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The gentlewoman is out of order . . . I am imploring the Chair to exercise its authority to enforce the rules of the House by summoning the Sergeant at Arms and presenting the mace.

THE SPEAKER PRO TEMPORE: The Chair may do that.

§ 49. —The Demand That Words Be Taken Down

Pursuant to clause 5 of Rule XIV, the demand that a Member's words be taken down must be made immediately after they are uttered and comes too late if further debate has intervened.

A demand that words be taken down must indicate with specificity the objectionable words,[18] and must come immediately after the objectionable words were uttered.[19] If made after intervening business or debate, the demand comes too late,[20] unless the Member seeking to make the demand was on his feet seeking recognition at the proper time.[1]

The demand should indicate the words excepted to and the identity of the Member who uttered them; it may indicate briefly the grounds for the demand, such as indulging in personalities, referring to a Senator, or impugning the integrity of a colleague. But the Member making the demand may not at that time debate the reasons for making the demand.[2] Indeed, following the demand, no debate is in order, and the Speaker does not entertain unanimous-consent requests, other than for withdrawal of the words, or parliamentary inquiries pending the report of the words and a ruling on them.[3]

Pending disposition of the demand by a ruling of the Chair, the demand may be withdrawn by the Member making it, and unani-

18. See §§ 49.2, 49.3, infra.

For an occasion where the Speaker ordered additional words reported, to deliver an informed ruling, see § 49.4, infra.

19. See §§ 49.6, 49.7, infra.

20. See Rule XIV clause 5, *House Rules and Manual* § 761 (1995): "If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened."

Where words are not spoken in debate but are inserted in the Record under leave to revise and extend, a question of privilege may be based on the objectionable words after they are published (see § 48.16, supra).

1. See 8 Cannon's Precedents § 2528.

2. See § 49.18, infra.

3. See §§ 49.14, 49.15, infra.

mous consent is not required for withdrawing the demand.[4] The demand may also be disposed of without a ruling pursuant to a unanimous-consent request of the Member who uttered the words to withdraw his remarks, which are thereby expunged from the Record.[5]

Unless the Member whose words are challenged asks unanimous consent to withdraw his remarks, he is required to take his seat when the demand is made,[6] and may not be recognized until the Chair has ruled on the words or until he is permitted on motion to explain his remarks pending the Speaker's ruling.[7] On several occasions, the Speaker has recognized the Member called to order, before definitively ruling on the words, to determine whether the Member was in fact violating the rules of the House.[8] Under clause 4 of Rule XIV, a motion to permit a Member to explain is, in recent practice, only in order before the Speaker rules.[9]

A Member called to order loses his right to proceed in debate without the consent of the House but does not lose his right to demand either a recorded or nonrecorded vote.[10]

Where there is a demand that words be taken down, the Clerk reads the words excepted to and the Chair decides if the words are in order; once the words are held out of order the House may, by unanimous consent, strike the words from the *Congressional Record* and permit the offending Member to proceed in order for the remainder of his time.[11]

When words are taken down and reported in the Committee of the Whole, the Committee must immediately rise and the Chairman report the words objected to to the House.[12] Consideration in the House of such words is limited to the words reported.[13] After the

4. See § 49.24, infra.

5. See §§ 51.1 et seq., infra.

6. See § 49.19, infra.

7. See § 49.20, infra.

8. See § 52.16, infra.

9. See Jefferson's Manual, § 760.

10. See § 49.23, infra.

11. See, for example, the proceedings at 138 CONG. REC. 25757, 25758, 102d Cong. 1st Sess., Oct. 8, 1991.

12. See, for example, 110 CONG. REC. 13275, 88th Cong. 2d Sess., June 10, 1964; 110 CONG. REC. 756, 757, 88th Cong. 2d Sess., Jan. 21, 1964; 80 CONG. REC. 3465, 74th Cong. 2d Sess., Mar. 9, 1936; 79 CONG. REC. 1680, 1681, 74th Cong. 1st Sess., Feb. 7, 1935; 75 CONG. REC. 10135, 10136, 72d Cong. 1st Sess., May 13, 1932; and 72 CONG. REC. 1905–07, 71st Cong. 2d Sess., Jan. 18, 1930.

13. 111 CONG. REC. 18441, 89th Cong. 1st Sess., July 27, 1965; 86 CONG. REC. 1529, 76th Cong. 3d Sess., Feb.

Speaker has ruled on words taken down, the House automatically resolves again into the Committee.[14]

Forms

Demand that words be taken down.

MEMBER: Mr. Speaker, I rise to a point of order, and ask that the gentleman's words be taken down.

CHAIR: The gentleman will indicate the words objected to. . . .

CHAIR: The Clerk will report the words indicated by the gentleman.[15]

If words are to be withdrawn:

FIRST MEMBER: Mr. Chairman, I demand that the gentleman's words be taken down.

THE CHAIR: The Clerk will report the words.

SECOND MEMBER: I ask unanimous consent to withdraw the words.

FIRST MEMBER: I withdraw my demand.

Cross References

Permission to explain or proceed in relation to demand, see § 52, infra.

Withdrawing objectionable words pending demand, see § 51, infra.

15, 1940; and 84 CONG. REC. 2883, 2884, 76th Cong. 1st Sess., Mar. 16, 1939.

14. 111 CONG. REC. 18441, 89th Cong. 1st Sess., July 27, 1965; and 111 CONG. REC. 6107, 89th Cong. 1st Sess., Mar. 26, 1965.

15. *Cannon's Procedure of the House of Representatives*, 75, 76, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

For the form of the motions and resolutions admissible after a Member has been ruled out of order for words spoken in debate—withdrawal, expungement, permission to proceed in order, censure, investigation of charges, and expulsion—see *id.* at pp. 87–89.

Generally

§ 49.1 The Speaker drew attention to the overuse of the practice of demanding that words uttered in debate be taken down.

On July 23, 1935,[16] Mr. Hamilton Fish, Jr., of New York, demanded that words used in debate by Mr. John W. McCormack, of Massachusetts, referring to Mr. Fish as guilty of a crime be taken down. In delivering his ruling on the words objected to, Speaker Pro Tempore John J. O'Connor, of New York, discussed recent overuse of the demand that words be taken down:

> The Chair may state, even though it may be gratuitous, that from his personal standpoint there has grown up in this House a ridiculous habit of causing the words of a Member to be taken down, which course often consumes a great deal of time; and, as the Chair said on the floor the other day, it appears to have come to pass recently that a Member cannot even say "boo" to another Member without some Member demanding that the words be taken down. This practice has become reductio ad absurdum.
>
> The gentleman from Massachusetts [Mr. McCormack] has just uttered the

16. 79 CONG. REC. 11699, 74th Cong. 1st Sess.

words reported. The gentleman from New York [Mr. Fish] thereupon demanded that the words be taken down.

For the gentleman from Massachusetts to state that what the gentleman from New York did or said was a "crime", in the opinion of the present occupant of the chair, is but a loose expression—a word commonly used as a mere figure of speech. The word "wrong" in the dictionary is a synonym for "crime", and the Chair holds that the use of the word "crime", under the particular circumstances, is not unparliamentary language; and the gentleman from Massachusetts may proceed.

Identification of Objectionable Words

§ 49.2 A Member calling another to order for words spoken in debate must indicate specifically the words which shall be taken down.

On June 14, 1940,[17] a demand that certain words used in debate be taken down was made:

MR. [ADOLPH J.] SABATH [of Illinois]: I felt these inserts are unjustifiable and unwarranted. They are not founded on facts. You cannot substantiate any of them—I think you should desist—taken from Nazi elements who are feeding you with that stuff.

MR. [JACOB] THORKELSON [of Montana]: What is a Nazi element?

MR. SABATH: I am not going to argue with you.

MR. THORKELSON: I demand that the remarks be taken down. I want the gentleman to prove what he has said. I resent being called a Nazi by this gentleman here. I want those remarks taken down.

Speaker Pro Tempore Emmet O'Neal, of Kentucky, asked Mr. Thorkelson to state which words he objected to and Mr. Thorkelson responded that he objected to the remarks made in regard to him. The Speaker Pro Tempore stated "The gentleman from Montana will have to be more specific as to the words to which he objects."[18]

On July 11, 1945,[19] Mr. Emanuel Celler, of New York, delivered a lengthy speech on the floor in relation to H.R. 3384, offered by Mr. John E. Rankin, of Mississippi, relative to honorably discharged veterans and labor unions. Mr. Celler referred to an incident occurring on the prior day when a veteran was allegedly ordered arrested by Mr. Rankin.

Further debate ensued following Mr. Celler's speech and then Mr. Rankin arose to a point of order.

17. 86 CONG. REC. 8269, 76th Cong. 3d Sess.

18. Compare 78 CONG. REC. 6947, 6948, 73d Cong. 2d Sess., Apr. 19, 1934, where the words objected to were not specifically indicated and an entire speech made upon offering of a pro forma amendment was reported to the House.

19. 91 CONG. REC. 7409, 7410, 79th Cong. 1st Sess.

He demanded that Mr. Celler's entire speech be taken down as a "deliberate false attack." Mr. Rankin added that he had not been in the Chamber at the time Mr. Celler's speech was delivered. Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled as follows:

> The gentleman from Mississippi must specify the words to be taken down.
>
> MR. RANKIN: I cannot get hold of the manuscript, but I know what he was saying when I came in. No veteran was cuffed around. A man who says he was a veteran discharged for nervous disability or mental disorder came to the office and the officer took him downstairs.
>
> THE SPEAKER PRO TEMPORE: The gentleman will suspend. The rule provides that the gentleman must demand taking down of the words at the time they are spoken, and specify the words.
>
> MR. RANKIN: Mr. Speaker, I demand the words be taken down in which he deliberately and falsely charged that this veteran was cuffed around and abused in the Veterans Committee or in my office. It is a deliberate and dastardly falsehood, and I demand those words be taken down.
>
> THE SPEAKER PRO TEMPORE: The Chair is compelled to rule that the gentleman's point comes too late. He did not demand the words be taken down at the time the words were spoken.

§ 49.3 Consideration in the House of words taken down and reported from the Committee of the Whole is limited to the words reported.

On July 27, 1965,[20] Mr. Neal Smith, of Iowa, demanded in the Committee of the Whole that certain words used in debate by Mr. Charles E. Goodell, of New York, be taken down. The Clerk read the words objected to, the Committee rose, and the words were reported to the House. Mr. Smith then stated that the Clerk did not read all of the objectionable remarks.

Speaker John W. McCormack, of Massachusetts, stated that he could rule only on the words that had been reported to the House as taken down in the Committee of the Whole. The Speaker declined to pass upon what could be done when the Committee of the Whole resumed sitting in relation to additional words not initially reported.

On Feb. 15, 1940,[1] certain words used in debate in the Committee of the Whole were demanded to be taken down. After the Committee rose and the words were reported to the House, Mr. Clare E. Hoffman, of Michigan, made the point of order "that the

20. 111 CONG. REC. 18441, 89th Cong. 1st Sess.

1. 86 CONG. REC. 1529, 76th Cong. 3d Sess.

words to which I objected are not all reported. There was a further statement there containing similar language." Speaker Pro Tempore Sam Rayburn, of Texas, ruled that "It is too late to raise that question now."

On Mar. 16, 1939,[2] Mr. Lee E. Geyer, of California, described at length the personal characteristics of another Member while on the floor. Mr. John Taber, of New York, demanded that the words be taken down.

The Clerk read one sentence and Mr. Taber stated "Mr. Chairman, there were some other words." The Clerk reported the additional words and the Committee then arose for a ruling by the Speaker.

§ 49.4 The Speaker ordered the Clerk to report words uttered previously to words to which objection was taken.

