

was on the consideration of the resolution. Senator Case asked for recognition on his appeal, but the Presiding Officer ruled that the expiration of the time limitation, and the intervening motion of Senator Mansfield to lay the resolution on the table, precluded further debate.<sup>(14)</sup>

### § 51. — Withdrawal or Expungement of Words; Disciplinary Measures

Rule XIV clause 4 provides for action by the House where a Member is called to order:

If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order . . . if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case requires it, he shall be liable to censure or such punishment as the House may deem proper.<sup>(15)</sup>

**14.** For a memorandum, prepared by the Senate Parliamentarian and inserted in the Record by the Senate Majority Leader, explaining the parliamentary situation on S. Res. 330, see 110 CONG. REC. 11087, 88th Cong. 2d Sess., May 16, 1964.

**15.** *House Rules and Manual* § 760 (1995).

See also Jefferson's Manual, *House Rules and Manual* § 303 (1995): "[W]hatever is spoken in the House

Under the rule, a Member whose words are taken down must take his seat and may not be recognized until the House permits him to proceed in order<sup>(16)</sup> or unless the House by motion permits him to explain the words before a ruling. But he may be recognized in the discretion of the Speaker, either before or after the words have been reported, for the limited purpose of requesting unanimous consent to withdraw the words in question.<sup>(17)</sup> Where such request is granted, the objectionable words are no longer before the House and the Member called to order may proceed without the consent of the House.<sup>(18)</sup>

Where the words are not withdrawn and are ruled unparliamentary by the Speaker, the fol-

is subject to the censure of the House; and offenses of this kind have been severely punished by calling the person to the bar to make submission, committing him to the tower, expelling the House, etc."

For obsolete parliamentary procedure in relation to disorderly words, see Jefferson's Manual, *House Rules and Manual* §§ 366, 368 (1995).

For the remedy of one House against a Member of the other House for disorderly words in debate reflecting upon the former, see §§ 44.9, 46.13, *supra*.

**16.** See §§ 52.4, 52.5, *infra*.

**17.** See §§ 51.1–51.3, *infra*.

**18.** See § 52.3, *infra*.

lowing motions and resolutions have been entertained:

—unanimous-consent request by the Member called to order to withdraw the words;

—unanimous-consent request to explain the words ruled offensive;

—debatable motion to expunge the words;

—debatable motion that the Member called to order be allowed to proceed in order;

—resolution to punish the Member for the offense of uttering unparliamentary words, which can take the form of a reprimand, censure, or even expulsion.<sup>(19)</sup>

Although the Speaker has ordered unparliamentary remarks stricken from the Record,<sup>(20)</sup> a motion is usually made by a Member and voted upon by the House to determine whether objectionable words shall be expunged. The motion is privileged after the words have been ruled out of order.<sup>(1)</sup>

19. *Cannon's Procedure of the House of Representatives*, 78, 79, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

For motions to permit the Member called to order to proceed or to explain, see §52, *infra*. Resolutions of expulsion are not discussed herein, as the House has never expelled a Member for disorderly words.

See also *House Rules and Manual* §760 (1995).

20. See §51.36, *infra*.

1. See §51.22, *infra*.

The motion to expunge is debatable under the hour rule,<sup>(2)</sup> and may be moved even after the House has authorized the Member called to order to proceed in order.<sup>(3)</sup> The House may expunge certain words, or an entire speech, or remarks inserted in the Record in abuse of leave to revise and extend.<sup>(4)</sup>

In past Congresses, the House has censured Members for disorderly words.<sup>(5)</sup> On a recent occasion, a resolution of censure was introduced and later withdrawn.<sup>(6)</sup> Censure or other disciplinary action is a matter for the House and not the Chair to decide,<sup>(7)</sup> but no action is in order until the Chair has ruled on the words objected to.<sup>(8)</sup>

Under the precedents,<sup>(9)</sup> where a Member is granted permission

2. See §51.26, *infra*.

3. See §51.23, *infra*. To a motion to expunge the remarks of one Member, an amendment to expunge the remarks of another is not germane. See §51.32, *infra*.

4. See §§51.18, 51.35, *infra*.

5. See 2 Hinds' Precedents §§1253, 1254, 1259, 1305; 6 Cannon's Precedents §236.

6. See §51.28, *infra*.

7. See §51.27, *infra*.

8. See §51.21, *infra*.

9. For an example under the former practice of an instance where remarks were not deleted because the

to withdraw disorderly remarks from the Record, he must personally delete the words from the transcript, and the Official Reporters of Debate will not assume that responsibility.

Under a new provision of House Rule XIV clause 9(b),<sup>(10)</sup> unparliamentary remarks may be deleted only by permission or order of the House.

### Forms

Request by Member called to order to withdraw words objected to.

I ask unanimous consent to withdraw the words objected to.<sup>(11)</sup>

Motion to expunge words objected to from the Record.

I move that the words just read by the Clerk be expunged from the Record, and on that motion I demand the previous question.<sup>(12)</sup>

Resolution as question of privilege of the House to expunge objectionable words inserted in the Record.

*Resolved*, That as much of the extension in the Record referred to by the gentleman from [State] and which refers to the gentleman from [State] be and hereby is ordered expunged.<sup>(13)</sup>

Member did not take the necessary action, see 110 CONG. REC. 13254, 88th Cong. 2d Sess., June 10, 1964.

10. *House Rules and Manual* § 764a (1995), adopted on Jan. 4, 1995 (H. Res. 6), 104th Cong. 1st Sess.
11. 8 Cannon's Precedents § 2544.
12. 8 Cannon's Precedents § 2538.
13. *Cannon's Procedure of the House of Representatives*, 78, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

Resolution to censure Member called to order for objectionable words.

*Resolved*, That the gentleman from [State], in the language used by him in the Committee of the Whole, and taken down and reported to the House and read at the Clerk's desk, has been guilty of a violation of the rules and privileges of the House, and merits the censure of the House for the same.

*Resolved*, That the said gentleman be now brought to the bar of the House by the Sergeant-at-Arms, and there the censure of the House be administered by the Speaker.<sup>(14)</sup>

Privileged resolution to expunge words from the Record.

