous consent was granted.

MR. MURDOCK of Utah: Mr. Chairman, a parliamentary inquiry.

7. 84 CONG. REC. 10368, 76th Cong. 1st Sess.

THE CHAIRMAN: The gentleman will state it.

MR. MURDOCK of Utah: Does not a Member have the right to assume that when a unanimous-consent request is made to have a letter read, that the letter is pertinent to the debate being carried on at the time on the floor?

THE CHAIRMAN: Any member of the Committee had the right, when the request was made, to reserve the right to object and to interrogate the gentleman from Michigan as to the contents of the letter.

### *Reading Parliamentary Rules*

#### **§ 80.3 It is in order in debate on a point of order to read a parliamentary rule relevant thereto without obtaining the consent of the House.**

On July 16, 1935,<sup>(8)</sup> Mr. Thomas L. Blanton, of Texas, in debating a point of order read one of the standing rules of the United States Senate. Mr. Vito Marcantonio, of New York, objected to the reading of the rule on the grounds that Mr. Blanton could not read from any document or from any other papers. Speaker Joseph W. Byrns, of Tennessee, overruled the objection and stated that the reading of the rule was for the "information of the Chair."<sup>(9)</sup>

8. 79 CONG. REC. 11262, 74th Cong. 1st Sess.

9. See also 8 Cannon's Precedents §§ 2507, 2508.

***Reading Letters*****§ 80.4 There is no rule requiring a Member to give the name of the person who signed the letter he is reading under permission to address the House.**

On Oct. 15, 1942,<sup>(10)</sup> Speaker Pro Tempore Schuyler Otis Bland, of Virginia, ruled in response to a point of order that no House rule required a Member who reads a letter during debate to name the writer thereof:

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, I make the point of order that these quotations cannot be inserted in the Record over an objection when they do not contain the names of the persons alleged to have written them.

MR. [EARL] WILSON [of Indiana]: Mr. Speaker, I would like to be heard on the point of order. Every letter from which I am quoting is signed by the Government employee writing the letter.

MR. EBERHARTER: Is it the intention of the gentleman to put the name of the person writing the letter in the Record?

MR. WILSON: It is not.

MR. EBERHARTER: Then I object, unless the gentleman is willing to put the names of the authors of the letters in the Record.

THE SPEAKER PRO TEMPORE: The Chair does not understand that there

10. 88 CONG. REC. 8236, 77th Cong. 2d Sess.

is a unanimous-consent request pending. There was a request made a short time ago for the insertion of certain papers in the Record. The Chair asked if there was objection, or stated "Without objection, it is so ordered" and there was no objection. There is no unanimous-consent request now pending.

MR. EBERHARTER: Mr. Speaker, I make the point of order that the gentleman is out of order when he reads a purported letter without naming the person who is supposed to have written the letter.

MR. WILSON: Mr. Speaker, I want to be heard on the point of order.

THE SPEAKER PRO TEMPORE: The Chair does not know of any such rule requiring a Member who is reading to state by whom the letter was written.

MR. EBERHARTER: Mr. Speaker, on that point of order, if the Chair has not finally ruled, my understanding is that it is a violation of the rules of the House to read anything which is purported to come from another source without indicating the particular source from which it came.

THE SPEAKER PRO TEMPORE: The Chair does not know of any such rule.

***Reading Speeches*****§ 80.5 If objection was made to the reading of a paper, even though it be the Member's own speech, the question was put to the House for determination.**

On May 23, 1935,<sup>(11)</sup> Speaker Joseph W. Byrns, of Tennessee,

11. 79 CONG. REC. 8094, 74th Cong. 1st Sess.

ruled that if an objection were made a Member could not even read his own remarks to the House without permission of the House:

THE SPEAKER: Is there objection to the resolution being read in the time of the gentleman from Minnesota?

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I object to the reading of the resolution.

MR. [HAROLD] KNUTSON [of Minnesota]: Then I shall read it myself.

MR. O'CONNOR: The gentleman cannot do that except by unanimous consent.

MR. KNUTSON: I can certainly read it myself, I submit to the Speaker.

THE SPEAKER: The gentleman cannot read the resolution without the consent of the House.