On July 23, 1935,[3] Mr. Hamilton Fish, Jr., of New York, demanded that certain words used in debate by Mr. John W. McCormack, of Massachusetts, be taken down. On the direction of Speaker Pro Tempore John J. O'Connor, of New York, the Clerk read the following words:

> The gentleman from New York [Mr. Fish], whether he intended it or not, is guilty of that crime; not only a few days ago, but is again guilty of the same crime on this occasion.

Mr. Edward E. Cox, of Georgia, then made a point of order to insist "in connection with those words, that the previous statement that he had made an unfair argument also be included."

The Speaker Pro Tempore responded:

> The Chair was about to make that suggestion. To properly inform the Chair, the words previously uttered should be read in connection with the words just reported.
>
> The Clerk will report the words uttered previously to the words to which objection was taken.
>
> The Clerk read as follows:
>
> > I respect men who fight hard. I respect men, members of the Republican Party and the Democratic Party, who fight hard for their party, but who fight clean. I respect men who make constructive criticisms; but my general respect for men is somewhat lost when they depart from what should be and what ordinarily is their general conduct and enter into the field of unnecessary, unfair, and unwarranted attacks and arguments.

The Speaker Pro Tempore ruled that having alleged that a Member had committed a "crime" in the manner used by Mr. McCormack, and when taken in context, was not unparliamentary language.

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2. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

3. 79 CONG. REC. 11699, 74th Cong. 1st Sess.

Method of Challenging Member's Words

§ 49.5 The only method by which the words of the Member having the floor may be challenged is through a demand that his words be taken down.

The following proceedings occurred in the House on June 4, 1984,[4] during consideration of the Oregon Wilderness Act of 1983 (H.R. 1149):

MR. [LES] AUCOIN [of Oregon]: . . . The House has had its opportunity to work its will. The only thing that would be gained now by not voting for this bill as it is would be to delay a final resolution, pushing it off further down the road . . . running this issue up against all the other issues that the Congress is going to be dealing with in its rush toward adjournment and that will guarantee the doom of this bill.

Obviously, no responsible person on either side of this issue wants such a thing to happen.

MR. [DON] YOUNG of Alaska: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE:[5] The gentleman will state it.

MR. YOUNG of Alaska: Mr. Speaker, I would like to suggest that the gentleman not use the term "no responsible person."

Both Members from Oregon are very responsible members of the committee that I am ranking member of, and I consider my responsibility very seriously and to say that we are not responsible because we are in opposition to this bill is incorrect.

I would respectfully suggest that the gentleman reconsider his words.

MR. AUCOIN: Mr. Speaker, this gentleman said that no responsible person wants to see a resolution of this bill delayed to such a date in which no passage of the bill dealing with the Oregon RARE II problem would be possible. . . .

I assume it applies to the gentleman from Alaska. I think he is responsible. I do not think he wants to see a resolution of this bill delayed.

MR. YOUNG of Alaska: The bill is basically wrong. I rose against the bill and to allude to the fact that we are irresponsible does not become the gentleman at all. That disturbs me a great deal. . . .

So I would suggest again to the gentleman to choose his words very carefully.

MR. AUCOIN: Mr. Speaker, what is the regular order?

THE SPEAKER PRO TEMPORE: The gentleman may proceed. The gentleman has not asked the words be taken down. The gentleman may proceed.

Timeliness of Demand That Words Be Taken Down

§ 49.6 The demand that words used in debate be taken down must be made directly after objectionable language is uttered and comes too late if further debate has ensued.

4. 130 CONG. REC. 14805, 98th Cong. 2d Sess.

5. James C. Wright, Jr. (Tex.).

On Sept. 4, 1969,[6] Mr. Albert W. Watson, of South Carolina, referred in the Committee of the Whole to another Member who "took a moment under the one-minute rule to praise Ho Chi Minh or to compare him with Washington and Lincoln and other great leaders of the past in this Nation." Subsequent to those remarks, further debate ensued, including several points of order.

Mr. Richard L. Ottinger, of New York, then arose and demanded that Mr. Watson's words be taken down and reported to the House. Chairman Cornelius E. Gallagher, of New Jersey, ruled as follows:

> The request comes too late. Further debate has continued beyond that point and the gentleman's demand is not in order.

On Mar. 20, 1947,[7] Mr. John E. Rankin, of Mississippi, rose to a question of personal privilege. He stated that on the preceding Monday, Mar. 17, he made a one-minute speech on the floor of the House. He then stated that later on the same day when he was not present on the floor Mr. Adolph J. Sabath, of Illinois, rose and made insulting and false statements about him on the floor of the House.

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled as follows on the question of personal privilege:

> . . . The gentleman has not stated a question of personal privilege. The rules provide that 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 make the demand that the words in question be taken down after business has intervened. It is plainly indicated that what transpired was in debate and the remedy of the gentleman from Mississippi at that time was to demand that the words be taken down.[8]

§ 49.7 A demand that words be taken down must be made immediately after the words are uttered, and not "at any time before the Member uttering the words closes his speech."

On July 11, 1945,[9] Mr. Emanuel Celler, of New York, addressed the House for 15 minutes on the subject of a bill offered by Mr. John E. Rankin, of Mississippi, for the purpose of protecting veterans and their rights with respect to joining labor unions. Mr. Celler

6. 115 CONG. REC. 24372, 24373, 91st Cong. 1st Sess.

7. 93 CONG. REC. 2314, 2315, 80th Cong. 1st Sess.

8. See also 89 CONG. REC. 2787, 78th Cong. 1st Sess., Mar. 31, 1943; 87 CONG. REC. 8893, 77th Cong. 1st Sess., Nov. 13, 1941; and 79 CONG. REC. 11423, 74th Cong. 1st Sess., July 18, 1935.

9. 91 CONG. REC. 7409, 7410, 79th Cong. 1st Sess.

referred to an incident on the prior day when Mr. Rankin had allegedly caused a veteran to be arrested.

Further debate intervened and then Mr. Rankin rose to a point of order. He demanded that Mr. Celler's entire speech be taken down as a "deliberate false attack." Mr. Rankin acknowledged that he had not been in the Hall for the majority of Mr. Celler's speech.

Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled that Mr. Rankin's point of order came too late since further debate had intervened following the objectionable words.

Mr. Rankin objected to the ruling but was overruled by the Speaker:

> MR. RANKIN: Oh, no, Mr. Speaker. At any time before the Member leaves the floor or closes his speech, because I did not know how many times he would repeat it.
>
> THE SPEAKER PRO TEMPORE: The Chair is compelled to hold that the gentleman had to make his demand at the time the words were spoken. Other debate has intervened and the gentleman has yielded to other Members on the floor.
>
> MR. RANKIN: Not other debate. Mr. Speaker, I am within the rules, and any time before he closes his vicious speech I have a right to have his words taken down.
>
> THE SPEAKER PRO TEMPORE: The Chair cannot agree with the gentleman. The Chair overrules the point of order.

§ 49.8 Pursuant to clause 5 of Rule XIV, the demand that a Member's words be taken down must be made immediately after they are uttered and comes too late if further debate has intervened.

On Apr. 29, 1976,[10] during consideration of the first concurrent resolution on the budget,[11] the following exchange occurred:

> MR. [RONALD V.] DELLUMS [of California]: . . . What does this budget do? Does it reflect human values? . . .
>
> We continue to build monuments to our military madness, spending over $100 billion in this budget for those purposes. . . . Will we be attacked by the Warsaw Pact?
>
> The answer to that is obviously no. However, we are being attacked in this country with lack of attention, cynicism, demagoguery, ineptness, inadequacy, expediency, pontificating, and politicking. . . .
>
> If we need to understand the reality, we are a third-rate power right now in terms of our ability to sustain life. We are a third-rate power in our ability to deal with human conditions in this country. We are a third-rate power in many of the areas that speak to the human misery of people.
>
> This is the Bicentennial Year. Is the Congress of the United States fighting

10. 122 CONG. REC. 11880, 11881, 94th Cong. 2d Sess.

11. H. Con. Res. 611.

valiantly to make sure that democracy is real? No. The Bicentennial has become a sham, a justification for selling red, white, and blue everything. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I do not accept in any way, the indictment the gentleman has laid upon the great Nation that is the United States of America. I think his criticism is totally misplaced. I think it comes to this House with particular bad grace because, quite frankly, this Nation over the years has done more to bring freedom to more people than any other nation on the face of the Earth. . . .

MR. DELLUMS: Mr. Chairman, I would like to make a very brief statement. I hope the gentleman's emotional feeling has calmed down. I feel quite calm and rational, at least.

MR. BAUMAN: That is a change from your condition when you last spoke.

MR. DELLUMS: I like to think that I am always rational. I would like to simply state to the gentleman from Maryland, when you talk about shame, and those of you on the right, when you talk about waving the flag, all I know is what has happened. . . .

There is one thing that I am sure of and that is the fact of my right to take that well of the House and make statements and express my own convictions without fear.

MR. BAUMAN: Mr. Chairman, I do not deny the gentleman the right to speak his convictions but I do have the equal right not to agree with them.

MR. DELLUMS: I appreciate the gentleman's courtesy for telling me that. . . .

MR. [JOHN] CONYERS [Jr., of Michigan]: Mr. Chairman, I would ask that the gentleman from Maryland's words be taken down in his last presentation. I think that they were in violation of the Rules of the House. I think that they insulted the gentleman from California, and I make that request at this time.

THE CHAIRMAN:[12] Will the gentleman from Michigan inform the Chair precisely what words he has in mind? Were they the last words spoken by the gentleman from Maryland?

MR. CONYERS: No, Mr. Chairman. They were the words spoken during the time that he was speaking.

THE CHAIRMAN: The Chair will have to advise the gentleman that it is now too late to make any point of order on those words, since there has been intervening debate.

—*Intervening Debate*

§ 49.9 A point of order may not be made or reserved against remarks delivered in debate after subsequent debate has intervened, the proper remedy being a demand that the words be taken down as soon as they are spoken.

On Aug. 20, 1980,[13] the following proceedings occurred in the House:

The Clerk read as follows:

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For expense necessary to carry out the provisions of the Federal Elec-

12. Richard Bolling (Mo.).

13. 126 CONG. REC. 22150–54, 96th Cong. 2d Sess.

tion Campaign Act Amendments of 1976, $9,283,000.

MR. [ROBERT K.] DORNAN [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dornan: Page 14, after line 15, insert the following: "For expenses necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1976, $8,195,000, of which not more than $1,700,000 may be expended by the office of General Counsel.".

MR. DORNAN: Mr. Chairman, had this bill been offered in a timely fashion earlier this year, this might have been thoroughly aired as to all the aspects that relate to politics, the FEC, and the pursuit of justice. The amendment I am offering reduces the appropriation to the Federal Election Commission. . . .

The FEC, through its Office of General Counsel, has allowed an elected Federal official, just like ourselves, to keep for over 1 year, $1,150 of acknowledged illegal corporate campaign contributions. The corporation—whatever it did is somewhat unclear—laundered $13,000 into my opponent's campaign and $23,150 of illegal corporate money into this elected Federal official's campaign coffers. Some of this $23,150 may have been given in cash. . . .

THE CHAIRMAN:[14] The gentleman from California (Mr. Dornan) has . . . asked unanimous consent to withdraw his amendment. . . .

MR. [HENRY A.] WAXMAN [of California]: Mr. Chairman, I reserve an objection. . . .

Mr. Chairman, and my colleagues, I am not familiar with the allegations being made. This amendment has been offered for the purpose of our colleague using the time of the House of Representatives to engage in a good number of accusations attacking the integrity of men in public office and those who would seek to be in public office and those who have assisted them. . . . It does, however, seem to me quite curious to have an amendment offered for the sole purpose of using the time of the House to air all these accusations. If there are accusations of serious moment they ought to be brought to the proper authorities. . . .