Whereas the gentleman from [State] referring to the gentleman from [State], stated on the floor of the House on "\_\_\_\_\_", as appears in the Record on page "\_\_\_\_\_", "\_\_\_\_\_", [words objected to] and

Whereas such words were a violation of the rules of the House and, as reprinted in the Record, charge the gentleman from [State] with a lack of patriotism, and with disloyalty to his country, reflect upon him in his representative capacity and upon the dignity of the House: Therefore, be it

*Resolved*, That the words, "\_\_\_\_\_", be expunged from the Record.<sup>(15)</sup>

Privileged resolution to investigate charges made by one Member against another.

Whereas, in \_\_\_\_\_, purporting to have been written by \_\_\_\_\_, a Member of the House of Representa-

14. 2 Hinds' Precedents § 1259; 91 CONG. REC. 1371, 1445, 79th Cong. 1st Sess., Feb. 22, 26, 1945.
15. 86 CONG. REC. 11552, 76th Cong. 3d Sess., Sept. 5, 1940 (expungement of remarks inserted in the Record under leave to revise and extend).

tives from [State], the following charge appears: “\_\_\_\_\_”; and

Whereas the said gentleman has reiterated the same on the floor of the House: Therefore, be it

*Resolved*, That a committee of five Members be appointed by the Speaker to investigate and report to the House whether such charges are true, and if untrue, whether the said gentleman has violated the privileges of the House, and their recommendations to the same. That said committee have leave to sit during the sessions of the House, to send for persons and papers, to swear witnesses, and to compel their attendance.<sup>(16)</sup>

### ***Withdrawal of Words Before Ruling***

**§ 51.1 When a demand is made that certain words used in debate be taken down, such words may be withdrawn by unanimous consent in the House or in the Committee of the Whole before being reported to the House.**<sup>(17)</sup>

16. 3 Hinds' Precedents § 2637.

17. 110 CONG. REC. 13275, 88th Cong. 2d Sess., June 10, 1964; 110 CONG. REC. 13254, 88th Cong. 2d Sess., June 10, 1964; 110 CONG. REC. 10448, 88th Cong. 2d Sess., May 11, 1964; 110 CONG. REC. 2698, 88th Cong. 2d Sess., Feb. 10, 1964; 109 CONG. REC. 13865, 13866, 88th Cong. 1st Sess., Aug. 1, 1963; 92 CONG. REC. 533, 79th Cong. 2d Sess., Jan. 29, 1946; 86 CONG. REC. 11516, 11517, 76th Cong. 3d Sess., Sept. 4, 1940.

**§ 51.2 Although a Member's words have been taken down on demand and read to the House, the Speaker may recognize the Member who uttered the words to ask unanimous consent to withdraw or modify the words.**

On June 5, 1962,<sup>(18)</sup> Mr. John D. Dingell, Jr., of Michigan, referred to another Member as a “mouthpiece” for the American Medical Association. Mr. Thomas B. Curtis, of Missouri, demanded those words be taken down, and the Clerk read them to the House on the direction of Speaker Pro Tempore Arnold Olsen, of Missouri.

Mr. Dingell then asked unanimous consent to change the words complained of to “self-appointed spokesman” instead of “mouthpiece.” There was no objection to the request, and Mr. Curtis withdrew his point of order.

On June 12, 1947,<sup>(19)</sup> Mr. John E. Rankin, of Mississippi, objected to certain words used in debate by Mr. Chet Holifield, of California. Before the Clerk could report the words objected to, Mr. Holifield attempted to address the House and Mr. Rankin objected that he

18. 108 CONG. REC. 9739, 87th Cong. 2d Sess.

19. 93 CONG. REC. 6895, 80th Cong. 1st Sess.

could not speak until his objectionable words were disposed of. Mr. Rankin stated that Mr. Holfield could not even make a unanimous-consent request in relation to the words. Speaker Joseph W. Martin, Jr., of Massachusetts, responded:

The Chair can always recognize anyone to propound a unanimous-consent request. Of course, it would be within the province of the gentleman from Mississippi to object, but the Chair can put unanimous-consent requests at any time.

**§ 51.3 The Speaker suggested that a Member who had uttered unparliamentary words request unanimous consent to withdraw them.**

On July 29, 1948,<sup>(20)</sup> Mr. Abraham J. Multer, of New York, characterized the remarks of Mr. John E. Rankin, of Mississippi, in debate as offensive. Speaker Joseph W. Martin, Jr., of Massachusetts, stated that the language used was a reflection upon Mr. Rankin and requested that Mr. Multer ask unanimous consent to strike the words from his remarks.

Mr. Multer asked unanimous consent to so strike the words and there was no objection.

**§ 51.4 Where a demand is made that words uttered in debate**

<sup>20</sup>. 94 CONG. REC. 9532, 80th Cong. 2d Sess.

**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,<sup>(1)</sup> 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 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:<sup>(2)</sup> 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.

1. 123 CONG. REC. 5937, 95th Cong. 1st Sess.
2. Edward P. Boland (Mass.).

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.

**§ 51.5 On one occasion, two Members demanded that each other’s words be taken down and then, by unanimous consent, withdrew their remarks in Committee of the Whole before they were reported to the House.**

On Apr. 29, 1976,<sup>(3)</sup> during consideration of the first concurrent resolution on the budget for fiscal 1977,<sup>(4)</sup> remarks were exchanged in which one Member characterized remarks made by another as racist, and the latter Member re-

3. 122 CONG. REC. 11882, 94th Cong. 2d Sess.

4. H. Con. Res. 611.

ferred to the other as a “pip-squeak.” (The remarks in question do not appear in the Record, because both Members received permission to withdraw their remarks before they were reported to the House.) The following exchange occurred during the proceedings:

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

THE CHAIRMAN:<sup>(5)</sup> The Clerk will report the words.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I ask unanimous consent to withdraw my remark.

THE CHAIRMAN: Does the Chair understand that the gentleman desires to withdraw the remark?

MR. OTTINGER: That is correct, the remarks that the gentleman made, I ask unanimous consent to withdraw the remarks.