MR. KNUTSON: I am going to read it as a part of my remarks. It would be an extraordinary ruling—

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, this is the gentleman's own writing.

THE SPEAKER: The gentleman cannot even read his own speech if anyone objects, according to the precedents.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Is that going to be the ruling of the Chair?

THE SPEAKER: The Chair will not seek to enforce the rule unless the demand is made. When demand is made, the Chair must enforce the rules of the House.

On July 18, 1935,<sup>(12)</sup> Chairman William M. Whittington, of Mis-

12. *Id.* at p. 11423.

issippi, ruled that where a Member objected to another Member's reading his own speech, the question must be put to the Committee of the Whole for a vote:

MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Chairman, I raise the further point of order. The gentleman is reading his speech, and I want the House to pass on whether we have got to listen to such remarks.

MR. [BERTRAND H.] SNELL [of New York]: I make the point of order that that question was raised several days ago, and the House made the decision itself.

THE CHAIRMAN: The gentleman from Texas objects to the gentleman from New York reading his speech. The gentleman from New York [Mr. Snell] makes the point that the House passed on this very question. The Chair is of the opinion that the House, on the occasion referred to, passed on a specific case and not generally. The question is, Will the Committee permit the gentleman from New York to continue reading his speech?

The question was taken; and the Committee decided to allow the gentleman from New York [Mr. Reed] to proceed.

Thereupon Mr. Reed completed his speech, and was given permission to revise and extend his remarks.<sup>(13)</sup>

13. See Jefferson's Manual, *House Rules and Manual* §434 (1995): "A Member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended."

***Yielding Time to Member To Read Paper***

**§ 80.6 A Member with the floor who yields time to another to read a paper does not necessarily lose his right to the floor.**

On Apr. 25, 1947, Chairman Earl C. Michener, of Michigan, ruled that the Member with the floor could yield to another for the reading of a paper, not to be voted upon, without losing his right to the floor:<sup>(14)</sup>

MRS. [HELEN GAHAGAN] DOUGLAS [of California]: Mr. Chairman, will the gentleman yield?

MR. [JOHN J.] ROONEY [of New York]: I yield to the gentlewoman from California.

MRS. DOUGLAS: Mr. Chairman, I would like to read from a statement made by the Secretary of the Interior.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HOFFMAN: The gentleman from New York has yielded the floor.

THE CHAIRMAN: The gentleman from New York still has the floor. He is standing at attention, with the gentlewoman beside him.

MRS. DOUGLAS: Mr. Chairman, I wish to quote a statement made by the Secretary of the Interior which clearly states what has been done in this bill.

14. 93 CONG. REC. 4086, 4087, 80th Cong. 1st Sess.

***—Permission To Read Paper Does Not Extend Time***

**§ 80.7 Where any Member objected to the reading in debate of a paper on which the House was not called to vote (and no point of order lay against the reading of the paper because of its content under other rules or precedents), the Chair put the question pursuant to Rule XXX whether the paper might be read; but the consent of the House for the Member to read the paper, once granted, only permitted the Member seeking such permission to read as much of the paper as possible in the time yielded or allotted to that Member, and did not necessarily grant permission to read or insert the entire document.**

On Mar. 1, 1979,<sup>(15)</sup> during consideration of House Resolution 142 (to expel Charles C. Diggs, Jr.) in the House, the following proceedings occurred:

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 142) and ask for its immediate consideration.

15. 125 CONG. REC. 3746–48, 96th Cong. 1st Sess.

The Clerk read the resolution as follows:

H. RES. 142

*Resolved*, That Charles C. Diggs, Jr., a Representative from the Thirteenth District of Michigan, is hereby expelled from the House of Representatives. . . .

MR. [M. CALDWELL] BUTLER [of Virginia]: . . . I will tell you . . . that I have read the testimony of Charles Diggs under oath before the court and in my opinion he affirmatively stated and admitted sufficient acts to constitute grounds for his expulsion today. . . .

Bear in mind, I have not read the entire record. I make no representation about that. I only deal with what the gentleman from Michigan (Mr. Diggs) had to say on the charges against him. There are 29. My time is limited. I will only deal with samples, but I represent that these are fair samples. . . .