Mr. Chairman, I just wanted to take this opportunity to say this strikes me as curious and gives me a great deal of hesitancy to see that an amendment would be offered solely for the purpose of discussing other matters than what is proposed in the amendment and that relates to the gentleman's campaign for reelection. . . .

Mr. Chairman, I will reclaim my time by saying there must be other ways to do what the gentleman proposes. It is awfully self-serving for the gentleman to use the opportunity of the floor of the House of Representatives to make all of these accusations in order to benefit the gentleman's personal reelection.

MR. DORNAN: That is not why I am pursuing this. Were the Members of Congress who used this well for Watergate self-serving?

MR. WAXMAN: Mr. Chairman, I think it is improper. If the gentleman has serious charges he has to make, this is not the place to make them unless one

14. Richardson Preyer (N.C.).

would assume it is being done for demagogic purposes.

MR. DORNAN: I assure the gentleman it is not.

MR. WAXMAN: Or for reelection purposes. . . .

MR. DORNAN: I assure the gentleman it was not done for demagogic purposes. I have lived with the knowledge of this scandal for over a year. I sincerely intended to offer this amendment 4 months ago, 3 months ago, 2 months ago. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from California (Mr. Dornan) to withdraw his amendment? If not, the amendment is withdrawn.

MR. DORNAN: Mr. Chairman, I reserve a point of order.

THE CHAIRMAN: The gentleman will state his point of order.

MR. DORNAN: Mr. Chairman, I reserve a point of order in opposition to the Member's words against me.

To suggest that someone's remarks are demagogic is impugning the motives of that Member. I could have had my good colleague's words taken down. I reserve the point of order, but add that I am emotionally concerned about a 1-year coverup by the Federal officials who are charged with investigating these matters here. . . .

THE CHAIRMAN: The gentleman has no standing to raise the point of order at this point. Debate has intervened. There is no other amendment before the committee, and the Chair will ask the Clerk to read.

§ 49.10 A demand in Committee of the Whole that words be taken down is in order only if made in a timely manner; where debate has intervened, the demand comes too late.

The following proceedings occurred in the Committee of the Whole on May 5, 1981,[15] during consideration of House Concurrent Resolution 115 (pertaining to the congressional budget):

MR. [PAUL S.] TRIBLE [Jr., of Virginia]: . . . I still oppose the Hefner amendment. I oppose it on two grounds. First, it is wrong to hold the defense of this great Nation hostage to petty political purposes, whatever they might be. Are these funds really being sought to strengthen our Nation's defense or to strengthen the prospects for passage of the Jones budget proposal?

The flawed approach of the majority cannot be saved. It ought not to be saved. . . .

MR. [W. G.] HEFNER [of North Carolina]: I would just like to repeat, did the gentleman refer to this as cheap, petty politics, is that what the gentleman said? I am just curious.

MR. TRIBLE: Those were not my words, but I said that I questioned whether today's effort was dictated by a requirement to save this flawed package. I believe it is obvious from the maneuvers of the last few minutes where the gentleman's amendment was once again changed. It is a last-ditch effort to save this flawed program, a program that will not be saved, a program that will not gen-

15. 127 CONG. REC. 8496, 97th Cong. 1st Sess.

erate the economic growth and recovery so vital to this land, a program that cannot support the substantial increases in defense spending required in the context of this dangerous world.

MR. HEFNER: Mr. Chairman, will the gentleman yield?

MR. TRIBLE: I would be happy to yield to my friend.

MR. HEFNER: Well, is the gentleman suggesting that I deliberately—that the gentlewoman from California has suggested earlier, it kind of makes me feel a little bit bad when the gentleman would insinuate that I would deliberately miss a vote, had I been there, I would have voted for the gentleman, that I have no strong desires for defense spending and this is a last minute ploy on the gentleman from North Carolina?

MR. TRIBLE: At no time did I suggest the motives of my friend, the gentleman from North Carolina. The gentleman is in a far better position to speak for his intentions than I am.

MR. HEFNER: I am the author of the amendment. . . .

MR. [PARREN J.] MITCHELL of Maryland: Mr. Chairman, a point of inquiry.

THE CHAIRMAN:[16] The gentleman will state it.

MR. MITCHELL of Maryland: I, too, thought I heard some words spoken that might constitute a personal attack on the motives of a Member. I would not like to proceed until such time as we have had a clarification of what those words were. Is that possible?

THE CHAIRMAN: Is the gentleman asking that words be taken down?

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman from Arkansas.

MR. BETHUNE: Mr. Chairman, the gentleman from Arkansas makes a point of order that the gentleman's parliamentary inquiry and his question comes too late.

THE CHAIRMAN: Debate has intervened. The point is well taken.

Parliamentarian's Note: Mr. Trible's words as carried in the Record did not violate the rules, since not referring to a specific Member or his motives.

§ 49.11 Pursuant to clause 5 of Rule XIV, a demand during debate that a Member's words be taken down comes too late if further debate has intervened.

During consideration of the military procurement authorization for fiscal year 1985 (H.R. 5167) in the Committee of the Whole on May 23, 1984,[17] the following proceedings occurred:

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, I move to strike the last word. . . .

I am sorry that our members of the Armed Services Committee accepted this blatantly cowardly and political amendment, and I reject it, and I am proud to vote no.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I move to strike the necessary number of words. . . .

16. Martin Frost (Tex.).

17. 130 CONG. REC. 13941, 98th Cong. 2d Sess.

MR. [DAN] DANIEL [of Virginia]: Mr. Chairman, will the gentleman yield?

MR. FOLEY: I yield to the gentleman from Virginia.

MR. DANIEL: Mr. Chairman, I rise to a point of personal privilege.

MR. HYDE: Would the gentleman let me respond before he makes his point of personal privilege?

MR. FOLEY: I yield first to the gentleman from Virginia.

MR. DANIEL: Mr. Chairman, if it is not too late, I demand that the words of the gentleman from Illinois be taken down.

THE CHAIRMAN PRO TEMPORE:[18] The Chair will advise the Member that a point of personal privilege is not in order in the Committee of the Whole, and the request that words be taken down comes too late.

MR. HYDE: Mr. Chairman, will the gentleman yield to me for a moment?

MR. DANIEL: Mr. Chairman, the gentleman referred to members of the Armed Services Committee as cowards.

THE CHAIRMAN: The gentleman from Washington (Mr. Foley) has the floor. . . .

MR. FOLEY: I yield to the gentleman for the purpose of responding.

Parliamentarian's Note: As noted by the Chairman, a question of personal privilege under Rule IX may not be raised in the Committee of the Whole.

§ 49.12 Papers read during debate are subject to a timely demand that words be "taken down" as an unparliamentary reference to other sitting Members, but the demand must be made before subsequent reading intervenes.

The following proceedings occurred in the House on Feb. 25, 1985:[19]

THE SPEAKER PRO TEMPORE:[20] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to insert in the Record today and read into the Record several editorials, one from the Atlanta Journal and Constitution yesterday, Sunday, February 24, and one this morning from the Wall Street Journal. . . .

> Yet twice the House has voted to deny McIntyre the seat while it investigates. . . .
>
> The technicalities aside, the case is interesting for what it says about the Congress. The votes on the McIntyre matter went right along party lines. In the second vote only five Democrats dared abandon O'Neill and the leadership. . . .
>
> A few Republicans near each election try to remind voters that the Democrats' first vote will be for O'Neill and that vote signals bondage. This year it meant the abandonment of fairness.
>
> It didn't use to happen this way. The 1966 election in the Georgia 4th District saw Ben Blackburn nip Rep. James A. Mackay by 360 votes. The Republican Blackburn was certified

18. Frank Harrison (Pa.).

19. 131 CONG. REC. 3344–46, 99th Cong. 1st Sess.

20. Sam B. Hall, Jr. (Tex.).

by state officials and sent to Washington.

There, a little-known congressman was chairing a little-known subcommittee. The congressman tried to deny Blackburn his seat, but was overruled harshly by the speaker of those days, Rep. John McCormack. . . .

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, parliamentary inquiry. . . .

MR. GINGRICH: Mr. Speaker, the gentlewoman has not asked me to yield, and I was in fact making an inquiry myself to the Chair. I was asking the Chair to rule in this sort of setting if one is reporting to the House on the written opinion of a columnist in which the columnist has said very strong things, is it appropriate for the House to be informed of this and, if so, what is the correct procedure?

THE SPEAKER PRO TEMPORE: The ruling of the Chair is that the gentleman should not read into the Record things which would clearly be outside the rules of this House. . . .

MR. GINGRICH: Let me continue to ask the Chair, because I am a little confused, in other words, if a columnist writing in the largest newspaper in the State of Georgia says very strong things about his concern about the House's behavior, would the House in effect censor a report of that concern?

THE SPEAKER PRO TEMPORE: No; the House does not censor any report of that kind. The gentleman does take the responsibility, however, for words uttered on the floor, and he is certainly capable of leaving out those items which he knows would be outside the rules of this House. . . .

MS. OAKAR: My primary inquiry is this, Mr. Chairman, the gentleman from Georgia has already read into the House proceedings what I consider to be a possible violation of the rules of the House when he made reference to the Speaker of the House. I am wondering if the Chair will rule on that, whether or not that item violates the rules of the House.

THE SPEAKER PRO TEMPORE: The Chair cannot rule on remarks that have already been made. They have already been made and they are now part of the Record. As the gentlewoman knows, she has to make those objections timely.

Multiple Demands

§ 49.13 The words of two Members engaged in a colloquy have been taken down in the House and ruled out of order.

On Feb. 12, 1946,[1] language used by two Members in debate were demanded to be taken down and were reported and ruled on simultaneously:

MR. [HUGH] DE LACY [of Washington]: Mr. Speaker, if there is no parliamentary means of stopping the use of such language as "slime-mongering kike," which appears in yesterday's Record, then certainly we who believe in the right of people to stand up and express their opinions should protest it visibly and audibly upon this floor.

I am standing here today to state to the gentleman from Mississippi that

1. 92 CONG. REC. 1241, 79th Cong. 2d Sess.

we do not propose to permit this kind of language to be indulged in on this floor. It is disgraceful.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I demand that those words be taken down. I am not going to sit here and listen to these communistic attacks made on me.

MR. [JOHN M.] COFFEE [of Washington]: Mr. Speaker, I demand that those words be taken down.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, I demand that the words of the gentleman from Mississippi be taken down.

THE SPEAKER PRO TEMPORE:[2] The gentlemen will both take their seats, and the words will be taken down.

The Clerk will report the words objected to.

The Clerk read as follows:

> I am standing here today to state to the gentleman from Mississippi that we do not propose to permit this kind of language to be indulged in on this floor. It is disgraceful.
>
> MR. RANKIN: Mr. Speaker, I demand that those words be taken down. I am not going to sit here and listen to these communistic attacks made on me.
>
> MR. COFFEE: Mr. Speaker, I demand that those words be taken down.

THE SPEAKER:[3] The Chair will be compelled to hold that both gentlemen used language that was unparliamentary.

Motions and Requests Pending Demand

§ 49.14 The Chair does not entertain a unanimous-consent request that a Member be allowed to proceed for one minute pending a demand that another Member's words be taken down.

On Jan. 21, 1964,[4] certain words used in debate in the Committee of the Whole were demanded to be taken down and reported to the House. Before the Committee rose, Mr. James Roosevelt, of California, asked unanimous consent to proceed for one minute, but Chairman William S. Moorhead, of Pennsylvania, refused to entertain the request.

§ 49.15 The Speaker does not entertain a parliamentary inquiry pending a demand that words be taken down.