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

There was no objection.

MR. BAUMAN: Mr. Chairman, I likewise make a similar request. I ask unanimous consent that my characterization of the gentleman be withdrawn.

THE CHAIRMAN: Is there objection to the request of the gentleman from Maryland that his remark be withdrawn from the record?

There was no objection.

*Parliamentarian’s Note:* Under the precedents,<sup>(6)</sup> where a Member

5. Richard Bolling (Mo.).

6. See, for example, 110 CONG. REC. 13254, 88th Cong. 2d Sess., June 10,

is granted permission to withdraw disorderly remarks from the Record, he must personally delete the words from the transcript, and the Official Reporters of Debate will not assume that responsibility.

**§ 51.6 Words objected to in Committee of the Whole may be withdrawn by unanimous consent.**

On Feb. 8, 1978,<sup>(7)</sup> 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 debate 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."<sup>(8)</sup> The following exchange then occurred:

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

1964, where the Member did not take the necessary action to delete.

7. 124 CONG. REC. 2831, 2832, 95th Cong. 2d Sess.

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

THE CHAIRMAN:<sup>(9)</sup> 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. ROSENTHAL: Mr. Chairman, in the interest of expediency, I would ask unanimous consent that the words the gentleman from Maryland thought offensive be withdrawn.

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

MR. BAUMAN: Mr. Chairman, do I understand that all reference made by the gentleman from New York to the gentleman from Maryland will be withdrawn completely from the remarks of the gentleman from New York as they will appear in the Record?

MR. ROSENTHAL: Yes, in this particular case.

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

9. Frank E. Evans (Colo.).

There was no objection.

**§ 51.7 Words in debate demanded to be taken down were withdrawn by unanimous consent.**

On July 13, 1978,<sup>(10)</sup> Mr. Ronald V. Dellums, of California, made the following remarks with reference to House Resolution 1267, a resolution to impeach Andrew Young, United States Ambassador to the United Nations, on the basis of statements made by Mr. Young concerning “political prisoners” in the United States:

[Any] citizen of America has a right to free speech. So, Andrew Young exercised that.

It seems to me that there is no legal justification for offering a resolution of impeachment of Andrew Young.

Mr. Dellums further stated:

It seems to me folly and absolute madness, total insanity, totally devoid of intellectual capability, no legal backup, to offer a resolution of impeachment of Andrew Young, for there is no treason for making a statement. That is a violation of freedom.

A demand was made that these words be taken down:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order against the last remarks made by the gentleman, and I demand that his words be taken down.

10. 124 CONG. REC. 20714–15, 95th Cong. 2d Sess.

MR. DELLUMS: Which points is the gentleman responding to?

MR. BAUMAN: I would say to the Chair that the Chair well knows the precedents of the House to require Members to respect the motives of other Members. . . .

MR. DELLUMS: Mr. Speaker, I withdraw the term “madness” and “insanity” and make my case without those two words. . . .

MR. BAUMAN: Is my understanding correct that unanimous consent has been granted to withdraw those words from the Record?

THE SPEAKER PRO TEMPORE:<sup>(11)</sup> Without objection.

**§ 51.8 Words objected to in debate may be withdrawn by unanimous consent, but no debate is in order pending such a request.**

During consideration of the foreign aid authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 2, 1978,<sup>(12)</sup> the following exchange occurred:

MR. [JOHN J.] CAVANAUGH [of Nebraska]: . . . I am highly offended and irritated by much of the language presented here by Mr. Bauman and by our colleague from Minnesota concerning the administration support.

[Mr. Cavanaugh further characterized Mr. Bauman’s language as “outrageous,” the characterization in question.]

11. John Joseph Moakley (Mass.).

12. 124 CONG. REC. 23944, 23945, 95th Cong. 2d Sess.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order against the language of the gentleman from Nebraska if he cannot conduct himself civilly in debate. . . . I demand his words be taken down. . . .

MR. CAVANAUGH: Mr. Chairman, insofar as the characterization that I used regarding the gentleman's language could in any way be construed to impugn the gentleman's character, I would ask unanimous consent to withdraw it. It was an attempt to simply convey my feelings of the inappropriateness of the language that the gentleman had used in putting forth his argument.

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

THE CHAIRMAN:<sup>(13)</sup> The gentleman will state his point of order.

MR. BAUMAN: Is not the only request the gentleman from Nebraska (Mr. Cavanaugh) can make, under the rules of the House, a unanimous-consent request to withdraw his remarks, and not to make a speech?

THE CHAIRMAN: The gentleman from Maryland (Mr. Bauman) is correct.

Is there objection to the request of the gentleman from Nebraska?

There was no objection.

### § 51.9 Words objected to in debate were withdrawn by unanimous consent prior to being reported to the House.

The following proceedings occurred in the Committee of the Whole on Aug. 3, 1978,<sup>(14)</sup> during

13. Don Fuqua (Fla.).

14. 124 CONG. REC. 24238, 95th Cong. 2d Sess.

consideration of the foreign aid appropriation bill (H.R. 12931):

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I just want to say I think it is too bad all the Members of the House are not here. I think we have heard from the gentleman from Wisconsin one of the most outstanding and refreshing statements I have heard on the subject of foreign affairs in many, many months. We heard a voice of reason and responsibility bringing us all back to our senses and asking us whether or not the American people are still ready to assert leadership in the world, to work through to a more sane and rational world state of affairs, or whether we are going to heed all the extreme voices that would tear apart the structure we have so painstakingly built up over the last 30 years to try to make sense out of the world.

[Mr. Seiberling further characterized some discussion of the subject as "hysterical."]

MR. [C. W. BILL] YOUNG of Florida: Mr. Chairman, I demand the gentleman's words be taken down. I just do not think my remarks should be considered as hysterical and I demand the gentleman's words be taken down. . . .

MR. SEIBERLING: Mr. Chairman, I ask unanimous consent to withdraw whatever the remarks are that the gentleman from Florida found objectionable. They were not addressed to him or against any other Member. I did not mention his name. Whatever the words are that he finds objectionable, then, in the interest of an amicable debate, I ask unanimous consent to withdraw them.