MR. [PARREN J.] MITCHELL of Maryland: Mr. Speaker, the Member in the well is going to attempt to read from a transcript in a trial. Ordinarily, I would have no objection to that if this body had constituted itself as a body to try Mr. Diggs. It has not done so. I have strenuous objections to reading any portion of that transcript when this body is not so constituted to receive that information. . . .

THE SPEAKER:<sup>(16)</sup> The gentleman objects to the reading?

MR. MITCHELL of Maryland: Yes, I do, Mr. Speaker; any portion of the transcript, whether it is printed in the Record or not, I do not care. I object to its being read before this body as presently constituted.

THE SPEAKER: The gentleman from Virginia can continue to debate, but he cannot continue to read without the permission of the House.

MR. BUTLER: Mr. Speaker, may I have the permission of the House to read from the transcript?

MR. MITCHELL of Maryland: Mr. Speaker, I object to granting permission for the reading of the transcript.

THE SPEAKER: The question is: Shall the gentleman from Virginia be permitted to read the document? The question is on that matter.

The question was taken; and the Speaker announced that the yeas appeared to have it.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, on that I demand the yeas and nays.

THE SPEAKER: The gentleman from Maryland demands the yeas and nays.

Those in favor of taking this by the yeas and nays will arise.

In the opinion of the Chair, a sufficient number have arisen. The yeas and nays will be ordered. . . .

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I am confused as to what an "aye" vote and a "no" vote would mean. Would the Chair explain it to the Members?

THE SPEAKER: The Chair will state that an "aye" vote would permit the document to be read, and a "no" vote would not permit the document to be read. . . .

The question comes now—and a sufficient number of Members have risen for the ordering of the yeas and nays—as to whether or not the gentleman from Virginia shall be allowed to read that document from the Court at this time in this proceeding. Under normal

16. Thomas P. O'Neill, Jr. (Mass.).

circumstances, the Chair rules that the objection was in order, so the question comes to a vote without debate. . . .

MR. [LESTER L.] WOLFF [of New York]: Mr. Speaker, does the motion mean that the entire proceedings must be read, or is it confined to selected portions the gentleman wants to read?

THE SPEAKER: The Chair will state that the gentleman from Virginia (Mr. Butler) has a prepared document, and he has been allotted 8 minutes by the gentleman from Texas (Mr. Wright). He could read as much of the document as he has within those 8 minutes.

### *Use of Video in Floor Debate*

#### **§ 80.8 A Member having been denied permission to utilize a Betamax video telecasting machine on the floor of the House during a special order to communicate statements made by non-Members of the House, informed the House of the Speaker's denial of his request (which was based upon precedents prohibiting non-Members from participating in debate).**

On Feb. 11, 1980,<sup>(17)</sup> Guy Vander Jagt, of Michigan, was recognized in the House and made a statement as indicated below:

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gen-

tleman from Michigan (Mr. Vander Jagt) is recognized for 60 minutes.

(Mr. Vander Jagt asked and was given permission to revise and extend his remarks.)

MR. VANDER JAGT: . . . The National Republican Congressional Committee, of which I am chairman, and the National Republican Committee have prepared a nationwide television advertising campaign which addresses these three issues and presents Republican solutions to these problems which the people feel so acutely.

Madam Speaker, I have taken this special order and requested of the Speaker permission to bring a Betamax onto the floor so that our colleagues would be able to see exactly what these commercials are saying. The Speaker did not see fit to grant that request but scripts of the commercials are at the desk. . . .

#### **§ 81. Voting on Permission To Read Papers**

Rule XXX, which formerly required unanimous consent for the reading of papers if objection was made, has been rewritten to apply to the use of exhibits rather than the reading of papers.<sup>(18)</sup> Procedures under the former rule were as follows: where objection was made to the reading of a paper in debate, the question was put on the reading by the Speaker or Chairman.<sup>(19)</sup> The question was

17. 126 CONG. REC. 2596, 96th Cong. 2d Sess.

18. See the discussion in § 80, supra.

19. See § 81.1, infra.