On Oct. 31, 1963,[5] after the words of a Member used in debate were demanded to be taken down, Mr. Bruce R. Alger, of Texas, attempted to state a parliamentary inquiry, but Speaker John W. McCormack, of Massachusetts, ruled that it could not be entertained pending the demand that words be taken down.

§ 49.16 Where a demand is made that certain words in

2. John J. Sparkman (Ala.).
3. Sam Rayburn (Tex.).
4. 110 CONG. REC. 756, 88th Cong. 2d Sess.
5. 109 CONG. REC. 20742, 88th Cong. 1st Sess.

debate be taken down in the Committee of the Whole, such words must be reported to the House and a motion to expunge words from the Record is not in order in the Committee.

On Feb. 18, 1941,[6] Mr. Clare E. Hoffman, of Michigan, stated in debate in the Committee of the Whole in reference to a Member "You are going to skin us." Mr. Robert F. Rich, of Pennsylvania, demanded that the words be taken down.

Before the Committee rose, Mr. Rich asked that the words he had objected to be expunged from the Record. Chairman Warren G. Magnuson, of Washington, ruled that expungement was "a matter for the House to decide."

§ 49.17 Upon a timely demand that the words uttered in debate be taken down as unparliamentary, the Speaker ruled that remarks characterizing the relationship between Senator and Vice-Presidential candidate J. Danforth Quayle's political words and his living deeds as "hypocrisy" were out of order and should be withdrawn; subsequently, objection was made to a unanimous-consent request that the offending language be stricken.

On Sept. 29, 1988,[7] during the period for one-minute speeches in the House, the following proceedings occurred:

> (Mr. Williams asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
>
> MR. [PAT] WILLIAMS [of Montana]: Mr. Speaker, yesterday Republican Vice-Presidential candidate Dan Quayle was in Texas. He visited, he was kind enough to go by and visit a Job Corps center in El Paso, and while there he looked 300 Job Corps students in the eye and said, "We believe in you."
>
> He did not tell them that he had voted to shut that center down. He did not tell them that the Reagan-Bush administration in fact has demanded that every Job Corps center in America, bar none, be closed.
>
> This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.
>
> There is a word for it, my colleagues, it is called hypocrisy.
>
> MR. [DAN] LUNGREN [of California]: Mr. Speaker, I ask that the gentleman's words be taken down. . . .
>
> THE SPEAKER:[8] The Clerk will report the words of the gentleman from Montana.

6. 87 CONG. REC. 1126, 77th Cong. 1st Sess.

7. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

8. James C. Wright, Jr. (Tex.).

The Clerk read as follows:

> This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.
>
> There is a word for it, my colleagues, it is called hypocrisy.

THE SPEAKER: The Chair has considered closely the question of the use of words to distinguish policies as opposed to individuals. There are precedents touching on proper and improper references in debate and dealing with the preservation of comity between the House and Senate. It is important to recognize that the individual referenced in the remarks not only is a candidate for Vice President of the United States but is a Member of the other body.

The precedents relating to references in debate to the President, Vice President, or to a Member of the other body who is a nominated or declared candidate for President or Vice President permit criticisms of official policy, actions and opinions of that person as a candidate, but do not permit personal abuse, do not permit innuendo and do not permit ridicule, and they do require that the proper rules of decorum must be followed during any debate relating to the President of the United States or a Member of the other body.

It could be argued that there is a distinction between calling an individual a hypocrite, for example, and referring to some policy as hypocrisy, but the Chair has discovered a precedent that seems to be directly in point. In 1945, a Member of the House from Georgia referred to another Member and said, "I was reminded that pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice to stab a foe who cannot defend himself." Speaker Rayburn ruled that this was out of order as an unparliamentary reference to another Member of the body.

By extension, the same identical words should be held out of order in reference to a Member of the other body whether or not he were a candidate for a high office, and under these circumstances and citing this precedent, the Chair would suggest that the gentleman from Montana withdraw the offending remarks, including the particular word "hypocrisy," and either amend his reference in the permanent Record or delete it. . . .

MR. WILLIAMS: Mr. Speaker, do I understand correctly that the Speaker's ruling is based upon my characterization of a U.S. Senator, in this case Senator Quayle, that had the Republican Vice-Presidential candidate not been at this time a U.S. Senator, that my remarks would, in fact, be in order? . . .

THE SPEAKER: . . . The Chair would suggest to the gentleman from Montana that there are standards that apply in the Chamber and in the precedents with respect to nominated candidates for President and Vice President. The Chair is not certain if they are precisely the same as applied to a Member of the other body or a Member of this body, but in this instance, it is not necessary to make that hypothetical distinction since the individual involved is a Member of the other body.

MR. WILLIAMS: Further parliamentary inquiry, Mr. Speaker: Would it be

within the rules of the House if the last sentence of my 1-minute, the one which characterizes Senator Quayle's actions as hypocrisy, be removed by unanimous consent from my 1-minute statement?

THE SPEAKER: The Chair would suggest to the gentleman from Montana that this might be a satisfactory solution.

MR. WILLIAMS: Mr. Speaker, I ask unanimous consent that the last sentence of my 1-minute statement, the sentence in which I characterized Senator Quayle's actions as hypocrisy, be stricken.

MR. LUNGREN: Mr. Speaker, parliamentary inquiry.

THE SPEAKER: Please, the Chair will recognize the gentleman for a parliamentary inquiry, but, first, please permit the gentleman from Montana to complete his request. . . .

MR. LUNGREN: I reserve the right to object, Mr. Speaker.

THE SPEAKER: That is fine. The gentleman may reserve his right to object, but in the interests of orderly procedure, permit the Chair to allow the gentleman from Montana to complete his request.

MR. WILLIAMS: Let me be sure the Chair understands my request: I have asked unanimous consent that the last sentence of my 1-minute statement be stricken. . . .

THE SPEAKER: . . . Has the gentleman from Montana completed his request?

MR. WILLIAMS: No, Mr. Speaker, I have not. Both times I have been interrupted as I have attempted to ask unanimous consent that the last sentence of my 1-minute statement be eliminated. That was the sentence which referred to Senator Quayle's actions as hypocrisy. I seek unanimous consent to strike the last sentence of my 1-minute statement.

THE SPEAKER: Is there objection to the request of the gentleman from Montana?

MR. LUNGREN: Mr. Speaker, reserving the right to object, Mr. Speaker, under normal circumstances and in the interests of comity of this House and the relationship of this House and the other body, I would not object. However, as is very obvious from the statements of the gentleman, the insult, the language that is not to be used under our rules was repeated three times in an effort to make a point which violates, in my judgment, the sense of the rules of the House and, therefore, since it is not, I believe, appropriate to do that, I object.

THE SPEAKER: Objection is heard.

Debating Reasons for Demand

§ 49.18 When a Member demands that certain words spoken in debate be taken down, he may not at that time debate his reasons for making such a demand.

On July 26, 1951,[9] in the Committee of the Whole, Mr. John J. Rooney, of New York, referred in debate to other Members as following "slippery, snide, and sharp practices." Following those re-

9. 97 CONG. REC. 8968, 8969, 82d Cong. 1st Sess.

marks, Mr. Clare E. Hoffman, of Michigan, demanded that the words be taken down and added that he wanted to "state the grounds." Chairman Jere Cooper, of Tennessee, ruled that Mr. Hoffman could not "state reasons when he makes the demand."

Speaking Member To Take His Seat

§ 49.19 Where a demand is made that the words of a Member be taken down, such Member must immediately resume his seat.

On Mar. 24, 1961,[10] words used in debate by Mr. Neal Smith, of Iowa, were demanded to be taken down. When Mr. Smith rose to object to the demand on the grounds that he had not violated the rules of the House, Chairman Eugene J. Keogh, of New York, ruled pursuant to a point of order that Mr. Smith was required to take his seat pursuant to a demand that his words be taken down.

On Oct. 9, 1940,[11] Mr. Sol Bloom, of New York, objected to certain words used in debate by Mr. John C. Schafer, of Wisconsin, and demanded that they be taken down. When Mr. Schafer attempted to explain his remarks and to contend that he was proceeding in order, Speaker Sam Rayburn, of Texas, ruled pursuant to a point of order by Mr. Bloom that Mr. Schafer was required to take his seat.

After the words were reported to the House and prior to the Chair's ruling, Speaker Rayburn recognized Mr. Schafer for the purpose of explaining to the Chair whether he was referring to a Member of the House or to another person.

On Feb. 7, 1935,[12] when Mr. Thomas L. Blanton, of Texas, demanded that certain words used in debate by Mr. George H. Tinkham, of Massachusetts, be taken down, Mr. Tinkham interjected some further remarks in relation to the demand.

Chairman William N. Rogers, of New Hampshire, directed Mr. Tinkham to take his seat.

§ 49.20 When the demand is made that certain words be taken down, the Member uttering such words must take his seat and may not be recognized until the Chair has ruled.

10. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

11. 86 CONG. REC. 13477, 76th Cong. 3d Sess.

12. 79 CONG. REC. 1680, 1681, 74th Cong. 1st Sess.

On May 4, 1943,[13] while Mr. Harold Knutson, of Minnesota, had the floor in the Committee of the Whole, Mr. Wright Patman, of Texas, asked him to yield, and Mr. Knutson replied, "No. I do not yield to any more demagogs."

After Mr. Patman demanded that the words be taken down, Chairman Alfred L. Bulwinkle, of North Carolina, ruled that Mr. Knutson was required to take his seat when such a demand was made.

After Speaker Sam Rayburn, of Texas, ruled that the words objected to were a violation of the rules of the House, he recognized Mr. Knutson for the purpose of withdrawing the words by unanimous consent.[14]

MR. PATMAN: Mr. Chairman, I ask that the words of the gentleman be taken down.

MR. KNUTSON: I withdraw them.

MR. PATMAN: I object to that, Mr. Chairman. I ask that the gentleman's words be taken down.

Mr. Chairman, I ask that the gentleman take his seat under the rules.

MR. KNUTSON: Mr. Chairman, I ask that the gentleman from Texas take his seat.

THE CHAIRMAN: The Clerk will report the words objected to.

The Clerk read as follows:

MR. KNUTSON: No; I do not yield to any more demagogs.

MR. KNUTSON: Mr. Chairman——

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN: The gentleman from Minnesota has no right to speak until this matter is disposed of. I demand that the gentleman take his seat until the matter is disposed of.

THE CHAIRMAN: The gentleman will please be seated.

Business Suspended Until Words Are Reported

§ 49.21 Pending a demand that words spoken in debate be taken down and read by the Clerk, debate is suspended and no business is in order.

On Feb. 8, 1978,[15] during proceedings related to H.R. 6805, the Consumer Protection Act of 1977, Mr. Benjamin S. Rosenthal, of New York, stated, in reference to statements previously made in de-

13. 89 CONG. REC. 3915, 3916, 78th Cong. 1st Sess.

14. But see 86 CONG. REC. 13477, 76th Cong. 3d Sess., Oct. 9, 1940 (before ruling on objectionable words, Speaker inquired of Member called to order whether he had been referring to a Member of the House). Under clause 4 of Rule XIV, a Member may, on motion or at the request of the Speaker, explain the words objected to prior to the Chair's ruling (see § 52, infra).

15. 124 CONG. REC. 2831, 2832, 95th Cong. 2d Sess.

bate by Mr. Robert E. Bauman, of Maryland: "I think that is really an unfair statement, and I myself am sorry that I did not stand up to have Mr. Bauman's words taken down earlier today. I regret that I hesitated, because they impugned the motives of Members and groups supporting the bill. It not only is extraordinarily bad taste, it is violative of the Rules of the House."[16] The following exchange then occurred:

MR. BAUMAN: Mr. Chairman, a point of order, Mr. Chairman, a point of order.

THE CHAIRMAN:[17] The time of the gentleman from New York has expired.