THE CHAIRMAN:<sup>(15)</sup> Is there objection to the unanimous-consent request of the gentleman from Ohio?

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

There was no objection.

*Parliamentarian's Note:* The words in question, characterizing some discussion of the issues as "hysterical", would probably not have been ruled out of order, since not in the context used referring to any Member.

**§ 51.10 By unanimous consent, the Speaker was permitted to withdraw remarks he delivered from the floor in debate in reference to a specific Member, following a demand that the words be taken down.**

During consideration of H.R. 7542 (supplemental appropriations and rescission bill for fiscal year 1980) in the House on July 2, 1980,<sup>(16)</sup> the following proceedings occurred:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I have served in legislative bodies for . . . years. In my legislative lifetime I have never seen a Speaker ever make a wrong ruling. . . .

I was 16 years in the Massachusetts Legislature, and only once did I ever see anybody appeal the Chair's ruling. . . .

I am sorry that the gentlewoman from Massachusetts was duped the way she was. I am sorry, in my opinion—

16. 126 CONG. REC. 18361, 96th Cong. 2d Sess.

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

THE SPEAKER PRO TEMPORE:<sup>(17)</sup> Does the gentleman from Massachusetts withdraw the word that was used?

MR. O'NEILL: The Speaker will withdraw the word. . . .

MR. BAUMAN: Mr. Speaker, I ask unanimous consent that the gentleman be permitted to withdraw the word "duped."

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

There was no objection.

*Parliamentarian's Note:* The word "duped," used to mean "fooled," was arguably not out of order.

**§ 51.11 Pending a demand that words spoken in debate be taken down and ruled unparliamentary, the Chair may inquire whether the Member whose remarks are challenged wishes to request unanimous consent to modify his remarks before directing the Clerk to read them.**

On Dec. 8, 1982,<sup>(18)</sup> during consideration of the Defense appropriation bill (H.R. 7355) in the Committee of the Whole, demand was made that the following

17. Paul Simon (Ill.).

18. 128 CONG. REC. 29466, 97th Cong. 2d Sess.

words of Mr. Robert K. Dornan, of California, be taken down:

MR. DORNAN of California: . . . When I overheard Mr. Harkin in Communist China as he put on a Mao hat say, and he did not realize I could hear him, "It is an honor to wear a worker's hat"; that is the hat of Mao who killed 30, 40, maybe 50 million people, I realized what is Mr. Harkin's terrorist is my freedom fighter, and what is my freedom fighter is his terrorist.

I implore the Members to vote down this mischievous amendment. . . .

MR. JOHN L. BURTON [of California]: Mr. Chairman, I demand the gentleman's words be taken down about our colleague, Mr. Harkin supporting terrorists.

THE CHAIRMAN PRO TEMPORE:<sup>(19)</sup> Does the gentleman from California (Mr. Burton) withdraw his request?

MR. JOHN L. BURTON: No, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: Is the gentleman from California (Mr. Dornan) willing to request that his remarks be modified in any way?

MR. DORNAN of California: Did you ask, Would I modify my remarks, Mr. Chairman?

THE CHAIRMAN PRO TEMPORE: Yes.

MR. DORNAN of California: No; it is a matter of personal perception. I repeat, what is Mr. Harkin's terrorist is my freedom fighter. What is my freedom fighter is obviously his terrorist. I may be wrong. He may be wrong. That is up to the judgment of the Members, but my perception about his misperceptions stands.

19. Don Bailey (Pa.).

MR. JOHN L. BURTON: I have seen people crawfish. That is good enough for me.

Mr. Chairman, I withdraw my request.

**§ 51.12 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,<sup>(20)</sup> 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:<sup>(1)</sup> 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

20. 131 CONG. REC. 3898, 3899, 99th Cong. 1st Sess.

1. 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.

### § 51.13 Words taken down may be withdrawn only by unanimous consent.

In the 100th Congress, upon a timely demand that certain words uttered in debate be taken down as unparliamentary, the Speaker ruled that the 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. The proceedings of Sept. 29, 1988, are discussed in § 47.10, *supra*.

**§ 51.14 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.**

The proceedings of Feb. 27, 1985, concerning remarks alleging that certain Members of the House had “stolen” an election, are discussed in § 53.7, *infra*.

**—*Modifying Words***

**§ 51.15 Where a demand is made that a Member’s words be taken down, he may by unanimous consent be allowed to proceed in debate if permission is first granted to modify the words in order to delete the objectionable matter.**

On Oct. 2, 1984,<sup>(2)</sup> 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

2. 130 CONG. REC. 28522, 98th Cong. 2d Sess.

Tulsa.”<sup>(3)</sup> A point of order was made:

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

THE SPEAKER PRO TEMPORE:<sup>(4)</sup> 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.

After several parliamentary inquiries, the following occurred:

THE SPEAKER PRO TEMPORE: Does the gentleman have a unanimous-consent request?

Mr. [GUY V.] MOLINARI [of New York]: Mr. Speaker, I repeat my request that the gentleman from Minnesota (Mr. Weber) be permitted to speak in order . . . .

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

Does the gentleman from Minnesota first ask unanimous consent to modify his words?

Mr. WEBER: Mr. Speaker, I ask unanimous consent to modify my words.

THE SPEAKER PRO TEMPORE: Is there objection?

3. The words were stricken from the Record.
4. Richard A. Gephardt (Mo.).

MS. OAKAR: Mr. Speaker, reserving the right to object, I would like to know what his words are going to be that he is going to modify. . . .

THE SPEAKER PRO TEMPORE: The words that were uttered just prior to the gentlewoman's demand.

MS. OAKAR: Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota (Mr. Weber) may proceed in order.

*Parliamentarian's Note:* Permission for a Member to proceed in debate should not be granted until the words have been ruled on, or modified or withdrawn.

### ***Withdrawal of Demand That Words Be Taken Down***

**§ 51.16 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,<sup>(5)</sup> 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:<sup>(6)</sup> 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

5. 132 CONG. REC. 5200, 5201, 99th Cong. 2d Sess.

6. Bill Alexander (Ark.).

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.

### ***Striking Words From Record***

#### **§ 51.17 Where allegedly unparliamentary words were used in debate but not objected to nor taken down, the House rejected a later resolution called up by unanimous consent proposing to strike those words from the Record.**

On May 10, 1948, the House granted unanimous consent for the immediate consideration of House Resolution 587, to strike from the Record allegedly unparliamentary words made on the floor of the House on May 6, 1948.<sup>(7)</sup> When the words were uttered, they were not objected to nor taken down and ruled upon by the Speaker.

The House rejected the resolution proposing to strike the words

7. 94 CONG. REC. 5507, 80th Cong. 2d Sess.

from the Record and the sponsor of the resolution objected to a unanimous-consent request of the Member who uttered the words that he be permitted to withdraw them. A discussion ensued as to the practice to be followed when alleged unparliamentary words are used in debate but not taken down, and whether the unanimous-consent consideration of the resolution proposed by Mr. Clarence Cannon, of Missouri, furnished a precedent to permit future Members to move to strike out words in the Record because allegedly not heard at the time of utterance.<sup>(8)</sup>

#### **§ 51.18 The Speaker having ruled out of order certain words used by a Member in debate, the House expunged from the Record his entire speech.**

On Feb. 11, 1941,<sup>(9)</sup> Mr. Samuel Dickstein, of New York, was recognized for five minutes and was granted permission to revise and extend his remarks. Following Mr. Dickstein's address, Mr. John E. Rankin, of Mississippi, demanded

8. *Id.* at pp. 5507-09. The Speaker has consistently held that words uttered in debate must be objected to at the time they are made (see §§ 49.6, 49.7, *supra*).

9. 87 CONG. REC. 894, 895, 899, 77th Cong. 1st Sess.

that certain words used in debate by Mr. Dickstein be taken down. The Clerk read the following words:

MR. DICKSTEIN: I also charge, Mr. Speaker, that 110 facist organizations in this country had the back key, and have now the back key to the backdoor of the Dies committee.

Speaker Sam Rayburn, of Texas, ruled that the language reported was a breach of order and Mr. Rankin moved to expunge the entire speech of Mr. Dickstein from the Record. Following debate by Mr. Rankin, the House agreed to the motion.

**§ 51.19 On one occasion, the proceedings under which a Member's remarks were taken down were by unanimous consent deleted from the Record and the Member was granted the privilege of revising and extending his remarks.**

On May 31, 1939,<sup>(10)</sup> Mr. Sam Rayburn, of Texas, asked unanimous consent that "the proceedings under which the remarks of the gentleman from Oklahoma [Mr. Sam C. Massingale], in reference to the gentleman from Michigan [Mr. Carl E. Mapes], were taken down may be deleted

10. 84 CONG. REC. 6465, 76th Cong. 1st Sess.

from the Record and that the gentleman from Oklahoma may have the right to revise and extend his own remarks."

The request was granted after Mr. Rayburn gave assurances that the request was made with the approval of both Mr. Mapes and Mr. Massingale.

**§ 51.20 A Member, having been called to order for words spoken in debate and those words having been held unparliamentary may not proceed without the permission of the House; and, on motion, the unparliamentary words may be stricken from the Record by the House.**

On Aug. 21, 1974,<sup>(11)</sup> it was demonstrated that 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 situation is properly resolved. The proceedings were as follows:

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

11. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

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:<sup>(12)</sup> The gentleman demands that the words be taken down.

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 re-

marks 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.

MR. BAUMAN: Mr. Speaker, reserving the right to object, I would only like to say to the gentleman from Massachusetts and to the House that as for the gentleman from Massachusetts, I can understand his concern about my objection yesterday. It was the only possible way in which I or any other Member could have actually spoken on the resolution pending.

If he will look at the page numbers he cited, he will find subsequent to that, that the gentleman from Ohio (Mr. Devine), the gentleman from Indiana (Mr. Dennis), and the gentleman from California (Mr. Wiggins), all in my presence asked permission and did extend their remarks. And, of course, the gentleman from Massachusetts got 5 legislative days to extend on his special order. I did not object to any of these requests.

MR. O'NEILL: Mr. Speaker, will the gentleman yield on that point?

THE SPEAKER: The gentleman from Massachusetts cannot proceed at this point.

MR. BAUMAN: And, Mr. Speaker, a number of other Members did extend their remarks, and I did not object.

THE SPEAKER: Is there objection? . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I do object. . . .

MR. [B. F.] SISK [of California]: Mr. Speaker, I offer a motion.

12. Carl Albert (Okla.).

The Clerk read as follows:

Mr. Sisk moves that the words of the gentleman from Massachusetts, Mr. O'Neill, be stricken from the Record.

MR. SISK: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the motion offered by the gentleman from California.

The motion was agreed to.

*Parliamentarian's Note:* 8 Cannon's Precedents §2546 seems to support the proposition that the restriction imposed upon a Member whose words are held unparliamentary, which prevents that Member from proceeding further in debate, extends only to further debate on the "immediately pending question" and not to subsequent debate during that day. But on Jan. 29, 1946,<sup>(13)</sup> it was held that a Member may not again proceed the same day without the permission of the House. The prohibition should in any case extend for the entire day unless permission of the House to proceed in order is granted, in order to properly enforce the Chair's ruling holding the words to be unparliamentary.

### —*Time To Strike Words*

#### § 51.21 When objectionable words are reported to the

13. 92 CONG. REC. 533, 79th Cong. 2d Sess.

**House from the Committee of the Whole it is the duty of the Chair first to determine whether the words violate the rules of the House before motions are in order for the disposition of the matter.**

On May 13, 1932,<sup>(14)</sup> certain words used in debate in the Committee of the Whole were demanded to be taken down. The Committee rose and the Clerk read to the House the words reported from the Committee. After the words were reported, Mr. Homer C. Parker, of Georgia, addressed Speaker Pro Tempore William B. Bankhead, of Alabama, in order to make a motion with respect to the words objected to:

MR. PARKER of Georgia: Mr. Speaker, I move that the words that have been taken down—

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman from Georgia that the preliminary question for the Chair to decide is whether or not the words taken down are opprobrious or in contravention of the rules of the House and of orderly debate. The statement made by the gentleman from Texas [Mr. Blanton] has been reported by the Clerk and is now before the House for consideration.