MR. BAUMAN: Mr. Chairman, I made the point of order while the gentleman from New York was speaking, before the gentleman's time expired.

THE CHAIRMAN: There was so much noise the Chair did not hear the gentleman from Maryland. The gentleman from Maryland will state his point of order.

MR. BAUMAN: Mr. Chairman, I demand that the words of the gentleman from New York be taken down.

THE CHAIRMAN: The gentleman from Maryland is referring to which words?

MR. BAUMAN: To the entire series of words of the gentleman from New York, from the first reference to the gentleman from Maryland to the last.

THE CHAIRMAN: The Clerk will report the words the gentleman from Maryland wishes taken down.

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, a point of parliamentary inquiry.

THE CHAIRMAN: The gentleman from California will state the parliamentary inquiry.

MR. MCCLOSKEY: Mr. Chairman, is it possible, while we are waiting for the reporter, to continue in this dialog?

MR. BAUMAN: Mr. Chairman, a point of order.

The committee cannot proceed under the rules.

MR. MCCLOSKEY: That is the point of my inquiry.

THE CHAIRMAN: The Chair will state we cannot proceed, not until we have resolved the demand of the gentleman from Maryland that the words be taken down.

Business Suspended Pending Speaker's Ruling on Words

§ 49.22 When a demand is made that words spoken in debate in Committee of the Whole be taken down, the words are reported by the Clerk, the Committee rises and the words are reported again to the House, and the Speaker rules whether the words are in order; no business or debate is in order after the demand that the words be taken down and before the words are reported to the House for a ruling by the Speaker, except unanimous-consent requests such

16. *Note:* The words in question would probably not in fact have been ruled to be unparliamentary.

17. Frank E. Evans (Colo.).

as requests to withdraw or modify the words or parliamentary inquiries regarding the procedure to be followed.

The following proceedings occurred in the Committee of the Whole on May 26, 1983,[18] during consideration of H.R. 2969 (Department of Defense authorization for fiscal year 1984):

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . The gentleman from California, for whom I have a great deal of respect, is, through his proposals, through his amendment, advocating unilateral disarmament on behalf of the United States. . . .

MR. [RONALD V.] DELLUMS [of California]: . . . Mr. Chairman, I object and I move that the gentleman's words be taken down. . . .

THE CHAIRMAN PRO TEMPORE:[19] . . . Does the gentleman from South Carolina seek to modify his previous statement?

MR. HARTNETT: Mr. Chairman, I would have to read exactly what I said.

Mr. Chairman, I believe I said that there is an element here in this Congress—it has been referred to as the peace community, the freeze community, the progressive community, or whatever, who advocates unilateral disarmament, if that is what I said, sir.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I ask that those words also be taken down.

THE CHAIRMAN PRO TEMPORE: The Clerk will report the words objected to. . . .

MR. [KENNETH B.] KRAMER [of Colorado]: Mr. Chairman, would the Chair kindly tell us when a parliamentary inquiry would be in order?

THE CHAIRMAN PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. KRAMER: The parliamentary inquiry is: Can the Chair tell us the procedure that relates to taking down words and what will follow?

THE CHAIRMAN PRO TEMPORE: The procedure is as follows: After the Clerk reports the words, the Speaker will review the words of the gentleman from South Carolina, making a ruling thereon; unless, of course, the gentleman from South Carolina wishes, by unanimous consent, to withdraw his words.

MR. KRAMER: Mr. Chairman, I have a further parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. KRAMER: Mr. Chairman, is the ruling of the Speaker the final word on that or is there an appeal process or how does that work exactly?

THE CHAIRMAN PRO TEMPORE: The Chair would inform the gentleman that the Speaker would rule on that but that after the Speaker has ruled it would be in order to dictate the consequences of the ruling of the Chair by proper motions in the House.

Rights of Member Called to Order To Vote or To Request Votes

§ 49.23 Although a Member when called to order must

18. 129 CONG. REC. 14048, 98th Cong. 1st Sess.

19. Thomas J. Downey (N.Y.).

take his seat and refrain from debate he is not prevented by the rules from voting or from demanding a division vote, a teller vote, or the yeas and nays.

On May 31, 1934,[20] Mr. Harold McGugin, of Kansas, was called to order during debate in the Committee of the Whole for impugning the integrity of the Speaker. The Committee rose, and Speaker Pro Tempore Joseph W. Byrns, of Tennessee, ruled that the language used was out of order.

When the previous question was moved on a motion to expunge the remarks from the Record, Mr. John J. O'Connor, of New York, objected that Mr. McGugin was standing and voting although he had been called to order. The Speaker Pro Tempore ruled that he retained the right to vote.

The Committee of the Whole resumed sitting, and a motion that Mr. McGugin be allowed to proceed in order was rejected on a teller vote. The Chairman then put the question on a motion to limit debate on a pending amendment, and Mr. McGugin demanded a division vote thereon. Following the vote Mr. McGugin demanded tellers. Mr. O'Connor then stated a parliamentary inquiry:

Under the rule a Member who has been compelled to take his seat after his words have been taken down can vote, and he can demand the yeas and nays. I wish the Chair to rule whether or not he can go further than that and demand divisions and demand tellers.

MR. [BERTRAND H.] SNELL [of New York]: Oh, he is not out of Congress yet. That does not preclude him from doing anything the rest of the session, does it?

THE CHAIRMAN:[1] The Chair holds that the gentleman has a right to demand a division and to demand tellers.

Withdrawing the Demand

§ 49.24 A demand that words spoken in debate in the House or in the Committee of the Whole be taken down may be withdrawn without unanimous consent.

On July 3, 1946,[2] Chairman Wright Patman, of Texas, ruled that a demand that words spoken in debate be taken down could be withdrawn without unanimous consent in the Committee of the Whole:

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I have just finished listening to two political tirades by two political tyros, and I say to those gentlemen that they cannot——

20. 78 CONG. REC. 10167–70, 73d Cong. 2d Sess.

1. John H. Kerr (N.C.).

2. 92 CONG. REC. 8295, 79th Cong. 2d Sess.

MR. [MATTHEW M.] NEELY [of West Virginia]: Mr. Chairman, I demand that those words be taken down.

MR. BROWN of Ohio: If the gentleman knows what the word "tyro" means he can have it taken down.

MR. NEELY: The gentleman knows that that statement is not true and that the statement is not justified. I demand that the words be taken down and stricken from the Record.

THE CHAIRMAN: The Clerk will report the words objected to.

MR. NEELY: Mr. Chairman, for fear that this procedure will delay the final vote on the bill, I withdraw my request.

MR. [EARL] WILSON [of Indiana]: I object, Mr. Chairman.

THE CHAIRMAN: It does not require unanimous consent to withdraw the request.

On June 14, 1940,[3] Speaker Pro Tempore Emmet O'Neal, of Kentucky, ruled that unanimous consent was not required to withdraw a demand that words spoken in debate in the House be taken down:

MR. [JACOB] THORKELSON [of Montana]: Mr. Speaker, I will withdraw the request that the remarks be taken down, because I do not believe they are worth recording.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, that will have to be done by unanimous consent, and I object, and, Mr. Speaker, I demand recognition.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Michigan [Mr. Dingell] rise?

MR. DINGELL: The remarks of the gentleman cannot now be withdrawn without unanimous consent.

THE SPEAKER PRO TEMPORE: Does the gentleman make that as a point of order?

MR. DINGELL: Yes, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The point of order is overruled, and the gentleman from Illinois is recognized.

On Feb. 10, 1964,[4] Mr. John J. Rooney, of New York, demanded in the Committee of the Whole, during consideration of the Civil Rights Act of 1963, that a reference in debate by Mr. Albert W. Watson, of South Carolina, to other Members as "bleeding hearts" be taken down. Mr. Rooney then withdrew his demand:

Mr. Chairman, in the interest of expediting passage of this civil rights bill and although I feel that no Member has the right to characterize another Member or Members as the gentleman from South Carolina has done, I withdraw my demand that his words be taken down.

§ 49.25 A demand that words spoken in debate be taken down may be withdrawn by the Member making the demand, and unanimous consent is not required for that purpose.

3. 86 CONG. REC. 8269, 8270, 76th Cong. 3d Sess.

4. 110 CONG. REC. 2780, 88th Cong. 2d Sess.

The following proceedings occurred in the Committee of the Whole on Aug. 3, 1978,[5] during consideration of the foreign aid appropriation bill (H.R. 12931):

MR. [JOHN M.] ASHBROOK [of Ohio]: . . . You use very good grounds as an umbrella and a cover for some of the greatest travesties, some of the greatest wastes. . . .

The programs are a travesty.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Chairman, I demand that the gentleman's words be taken down. . . .

THE CHAIRMAN:[6] Does the gentleman from Iowa (Mr. Blouin) insist on his demand?

MR. BLOUIN: Mr. Chairman, I withdraw my request.

MR. [ROBERT E.] BAUMAN [of Maryland]: I object.

THE CHAIRMAN: The request does not take unanimous consent to be withdrawn.

MR. BAUMAN: Did the gentleman not object to the words and demand that they be taken down?

THE CHAIRMAN: The gentleman can withdraw his objection, and it does not take a unanimous-consent request to do that. The gentleman can automatically withdraw his request. That is what the gentleman is doing.

§ 49.26 Prior to a ruling by the Chair, unanimous consent is not required for a Member to withdraw his demand that another Member's words spoken in debate be "taken down."

On June 18, 1986,[7] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 4868 (Anti-Apartheid Act of 1986):

MR. [MARK] SILJANDER [of Michigan]: . . . Mr. Chairman, there are two dominating issues I would say about this debate. The first one, which granted is less important than the overall concern of apartheid, is the way this bill has been handled. The Subcommittee on Africa has been holding hearings on apartheid, the implications of the system, and how America can best influence change in that country. . . .

It is quite obvious that one of the major motivations of the ramrodding of this legislation was not so much because it was imperative because of the deaths and the concerns in South Africa, but rather to coincide the debate with the 10th anniversary of the Soweto riots, seizing the political and media opportunities in a manipulative way. So I think that is an important issue that the membership of this body needs to understand. . . .

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I would like to move that the gentleman's words be taken down on the grounds that the gentleman is challenging the motives of Members of Congress, and as this gentleman understands, it is inappropriate to challenge the motives of

5. 124 CONG. REC. 24238, 95th Cong. 2d Sess.

6. Abraham Kazen, Jr. (Tex.).

7. 132 CONG. REC. 14231, 14232, 99th Cong. 2d Sess.

Members of Congress. One can challenge the political position asserted by Members of Congress, but I do not believe that it is within the purview or the prerogatives of any Member to challenge the motives. The gentleman has mischaracterized the motives of Members of Congress. . . .

THE CHAIRMAN:[8] The Chair would make an inquiry of the gentleman: does he insist upon his demand?

MR. DELLUMS: Yes, Mr. Chairman. I think one gentleman earlier said that this debate ought to move on a higher level. This gentleman wants to insist upon it.

THE CHAIRMAN: The Chair, under the rules, will ask that the Clerk take down the words in question.

MR. DELLUMS: Mr. Chairman, in order to allow the debate to proceed, I will withdraw my point of order. The gentleman from California has made his point.

I wish that this debate go forward on the merits of the issue, rather than on impugning the motives or integrity of any Member of Congress on either side of the aisle. I think I have made that point. It is not necessary to rule, and I withdraw it.

THE CHAIRMAN: The gentleman from California withdraws his demand.

MR. SILJANDER: Mr. Chairman, I object, if that is appropriate, because I would like to have a ruling. . . .

THE CHAIRMAN: The gentleman will suspend.

The Chair would observe that under the rules, unanimous consent is not required for the gentleman to withdraw his request. The gentleman's request is withdrawn.

8. Bob Traxler (Mich.).

§ 49.27 A demand that words spoken in debate in the Committee of the Whole be taken down may be withdrawn without unanimous consent.

On July 3, 1946,[9] Mr. Clarence J. Brown, of Ohio, stated in debate in the Committee of the Whole in reference to other Members "I have just finished listening to two political tirades by two political tyros." Mr. Matthew M. Neely, of West Virginia, demanded that the words be taken down and Chairman Wright Patman, of Texas, directed that the Clerk report the words objected to.

Mr. Neely then withdrew his demand that the words be taken down "for fear that this procedure will delay the final vote on the bill." When Mr. Earl Wilson, of Indiana, objected to such withdrawal, Chairman Patman ruled that it did not require unanimous consent to withdraw the demand that the words be taken down.

Withdrawal of Offending Words

§ 49.28 A demand that certain words spoken in debate be taken down must be made before further debate inter-

9. 92 CONG. REC. 8295, 79th Cong. 2d Sess.

venes, but a Member may by unanimous consent withdraw from the Record words he had previously spoken.

During debate on H.R. 11[10] in the Committee of the Whole on Feb. 24, 1977,[11] the proceedings described above occurred as follows:

MR. [E. G.] SHUSTER [of Pennsylvania]: I would like to call the attention of the Committee to the very significant point just made by the gentleman from Puerto Rico, which was that, in effect, Puerto Rico received under the previous jobs bill $127 million—more than almost any State of the Union.

Under the Shuster amendment, certainly Puerto Rico would not be left out. They would receive $47 million. The gentleman has made a good point. . . .

MR. [ROBERT A.] ROE [of New Jersey]: Madam Chairman, I am glad that came up. I am very glad that came up. So let us deal with that [demagogic] approach.

In every other piece of legislation that we have had, so far as I know, out of the public works end of it, what we are faced with is that we treat Puerto Rico as a State.

MR. SHUSTER: Madam Chairman, I ask that his words be taken down.

THE CHAIRMAN:[12] The gentleman from Pennsylvania (Mr. Shuster) asks that the words of the gentleman from New Jersey (Mr. Roe) be taken down. The demand comes too late, since debate has proceeded beyond that point.

MR. ROE: Madam Chairman, if I have used the wrong words, I apologize right here and now. I did not mean anything personal.

MR. SHUSTER: Madam Chairman, I was on my feet.

THE CHAIRMAN: The gentleman was not seeking recognition.

Does the gentleman from New Jersey ask unanimous consent to withdraw his words?

MR. ROE: Madam Chairman, I ask unanimous consent that I may be allowed to withdraw any words that I may have used inappropriately.

MR. SHUSTER: I thank the gentleman.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

§ 49.29 Where a demand is made that words uttered in debate be taken down, the Member using those words may, by unanimous consent, withdraw them before the Chair rules on their propriety.

On Mar. 2, 1977,[13] during consideration of House Resolution 287 (amending the rules of the House) in the Committee of the Whole, the following proceedings occurred:

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I move to strike the

10. Local Public Works Capital Development and Investment Act Amendments.

11. 123 CONG. REC. 5349, 95th Cong. 1st Sess.

12. Barbara Jordan (Tex.).

13. 123 CONG. REC. 5937, 95th Cong. 1st Sess.

requisite number of words, and I oppose the amendment.

Mr. Chairman, speeches like the one we just heard from the gentleman from Minnesota are the reason that we have wound up with so many Members of the House having the very kind of slush funds that we are trying to abolish today. What we are trying to do is to meet official expenses in an official, honest, aboveboard, open fashion. That is all we are trying to do. The gentleman can toss around all of the words he wants and all of the inflammatory words he wants.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I demand the gentleman's words be taken down.

THE CHAIRMAN:[14] Does the gentleman from Wisconsin ask to withdraw the words that were objected to?

MR. OBEY: I have no idea which words he objected to, but to satisfy the gentleman from Maryland, I will withdraw them.

MR. BAUMAN: To clarify, Mr. Chairman, the gentleman from Wisconsin (Mr. Obey) has referred to the language used by the gentleman from Minnesota as "phony words." He has also referred to his remarks as "baloney."

I hardly think that the words do anything, I would say to the Chairman, except impugn the motives of the gentleman from Minnesota.

THE CHAIRMAN: Does the gentleman from Wisconsin ask to withdraw those words?

MR. OBEY: Mr. Chairman, since it is necessary for someone around here to be responsible in the interest of getting things done, surely I withdraw those words.

THE CHAIRMAN: Without objection it is so ordered. The gentleman may continue.

§ 49.30 Clause 1 of Rule XIV proscribes Members in debate from engaging in personalities, including allegations that an identifiable group of sitting Members have committed a crime; thus, a Member by unanimous consent withdrew a statement in debate that the majority Members of the House had "stolen" a seat, pending a demand that those words be taken down.

On Feb. 27, 1985,[15] Mr. Andrew Jacobs, Jr., of Indiana, demanded that words spoken by Mr. John Rowland, of Connecticut, be taken down:

MR. JACOBS: Mr. Speaker, I demand the gentleman's words be taken down in that he said "stolen." . . .

THE SPEAKER PRO TEMPORE:[16] The Clerk will read the words taken down.

The Clerk read as follows:

> The scary thing about it, as a person who served in the legislature for 4 years, and as a person who happens to be sitting as the youngest Member of Congress, I find it difficult that the first situation that we

14. Edward P. Boland (Mass.).

15. 131 CONG. REC. 3898, 3899, 99th Cong. 1st Sess.

16. Tommy F. Robinson (Ark.).

run into in this House, the first class project, as we may call it, is trying to retain a seat that has been stolen from the Republican side of the aisle, and I think it is rather frustrating.

THE SPEAKER PRO TEMPORE: Would the gentleman care to modify his remarks before the Chair rules?

MR. ROWLAND of Connecticut: Yes, I would, Mr. Speaker. . . . I would like to ask unanimous consent that the words objected to be withdrawn.

THE SPEAKER PRO TEMPORE: That what word be withdrawn?

MR. ROWLAND of Connecticut. The word "stolen," Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Connecticut?

There was no objection. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Georgia is recognized.

MR. [NEWT] GINGRICH [of Georgia]: I would yield in just a moment, after asking the Chair if in fact Members were convinced an action were being taken which involved a word which was ruled by the Chair to be inappropriate, how could a Member report to the House on that action? Should we substitute the word "banana"? What is it one should say if in fact—not just as a joke, but if in fact—Members of the Republican side honestly believed strongly something is being done? In other words, is "unconstitutional" an acceptable term but "illegal" not acceptable?

THE SPEAKER PRO TEMPORE: Is the gentleman asking the Chair?

MR. GINGRICH: I am asking the Chair.

THE SPEAKER PRO TEMPORE: Simply put, Members should not accuse other Members of committing a crime. When the majority is accused of "stealing," that may suggest illegality. Other words could be used but not those accusing Members of committing a crime.

MR. GINGRICH: What if one honestly believes, for a moment, that a crime is being committed? Would it in fact be against the rules——

THE SPEAKER PRO TEMPORE: Members may not engage in personalities.

MR. GINGRICH: But he did not talk in personalities. . . .

MR. ROWLAND of Connecticut: . . . Mr. Speaker, I would simply point out that I did not refer to anybody stealing an election. I just referred to the frustration that we as freshmen are exhibiting and fearing as we go through the deliberations. I did not refer to anybody.

THE SPEAKER PRO TEMPORE: The gentleman seemed to refer to the majority of the House, that it had stolen the election.

§ 49.31 After a demand was made that certain words used in debate in the Committee of the Whole be taken down, the words were withdrawn by unanimous consent.

On Feb. 10, 1964,[17] Mr. Emanuel Celler, of New York, stated in debate in the Committee of the Whole in reference to another Member "I want to state that the gentleman from Missouri has spo-

17. CONG. REC. (daily ed.), 88th Cong. 2d Sess.

ken longer and more often than any other Member in the Chamber and contributed less." Mr. Paul C. Jones, of Missouri, demanded that those words be taken down and Chairman Eugene J. Keogh, of New York, directed that the Clerk report the words objected to. Mr. Celler then withdrew his remarks by unanimous consent "in the interests of expediency."

Parliamentarian's Note: The permanent Record was corrected to show that the words were actually withdrawn pursuant to the request.

Words Ruled Unparliamentary

§ 49.32 Where the demand is made that certain words used in debate be taken down in the House, the business of the House is suspended until the words are reported to the House.

The procedure (under Rule XIV clause 5) for taking down words in the House was demonstrated on Aug. 21, 1974,[18] as indicated below:

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman).
>
> Yesterday, Mr. Speaker, by mutual consent of the leadership on both sides of the aisle and by the members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. Bauman). He gave a reason at that particular time.
>
> I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected.
>
> So, Mr. Speaker, in today's Record on page H8724 you will find the remarks of Mr. Bauman. You will not find the remarks of Mr. McClory, one of the people who had asked me to do this. You will not find the remarks of other members of the Judiciary Committee, who were prepared at that time to put their remarks in the Record; but you will find the remarks of Mr. Bauman and Mr. Bauman alone.
>
> [I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.]
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the gentleman's words be taken down.
>
> THE SPEAKER:[19] The gentleman demands that the words be taken down.
>
> The Clerk will report the words objected to. . . .

18. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

19. Carl Albert (Okla.).

MR. BAUMAN: Mr. Speaker, does the gentleman ask unanimous consent to withdraw his remarks?

THE SPEAKER: The Chair did not understand that.

MR. BAUMAN: Does he not have to request that, or does not the Chair have to rule?

THE SPEAKER: The Chair will rule when the Clerk reports the words taken down.

MR. BAUMAN: Then, I demand the regular order.

THE SPEAKER: Regular order is underway. . . .

The Clerk will report the words objected to.

The Clerk read as follows:

> Mr. O'Neill: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman). . . .
>
> I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.

THE SPEAKER: The words in the last sentence are not parliamentary. Without objection, the offending words will be stricken from the Record.

Speaker Sometimes Takes Initiative Where Improper Remarks Are Uttered

§ 49.33 The Speaker cautioned a Member that it is a breach of order under clause 1 of Rule XIV to allege in debate that a Member has engaged in conduct similar to the subject of a complaint pending before the Committee on Standards of Official Conduct against another Member; and under clause 4 of that rule, the Chair takes the initiative in calling to order Members improperly engaging in personalities in debate.

Speaker Pro Tempore G. V. (Sonny) Montgomery, of Mississippi, called a Member to order in the House on Mar. 22, 1989,[20] as indicated below:

> (Mr. Alexander asked and was given permission to revise and extend his remarks and to include extraneous material.)
>
> MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, after arriving at the Capitol a few minutes ago on this glorious spring day, I learned that our colleagues on the other side of the aisle have conducted an election for minority whip resulting in the election of the gentleman from Georgia (Mr. Gingrich) as minority whip. . . .
>
> I would note to those who are observing that the gentleman from Georgia made his name, so to speak, by a sustained personal attack on the good name of Jim Wright, the Speaker of the House of Representatives who has devoted decades of meritorious service to our country. The gentleman from Georgia alleged that the Speaker has circumvented minimum income limits of Members of Congress by writing a book for which he received a royalty.
>
> Now, it is also to be noted that just this week it was learned that the gen-

20. 135 CONG. REC. 5130, 101st Cong. 1st Sess.

tleman from Georgia (Mr. Gingrich) also allegedly has a book deal. It is alleged in the Washington Post this week that the gentleman from Georgia received a royalty or a payment in the nature of a royalty. This is apparently similar to the Wright arrangement which is the basis of the gentleman from Georgia's complaint before the Ethics Committee.

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman that he cannot make personal references, as the gentleman has done in his remarks.