The present occupant of the chair, of course, regrets personally that he is

14. 75 CONG. REC. 10135, 10136, 72d Cong. 1st Sess.

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

However much the Chair would like to have an expression of the House on this language<sup>(15)</sup> that has been taken down, the Chair is compelled to come to the conclusion that the language in itself does not offend the rules.

**§ 51.22 A motion to exclude words from the Record is not privileged until the Chair has decided that the words are out of order.**

On June 14, 1929,<sup>(16)</sup> Mr. B. Frank Murphy, of Ohio, demanded that certain words used in debate by Mr. Fiorello H. LaGuardia, of New York, condemning the government as having become "something hated, something oppressive" be taken down. Speaker Pro Tempore

15. The words objected to involved the characterization by one Member (Mr. Thomas L. Blanton, of Texas) of another (Mr. Parker, of Georgia) as "the general who won the war."

16. 71 CONG. REC. 2924, 71st Cong. 1st Sess.

Thomas S. Williams, of Illinois, directed the Clerk to report the words objected to. Immediately following the reading of the words, Mr. Murphy moved to exclude the words taken down from the *Congressional Record*.

The Speaker Pro Tempore ruled that the motion was not in order:

The Chair will say to the gentleman from Ohio that his motion is not in order until the Chair has ruled as to whether the words objected to and demanded to be taken down are out of order.

On Jan. 17, 1933,<sup>(17)</sup> Mr. Louis T. McFadden, of Pennsylvania, sought to impeach President Herbert C. Hoover for high crimes and misdemeanors and introduced a resolution impeaching the President. After the resolution was read, Mr. Henry T. Rainey, of Illinois, moved to lay the resolution of impeachment on the table. Mr. Fred A. Britten, of Illinois, then raised a parliamentary inquiry: "Is a motion to expunge the language which has just transpired in the House in order at this time?"

Speaker John N. Garner, of Texas, indicated that the request could be made at that time only by unanimous consent.

**§ 51.23 A motion to expunge a Member's remarks from the**

17. 76 CONG. REC. 1965-68, 72d Cong. 2d Sess.

**Record, the Chair having held them to be unparliamentary, is in order even though the House by vote has authorized the Member to proceed.**

On June 7, 1933,<sup>(18)</sup> Mr. Thomas L. Blanton, of Texas, was called to order for referring to Mr. Bertrand H. Snell, of New York, by name in debate and for holding him up to ridicule. Mr. John E. Rankin, of Mississippi, then moved that Mr. Blanton be permitted to proceed in order, and the House by vote so authorized Mr. Blanton to proceed.

Mr. Frederick R. Lehlbach, of New Jersey, then arose to move that the words spoken by Mr. Blanton be expunged from the Record. Mr. Rankin made the point of order that the motion came too late. Speaker Henry T. Rainey, of Illinois, ruled that the motion to expunge was in order since no business intervened between the vote on the motion to proceed in order and the entering of the motion to expunge words from the Record.

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

18. 77 CONG. REC. 5203-05, 73d Cong. 1st Sess.

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

During debate on H.R. 11<sup>(19)</sup> in the Committee of the Whole on Feb. 24, 1977,<sup>(20)</sup> 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:<sup>(1)</sup> The gentleman from Pennsylvania (Mr. Shuster) asks

19. Local Public Works Capital Development and Investment Act Amendments.
20. 123 CONG. REC. 5349, 95th Cong. 1st Sess.
  1. Barbara Jordan (Tex.).

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.

**§ 51.25 When there is a demand that certain words used in debate be taken down, the words objected to may be withdrawn by unanimous consent by the Member using them, but where the words are not withdrawn, the Speaker will rule on the propriety of the words.**

The proceedings of Mar. 19, 1985, concerning the propriety of words spoken in debate by Mr. Harry Reid, of Nevada, are discussed in § 51.36, *infra*.

**—*Debate on Motion To Strike***

**§ 51.26 Debate on a motion to expunge from the Record certain remarks used in debate and ruled out of order is under the hour rule.**

On Feb. 11, 1941,<sup>(2)</sup> Mr. John E. Rankin, of Mississippi, demanded that certain words used in debate by Mr. Samuel Dickstein, of New York, impugning the motives and actions of a House committee be taken down. After Speaker Sam Rayburn, of Texas, ruled that the words used were a breach of order in debate, Mr. Rankin moved to expunge the entire speech of Mr. Dickstein from the Record, and asked for recognition on his motion.

When Mr. Rankin asked whether he was recognized for one hour, the Speaker responded in the affirmative.

On June 12, 1947,<sup>(3)</sup> Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that words used in debate referring to the Committee on Un-American Activities as “the Un-American Committee” were a breach of order. Following the Speaker’s ruling, Mr. Rankin moved to strike those words from

2. 87 CONG. REC. 894, 895, 899, 77th Cong. 1st Sess.

3. 93 CONG. REC. 6896, 80th Cong. 1st Sess.

the Record and asked for recognition.

The Speaker responded to a question by Mr. Rankin as to the time of debate allowed him on the motion to strike words from the Record:

MR. RANKIN: Mr. Speaker, I am recognized now for 1 hour and I have a right to yield to any other Member I desire in this discussion?

THE SPEAKER: As long as the gentleman retains the floor he may yield, of course, but he must retain the floor for 1 hour, if he so desires.

***Discipline of Member for Unparliamentary Words***

**§ 51.27 When words used in debate are taken down on demand, ruled out of order and stricken from the Record by the House, it is for the House and not for the Chair to decide what further action by way of discipline or censure shall be taken by motion or resolution.**

On Feb. 22, 1945,<sup>(4)</sup> Mr. Frank E. Hook, of Michigan, used allegedly blasphemous language in relation to Mr. John E. Rankin, of Mississippi, in House debate. The words were demanded to be taken down and Speaker Pro Tempore Robert Ramspeck, of Georgia,

4. 91 CONG. REC. 1371, 1372, 79th Cong. 1st Sess.

ruled the words out of order and by unanimous consent ordered that they be stricken from the Record.