Chair's Request That Member Proceed in Order

§ 49.34 The Chairman of the Committee of the Whole requested Members to proceed in order when a Member objected to remarks delivered in debate impugning the honesty and motives of another Member but did not demand that the words be taken down.

On May 10, 1978,[1] during debate in the Committee of the Whole, the following exchange occurred:

MR. [PARREN J.] MITCHELL of Maryland: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Texas (Mr. Krueger). . . . I would suggest . . . that this amendment strains my tolerance and engenders emotions in me because of the unintended evil that it does.

What is this unintended evil? For the first time—and I repeat—for the first time during our consideration of this issue we have an amendment that will tend to pit one group against another, one segment against another, one class against another.

I suggest that this kind of an amendment is, unwittingly, an evil amendment, because that is what this cut is all about, this cut that is proposed is about to pit one class against another. That is what the amendment does. . . .

MS. [ELIZABETH] HOLTZMAN [of New York]: . . . I want to compliment my colleague for his eloquent statement with which I wholeheartedly agree. I just want to point out that I think he does the gentleman from Texas an injustice when he says that he acts unwittingly or that the evil effects of the amendment are unintended. I think that the gentleman from Texas, who is a distinguished scholar, certainly knows well the effects of this amendment. When he comes on the floor and says the people of the United States want us to adopt this amendment, I do not know what people he is talking about because this amendment would cut back social security benefits and would affect over 80 million people in this country who receive annual cost-of-living increases in their social security checks. Surely there are old people who live in Texas. I understand it is a paradise, but surely there are people who receive social security benefits there and would be harmed by this amendment. . . .

1. 124 CONG. REC. 13214, 13215, 95th Cong. 2d Sess.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a point of order.

THE CHAIRMAN:[2] The gentleman will state the point of order.

MR. BAUMAN: Mr. Chairman, it may well be the desire of the gentleman from Maryland to demand that words be taken down if this type of debate continues.

MR. MITCHELL of Maryland: Demand all you want.

MR. BAUMAN: The gentleman from Maryland has listened closely to the debate. It is not the intent of the gentleman from Maryland to defend the honor of the gentleman from Texas; it needs no defense; but the rules of the House do forbid certain types of words and they require decorum.

The gentleman from Maryland has listened to characterizations of "lies" and "dishonesty" and the use of amendments for the promotion of political campaigns, none of which the gentleman from Maryland feels fall within proper conduct in the House.

Now, I may well not be disposed to demand that the words be taken down, including the words just spoken, but if this continues and the Chair does not admonish those responsible, the gentleman from Maryland will demand they be taken down.

I know passions are high on this issue. Neither the gentleman from Maryland (Mr. Mitchell) or the gentleman from Texas (Mr. Krueger) need have their motives impugned or questioned. I grant the best of motives to all Members.

THE CHAIRMAN: The gentleman from Maryland, Mr. Bauman, has not made a point of order; but, the Chair feels sure all Members participating in the debate on this bill will proceed in order. That is the way it should be and that is the way it will be.

Parliamentarian's Note: Mr. Mitchell deleted from his remarks the reference to Mr. Krueger's amendment as "wittingly or unwittingly a lie." Ms. Holtzman's suggestion that Mr. Krueger had wittingly lied was also subject to a demand that the words be taken down.

—*Chair May Take Lead in "Calming" Debate*

§ 49.35 A demand that words be taken down is untimely if further debate has intervened.

The following proceedings occurred in the House on Mar. 4, 1985,[3] during consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana):

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always

2. William H. Natcher (Ky.).

3. 131 CONG. REC. 4277, 4283–85, 99th Cong. 1st Sess.

carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration. . . .

THE SPEAKER PRO TEMPORE:[4] The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time. . . .

MR. [WILLIAM D.] FORD of Michigan: . . . Mr. Speaker, this issue is being handled now in a manner being allowed in this House that does not meet the dignity of this body which is very much needed at the moment. At the time that the people of this country are wondering whether or not the Congress is going to do the things that are necessary, some of them painful, to protect our country, we have Members playing petty politics over there in a way that is calculated to do nothing except destroy public confidence in this body.

I can see how people would lose confidence in the House, which is put into this kind of mess by this bushwhacking method of causing a vote. . . . [W]e count on assertions from our leaders on both sides that on particular days you can take care of other important matters because there will not be rollcalls. They know that many of the Members are being deprived, who have been seated, of representing their districts because of the way in which this vote is called up. And if they want to show good faith at this point, Mr. Speaker, then the gentleman should withdraw his motion and move to take it up at a time when due notice has been given so that my constituents and all of the districts in Michigan will have their representative here to vote on them. . . .

MR. [CARROLL] CAMPBELL [Jr., of South Carolina]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, am I correct in saying that we do not seek to impugn the motives of a Member when they bring a matter to the floor? Is that correct under the way this House operates? And that when a Member's motives have been impugned that that Member or others on their behalf would have a right to ask that words be stricken? Is that a correct assumption?

THE SPEAKER PRO TEMPORE: The gentleman is correct that no Member's motive is to be impugned by another Member in the course of orderly debate on the House floor.

MR. CAMPBELL: Well, Mr. Speaker, my concern lies with the fact that with the previous speaker that the motivation of those of us who are concerned with this matter may have been impugned when the accusation was made that this was being done under petty politics and that it was bushwhacking and instead of the motivation of trying to protect legitimately the rights of a

4. James C. Wright, Jr. (Tex.).

Member of the minority party who had been denied, though being certified, his seat.

To make that charge I raise the point of order does impugn the motivation of those of us who seek to seat Mr. McIntyre. I ask that the gentleman's words be stricken.

THE SPEAKER PRO TEMPORE: The gentleman's point of order in this particular instance comes too late. Intervening debate has proceeded.

MR. CAMPBELL: The gentleman who previously spoke, Mr. Speaker, I was on my feet asking to be recognized on a point of order, who had made those accusations.

THE SPEAKER PRO TEMPORE: The Chair will state the Chair expects all Members to maintain the dignity of the Chamber, and that includes the proper use of language in reference to their colleagues of either political party.

The Chair will state that the point of order made by the gentleman at this time is not timely made. But the Chair will instruct all Members with the expectation that parliamentary language will be observed.

§ 49.36 While the Chair will not rule on the propriety of words used in debate and not challenged by a timely demand that they be "taken down," the Chair may caution all Members not to question the integrity or motivation of other Members in debate.

The following proceedings occurred in the House on Apr. 22, 1985:[5]

MR. [CONNIE] MACK [3d, of Florida]: Possibly the reason he is not here tonight is that this is too open a session, I mean it is too much of an opportunity for people to question him as to what happened during that discussion. . . .

Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, there was a reference by a colleague that maybe I violated the rules of the House, and suggested that maybe my words ought to be taken down.

Is that an idle threat that is being posed, or did I in fact violate the rules? I certainly have no intention of violating the rules of the House . . . .

THE SPEAKER PRO TEMPORE:[6] The Chair has received no request from the floor to have the gentleman's words taken down.

MR. MACK: So as far as the Chair is concerned, anything that I have said so far this evening certainly would be within the rules?

THE SPEAKER PRO TEMPORE: The Chair would caution the Members not to question the integrity of other Members or to impugn the motivation of individual Members.

MR. MACK: Mr. Speaker, when you say the "motivation" does that mean a negative or a positive motivation? If I make a statement about the positive motivation on the part of the Members, does that certainly fall within the rules, I would take it?

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5. 131 CONG. REC. 8692, 8693, 99th Cong. 1st Sess.

6. Kenneth J. Gray (Ill.).

THE SPEAKER PRO TEMPORE: The Chair would rule as each particular incident is brought to its attention. We ought to be cautious as to our personal comments about our colleagues.

§ 49.37 On one occasion, upon a demand that certain words used in debate (characterizing unnamed Members as taking "potshots" at the Nicaraguan resistance and as lacking judgment) be taken down, the Chair suggested that the words only questioned the judgment of unspecified Members in a manner not in violation of House rules, and the demand was withdrawn prior to a ruling thereon.

During the proceedings in the House on Mar. 18, 1986,[7] the following occurred:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I just got back from Nicaragua, and in light of what I saw and heard, I find today's speeches by the left wing of the Democratic Party astonishing.

For Members of Congress to stand safely on this floor and take potshots at men and women of tremendous courage who are struggling against great odds to oppose Communist tyranny in Nicaragua is, indeed, astonishing. That questions no one's patriotism; it questions their judgment.

MR. [PARREN J.] MITCHELL [of Maryland]: Mr. Speaker, I request the gentleman's words be taken down. He is questioning the judgment of other Members of the House.

THE SPEAKER PRO TEMPORE:[8] The gentleman from Maryland (Mr. Mitchell) requests that the words of the gentleman from Pennsylvania (Mr. Walker) be taken down. The Chair would inquire as to which words the gentleman refers to.

MR. MITCHELL: He questions the judgment of the Members of the House who oppose the Reagan proposition.

THE SPEAKER PRO TEMPORE: The Chair would suggest that the gentleman did not refer to any specific Member in violation of the rules of the House. Does the gentleman insist on his request?

MR. MITCHELL: Yes, Mr. Speaker, I do because it followed a statement that I just made where I indicated that I oppose the President's position, and certainly by inference he is questioning my judgment and I resent it.

THE SPEAKER PRO TEMPORE: The gentleman insists, and the Clerk will report the words. . . .

MR. MITCHELL: If the Speaker so desires, I will not press the point of order, but with the indulgence of the Speaker, I will state that I personally resent any attempt to impugn my motives.

THE SPEAKER PRO TEMPORE: The gentleman withdraws his demand.

Chair's Role in Interpreting Proceedings

§ 49.38 It is appropriate for the Chair to interpret a point of

7. 132 CONG. REC. 5200, 5201, 99th Cong. 2d Sess.

8. Bill Alexander (Ark.).

order to determine whether it is being raised under a particular rule of the House; and a Member's point of order (that remarks just made in debate impugn another Member's motives), and the Chair's determination as to whether the point of order constitutes a demand that those words be "taken down," is not such intervening debate or business as to render the demand untimely.

On Oct. 2, 1984,[9] during consideration of the balanced budget bill (H.R. 6300), Mr. John V. Weber, of Minnesota, stated that another Member had come to the floor with a gimmick "which he thinks will fool the people of Tulsa."[10] A point of order was made:

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE:[11] The gentlewoman will state her point of order.

MS. OAKAR: Mr. Speaker, I question the speaker regarding impugning the motives of the chairman who has introduced this legislation.

THE SPEAKER PRO TEMPORE: Does the gentlewoman insist that the gentleman's words be taken down?

MS. OAKAR: Yes, Mr. Speaker, I do.

THE SPEAKER PRO TEMPORE: The Clerk will report the words.

MR. [GUY V.] MOLINARI [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. MOLINARI: Mr. Speaker, as an observer of what transpired here, it was my impression that the point of order raised by the gentlewoman was raised too late, and I would ask the Chair to make a ruling that in fact a point of order was made too late.

THE SPEAKER PRO TEMPORE: The Chair would state that at the time the point of order was made further debate had not taken place and therefore the point is entertained.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. WALKER: It was my impression that the gentlewoman never asked that the words be taken down, that the Chair guided her into that.

MS. OAKAR: I asked.

MR. WALKER: The gentlewoman never made that point in her language. Is that usual procedure?

THE SPEAKER PRO TEMPORE: The Chair was simply attempting to understand the intent and the motive of the gentlewoman's point of order.

Words Not Taken Down and Reported

§ 49.39 A demand for the reporting of certain additional

9. 130 CONG. REC. 28522, 98th Cong. 2d Sess.
10. The words were stricken from the Record.
11. Richard A. Gephardt (Mo.).

words uttered in the Committee of the Whole but not reported to the House is not in order in the House, and the Speaker will not pass upon what can be done in the Committee of the Whole regarding a new demand.