Mr. Howard W. Smith, of Virginia, then stated a parliamentary inquiry whether "it is in order for this House to enforce some discipline or whether the mere striking of such outrageous language from the Record is all that is going to occur today."

Speaker Pro Tempore Ramspeck responded "The Chair thinks that is a matter for the House to determine by proper action." A resolution to censure Mr. Hook for his disorderly language was later offered but withdrawn.<sup>(5)</sup>

**§ 51.28 A Member having introduced a resolution to censure another for words spoken in debate later withdrew the resolution by unanimous consent.**

On Feb. 22, 1945,<sup>(6)</sup> Mr. Frank E. Hook, of Michigan, used allegedly blasphemous language in criticism of Mr. John E. Rankin, of Mississippi. Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled that the words were a

5. 91 CONG. REC. 1390, 1391, 1445, 79th Cong. 1st Sess., Feb. 23, 26, 1945.

6. 91 CONG. REC. 1371, 1372, 79th Cong. 1st Sess.

breach of order and directed the language to be stricken from the Record. The Speaker Pro Tempore then stated in response to a parliamentary inquiry by Mr. Howard W. Smith, of Virginia, that the House could take further action by way of enforcing discipline.

On Feb. 23, the following day,<sup>(7)</sup> both Mr. Hook and Mr. Rankin apologized to the House for their actions on the preceding day. Mr. Smith addressed the House in relation to a resolution of the censure against Mr. Hook:

. . . I feel today as I felt yesterday, that there should be a resolution of censure. I think that, regardless of who the person may be, when language of the type that was used yesterday on the floor of this House is used by a Member, the House cannot ignore it without lowering the dignity and the standing of the House in the Country.

Mr. Smith introduced House Resolution 147, to censure Mr. Hook; the resolution was referred to the Committee on Rules.

The resolution read as follows:

Whereas during a discussion in the House of Representatives on the twenty-second day of February, 1945, while Mr. Hoffman of Michigan had the floor, a colloquy occurred between the Member from Mississippi, Mr. Rankin, and the Member from Michigan, Mr. Hook; and

Whereas the Member from Michigan, Mr. Hook, in response to a remark by the Member from Mississippi, Mr. Rankin, used the following words, "You are a God damn liar when you say Communist Party."; and

Whereas the language of the Member from Michigan, Mr. Hook, flagrantly violated the rules of order of the House, and was unbecoming a gentleman and a Member of this body; and

Whereas the conduct of the Member from Michigan, Mr. Hook, impinged the dignity and reflected upon the good repute and orderly conduct of the House of Representatives in a manner tending to lower the public regard for the proceedings of the House, and merits the severe censure of the House for the same: Therefore be it

*Resolved*, That the said Frank Hook be now brought to the bar of the House by the Sergeant at Arms, and be there publicly censured by the Speaker in the name of the House.

On Feb. 26, 1945,<sup>(8)</sup> Mr. Smith obtained unanimous consent to "withdraw" the resolution (Speaker Pro Tempore John McCormack, of Massachusetts, presiding).

*Parliamentarian's Note:* It is technically not in order, even by unanimous consent, to "withdraw" a measure which has been introduced and referred.

**§ 51.29 Words uttered by a Member when not under recognition by the Chair are ex-**

7. *Id.* at p. 1396.

8. 91 CONG. REC. 1445, 79th Cong. 1st Sess.

**cluded from the Record; and while a Member who is held to have breached the rules of decorum in debate is presumptively disabled from further recognition on that day, by tradition the Speaker's ruling and any necessary expungement of the Record are deemed sufficient sanction, and by custom the chastened Member is permitted to proceed in order (usually by unanimous consent).**

The proceedings of July 29, 1994,<sup>(9)</sup> demonstrate the procedures following a breach of decorum in the House:

MS. [MAXINE] WATERS [of California]: Madam Speaker, last evening a Member of this House, Peter King, had to be gavelled out of order at the White-water hearings of the Banking Committee. He had to be gavelled out of order because he badgered a woman who was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Speaker, the day is over when men can badger and intimidate women.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Madam Speaker, I demand the gentlewoman's words be taken down.

THE SPEAKER PRO TEMPORE:<sup>(10)</sup> The gentlewoman from California [Ms. Waters] must suspend and be seated.

9. 140 CONG. REC. p. \_\_\_\_\_, 103d Cong. 2d Sess.

10. Carrie Meek (Fla.).

The Clerk will report the words.

MS. WATERS:—

THE SPEAKER PRO TEMPORE: The gentlewoman will please desist and take her seat.

MS. WATERS:—

THE SPEAKER PRO TEMPORE: The Chair is about to direct the Sergeant at Arms to present the mace.

THE SPEAKER:<sup>(11)</sup> The Clerk will report the words. . . .

While in the opinion of the Chair the word "badgering" is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from California was not in good order in the subsequent period immediately following those words having been uttered.

Accordingly, the Chair rules that without leave of the House, the gentlewoman from California may not proceed for the rest of today. . . .

MR. [GERALD B. H.] SOLOMON [of New York]: Reserving the right to object, Mr. Speaker, does that mean that all of the words will be taken down subsequent to the point that she was ruled out of order and stricken from the Record?

THE SPEAKER: None of those words will be in the Record, the Chair will state to the gentleman. None of the words will be in the Record subsequent to that since she was not recognized. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Reserving the right to object, Mr. Speaker, I am a little puzzled by the word "demeanor." I was in the Chamber at the time, and I did see the Chair try to gavel the gentlewoman

11. Thomas S. Foley (Wash.).

down, but I can understand why she could not hear, because there were so many people at mikes and I think she was confused by that. So I am a little troubled about that. How can you challenge "demeanor"?

THE SPEAKER: The Chair wishes to advise the gentlewoman from Colorado that it is the opinion of the Chair that the Chair at the time was attempting to insist that the gentlewoman from California desist with any further statements and sit down. She did not accord cooperation to the Chair and follow the Chair's instructions. Consequently, it is the finding of the Chair that her demeanor at that point in refusing to accept the Chair's instructions was out of order.