On July 27, 1965,[12] Mr. Neal Smith, of Iowa, demanded that certain words used in debate in the Committee of the Whole by Mr. Charles E. Goodell, of New York, be taken down. In the House, Speaker John W. McCormack, of Massachusetts, directed the Clerk to read the words that had been objected to, and the Clerk read two sentences that were reported from the Committee of the Whole.

Mr. Smith then rose and objected that "there was another sentence following that. He did not read the last sentence." Speaker McCormack ruled that the Chair could pass only on the words that had been reported. After the Speaker delivered a ruling on the words, Mr. Smith again rose to demand that the sentence following the words ruled on be taken down. Speaker McCormack responded "The Chair will state that the Chair can only pass upon the words presented to the Chair and which were taken down in the Committee of the Whole." Mr. Smith then raised a parliamentary inquiry:

> Are we not entitled to have the words taken down that were objected to in the Committee of the Whole so that Members can exercise their rights?

The Speaker stated that he was "confronted with the words actually reported by the Clerk." Mr. Smith then asked:

> Then when we go back into the Committee of the Whole, am I entitled to demand that the words be taken down that I objected to and report them back?

Speaker McCormack ruled:

> The Chair will not pass upon what can be done in the Committee of the Whole. Of course, if the gentleman desires to renew his request, that would be a matter for the Chairman of the Committee of the Whole to consider on the question of whether or not the words were taken down as demanded by the gentleman from Iowa.
>
> The Committee will resume its sitting.

When the Committee resumed its sitting, Mr. Smith made a further demand that additional words not reported in the House be taken down and reported therein. The Clerk read the additional words objected to, and Mr. Smith stated "That is not all of it, Mr. Chairman. That is not all of

12. 111 CONG. REC. 18441, 89th Cong. 1st Sess.

the words." Chairman Leo W. O'Brien, of New York, responded that the words reported were "all that the Clerk was able to furnish the Chairman." Mr. Smith then withdrew his objection to the words.

References to Motives of Senators

§ 49.40 Where a Member demanded that another Member's references in debate to a Senator be stricken from the Record but did not demand that the words be "taken down" (pursuant to Rule XIV clause 5), the Speaker Pro Tempore sustained the point of order against violation of the principle of comity (under section 374 of Jefferson's Manual) but did not submit to the House the question of striking the unparliamentary words.

On June 3, 1974,[13] it was demonstrated that the principle of comity between the two Houses prohibits any reference in debate in the House to actions of Senators within or outside the Senate. The proceedings were as follows:

> THE SPEAKER PRO TEMPORE:[14] Under a previous order of the House, the gentleman from Arizona (Mr. Steiger) is recognized for 45 minutes.
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> MR. [SAM] STEIGER [of Arizona]: Mr. Speaker, with a petulance usually reserved to Secretaries of State, Mo Udall and Henry Jackson have blamed the defeat of the land-use planning bill on "impeachment politics." Mr. Udall states that the President changed his position on land-use planning in order to retain the support of conservative Members of the House regarding impeachment. . . .
>
> We can fully appreciate that the gentleman from Washington, who is an active candidate for President, might be seeking ways to present his case in some kind of a different manner.
>
> MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, if the gentleman will suspend for a minute, I would like to make a parliamentary inquiry. . . .
>
> I pose the parliamentary inquiry, whether or not discussion of the motives of a Member of the other body is in order.
>
> THE SPEAKER PRO TEMPORE: The gentleman is correct. It is not in order, in view of the rule of comity between the two Houses.
>
> The gentleman will proceed.
>
> MR. STEIGER of Arizona: Mr. Speaker, I would advise the gentleman from California (Mr. Rousselot) that I am about to continue to yield him the time; that I, too, think it is very presumptive of the gentleman from Washington, who is running for President;

13. 120 CONG. REC. 19083, 19085, 19086, 93d Cong. 2d Sess.

14. John J. McFall (Calif.).

all I heard the gentleman from California (Mr. Rousselot) say was that the Senator was a candidate for President.

MR. [JOHN H.] ROUSSELOT [of California]: He is a potential candidate for President. If that is impugning his motives, I do not see how it is.

MR. FOLEY: Mr. Speaker, a point of order. The remarks of the gentleman from California and the remarks of the gentleman from Arizona are out of order. I ask that they be stricken.

MR. STEIGER of Arizona: Mr. Speaker, might I be heard on that point of order?

THE SPEAKER PRO TEMPORE: The gentleman will proceed on the point of order.

MR. STEIGER of Arizona: I would restate what I said, that in my view it is presumptuous of the gentleman from Washington to hold himself up as a candidate for the Presidency of the United States. I fail to see that that is impugning the gentleman's motives.

It is an accepted fact in political life that the gentleman from Washington is, indeed, a candidate for the Presidency, at least in his own eyes.

I suspect, and I am certainly entitled to a view of that candidacy and I have stated that view, with no intent at all of demeaning the gentleman from Washington.

THE SPEAKER PRO TEMPORE: While the gentleman has not demanded that words be taken down, the Chair will state that under the rules of debate it is not in order for a Member to voice an opinion or cast a reflection on either Members of the House or Members of the other body and it is not in order to refer to Senators by name or in terms of personal criticism, or even for the purpose of complimenting and the inhibition extends to comments of criticism of their actions outside the Senate.

The Chair would also point out to the gentlemen who are carrying on this debate that it is Thursday afternoon and there is no need to get involved in a big political debate.

So the gentleman in the well will proceed in order.

Procedure in House When Committee Rises

§ 49.41 Where the Speaker has ruled upon words taken down in the Committee of the Whole and reported to the House, and has ordered the Committee to resume its sitting, a point of order of no quorum in the House comes too late and is not in order.

On Nov. 10, 1971,[15] the Committee of the Whole rose in order that words used in debate by Mr. John H. Dent, of Pennsylvania, demanded taken down by Mr. John N. Erlenborn, of Illinois, be reported to the House. Speaker Carl Albert, of Oklahoma, ruled that the words were not unparliamentary, after Mr. Dent explained that he had not been referring to a Member of the House. The Speaker ordered the Committee to resume its sitting. Mr. Durward

15. 117 CONG. REC. 40442, 40443, 92d Cong. 1st Sess.

G. Hall, of Missouri, then attempted to make a point of order that a quorum was not present, and the Speaker ruled that the point of order could not be made at that time.

Committee of Whole Resumes Sitting Automatically

§ 49.42 When the demand is made that certain words used in debate be taken down in Committee of the Whole, the business of the Committee is suspended until the words are reported to the House; after the Speaker has ruled on words reported from the Committee of the Whole, and after disposition of any motion that the Member whose words are ruled out of order may proceed in order, the House automatically resolves back into the Committee of the Whole.

During consideration of the Department of Education Organization Act of 1979 (H.R. 2444) in the Committee of the Whole, certain words used in debate were reported to the House, the Speaker ruled on those words and the Committee resumed its deliberations. The proceedings on June 12, 1979,[16] were as follows:

> MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I expected resistance to this amendment and not necessarily my getting involved. I am not a member of this committee. But this amendment is probably the most detrimental to the main purposes of equal opportunity of education to the most needed segments of our society that has been presented thus far and probably could ever be presented. The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I demand that the words be taken down.
>
> THE CHAIRMAN:[17] The Clerk will report the words objected to. . . .
>
> THE CHAIRMAN: The Committee will rise. . . .
>
> THE SPEAKER:[18] The Clerk will report the words objected to.
>
> The Clerk read as follows: . . .
>
> > The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.
>
> THE SPEAKER: The Chair is ready to rule.
>
> The Chair, having read the references concerning deception and hy-

16. 125 CONG. REC. 14461, 96th Cong. 1st Sess.

17. Lucien N. Nedzi (Mich.).

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

pocrisy, will state that there have been previous opinions by the Chair that there is nothing wrong with using the word, "deceptive," or the word, "hypocritical," in characterizing an amendment's effect but when a Member so characterizes the motivation of a Member in offering an amendment that is not in order.

Consequently, the words in the last sentence read by the Clerk are unparliamentary and without objection, the offensive words are stricken from the Record. . . .

The Chair recognizes the gentleman from Texas (Mr. Brooks).

MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I move that the gentleman from Texas (Mr. Gonzalez) be allowed to proceed in order.

The motion was agreed to.

THE SPEAKER: The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2444, with Mr. Nedzi in the chair.

THE CHAIRMAN: The gentleman from Texas (Mr. Gonzalez) has the floor, and the gentleman will proceed in order.

§ 49.43 When a demand is made in Committee of the Whole that words spoken in debate be taken down, the words are transcribed by the Official Reporters of Debate to be read by the Clerk, and the Committee then rises automatically and reports the words to the House; following a decision by the Speaker that the words reported to the House by the Committee of the Whole are in order, the Committee resumes its sitting without motion.

The following proceedings occurred during consideration in the Committee of the Whole of H.R. 2760 (prohibition on covert aid to Nicaragua) on July 28, 1983:[19]

MR. [DAVID R.] OBEY [of Wisconsin]: I am concerned, as I said, about the statements that I have heard on the floor today, because I believe that what they have a tendency to do, even though that may not be the intention, I think they have the tendency to try to assassinate the character of the person making the statement rather than to effectively assassinate the argument.

MR. [C. W. BILL] YOUNG of Florida: Mr. Chairman, I demand that the gentleman's words be taken down.

THE CHAIRMAN:[20] Words will be taken down.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I have a parliamentary inquiry. . . .

[W]hy could we not have the words read back promptly? . . .

Mr. Chairman, are we not taking down the proceedings of the House verbatim?

THE CHAIRMAN: As soon as the words can be transcribed, as the gentleman knows, the Speaker will then

19. 129 CONG. REC. 21461, 21462, 98th Cong. 1st Sess.

20. William H. Natcher (Ky.).

pass upon the words that are being taken down.

The Clerk will report the words.

The Clerk read as follows:[1] . . .

THE CHAIRMAN: The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2760) to amend the Intelligence Authorization Act for fiscal year 1983 . . . certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

THE SPEAKER:[2] . . . The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows: . . .

THE SPEAKER: The words having been read, and the gentleman from Wisconsin having very definitely included in his statement a disclaimer that he does not impugn the motives or intentions of any Member of the House, in the opinion of the Chair, in his legislative argument the words of the gentleman from Wisconsin are not unparliamentary and the gentleman may proceed.

The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2760, with Mr. Natcher in the chair.

§ 50. —Ruling by the Speaker

The Speaker or Speaker Pro Tempore has the sole power to rule whether words objected to violate the rules and precedents of the House.[3] The question is not open to debate.[4] Appeals may be taken from the Speaker's ruling on objectionable words but such appeals are rare.[5]

In ruling on words, the Speaker considers not only past precedents

1. It is still required, under the customs and traditions of the House, for the Clerk to read the transcript, which, whether it has been taken electronically or taken in shorthand, must be reduced to writing.
2. Thomas P. O'Neill, Jr. (Mass.).
3. See § 50.9, infra; 2 Hinds' Precedents § 1249; 5 Hinds' Precedents §§ 5163, 5169, 5187.

   The Chairman of the Committee of the Whole does not rule on objectionable words (see Rule XIV clause 4, *House Rules and Manual* § 760 (1995)).
4. See § 50.7, infra.
5. See § 50.8, infra. Under clause 4 of Rule XIV, appeals are in order from the Speaker's ruling. The rule provides that: "the House shall, if appealed to, decide the case without debate." On a past occasion where an appeal was not allowed (see 5 Hinds' Precedents § 6944), the appeal was demanded on a ruling on words taken down in debate on a pending appeal. In that situation, appeals could be multiplied indefinitely.