The Chair wishes to ask if there is objection to the gentlewoman from California proceeding in good order.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Reserving the right to object, Mr. Speaker, do I understand that the Chair is putting the question to the House under unanimous consent of the gentlewoman being able to proceed for the rest of the day?

THE SPEAKER: That is correct.

MR. WALKER: I thank the Chair.

THE SPEAKER: Without objection, so ordered.

There was no objection.

**§ 51.30 A Member was disciplined for stating that the President had given "aid and comfort to the enemy," and the Chair indicated that the Member would not be allowed to speak on the floor of the House or to insert re-**

**marks in the Record in any manner or form for 24 hours.**

On Jan. 25, 1995,<sup>(12)</sup> a Member was disciplined for remarks relating to the President:

(Mr. Dornan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [ROBERT K.] DORNAN [of California]: . . . I was offended by Clinton's speech last night on 15 points.

I will do a 5-minute special order tonight I have just signed up for. I can only mention four.

The first one is new covenant. The Ark of the Covenant was the Old Covenant. The New Covenant was the Son of God, Jesus Christ. . . .

No. 2, to put a Medal of Honor winner in the gallery that joined the Marine Corps at 16, fudging his birth certificate, that pulled that second grenade under his stomach, miraculously surviving and saving his four friends, he did that 6 days past his 17th birthday.

Does Clinton think putting a Medal of Honor winner up there is not going to recall for most of us that he avoided the draft three times and put teenagers in his place possibly to go to Vietnam?

No. 3, the line on the cold war. . . .

By the way, Mr. Speaker, the second amendment is not for killing little ducks and leaving Huey and Dewey and Louie without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. . . .

12. 141 CONG. REC. p. \_\_\_\_, 104th Cong. 1st Sess.

MR. [VIC] FAZIO of California: Mr. Speaker, I move the gentleman's words be taken down. . . .

THE SPEAKER PRO TEMPORE:<sup>(13)</sup> All Members will suspend. The Clerk will report the words spoken by the gentleman. . . .

The Clerk read as follows:

Even Andrea Mitchell of NBC took note that [it] is Ronald Reagan's prerogative, George Bush's and all of us who wore the uniform or served in a civilian capacity to crush the evil empire. Clinton gave aid and comfort to the enemy.

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, that is not a proper reference to the President. Without objection, the words are stricken from the Record. . . .

MR. FAZIO of California: Mr. Speaker, reserving the right to object, I think the gentleman from California [Mr. Dornan] owes the entire institution, the Congress, and the President an apology.

MR. DORNAN: Hell no; hell, no. . . .

Unanimous consent to proceed for 15 seconds? . . .

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Fazio] has the floor at this moment.

MR. FAZIO of California: I would be happy to yield to my colleague from California, since I have the time, to hear his response.

MR. DORNAN: Will the gentleman yield?

MR. FAZIO of California: I yield to the gentleman from California.

MR. DORNAN: To my distinguished friend and colleague, Maj. Earl Kolbile,

Lt. Comdr. J. J. Connell was beaten to death in Hanoi. I have had friends beaten to death in Hanoi, tortured and beaten. You have not. . . .

I will not withdraw my remarks. I will not only not apologize. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: I ask that the words of the gentleman from California be taken down.

MR. DORNAN: Good. I will leave the floor, no apology, and I will not speak the rest of the day. The truth is the truth.

THE SPEAKER PRO TEMPORE: The House will be in order. The gentleman's words have already been taken down. . . .

MR. FAZIO of California: The gentleman is challenging the words that were uttered in response to my question.

THE SPEAKER PRO TEMPORE: The Chair rules that those words as follows "I believe the President did give aid and comfort to the enemy, Hanoi," were also out of order. The Chair has ruled that, based on the precedents of the House, the words of the gentleman from California were out of order, and without objection, both sets of words will be stricken from the Record. . . .

MR. FAZIO of California: I have a parliamentary inquiry of the Speaker at this point.

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

MR. FAZIO of California: When the Speaker rules that the gentleman should not be allowed to speak for 24 hours, does that encompass remarks that might be placed in the Record, participation in special orders, and other activities that might not involve the gentleman speaking on the floor?

13. John J. Duncan, Jr. (Tenn.).

THE SPEAKER PRO TEMPORE: It is the House's determination as to whether or not the Member should be allowed to proceed in order for the remainder of the day. That determination shall not be made by the Chair.

MR. FAZIO of California: In other words, is the House required to vote on whether or not remarks should be placed in the Record?

THE SPEAKER PRO TEMPORE: Unparliamentary remarks cannot be inserted in the Record.

MR. FAZIO of California: But remarks that are not ruled unparliamentary may be placed in the Record if they are not uttered on the floor; is that the ruling of the Speaker?

THE SPEAKER PRO TEMPORE: Unparliamentary remarks should not be inserted in the Record in any manner or form. . . .

MR. FAZIO of California: So in other words, just to confirm the Speaker's ruling, we will not read or hear from the gentleman from California [Mr. Dornan] for the next 24 hours; is that correct?

THE SPEAKER PRO TEMPORE: Unless the House permits him to proceed in order, the gentleman is correct.

MR. FAZIO of California: And for the House to permit that would require a majority vote?

THE SPEAKER PRO TEMPORE: It would require either unanimous consent or a majority vote of the House to permit the gentleman to proceed in order. . . .

MR. [DAVID E.] BONIOR [of Michigan]: Mr. Speaker, the gentleman from California [Mr. Dornan] is on his feet. Is he not supposed to remain seated until the determination?

THE SPEAKER PRO TEMPORE: The gentleman can either be seated or leave the Chamber.

MR. BONIOR: He chose to leave the Chamber; OK. . . .

In a further ruling, the Chair stated that the following words were not unparliamentary:

By the way, Mr. Speaker, the Second Amendment is not for killing little ducks and leaving Huey, Duey and Louie without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. Thank you, Mr. Speaker.

### *Motion To Strike Words*

**§ 51.31 A motion to table is a preferential motion which may be raised to dispose of a motion to expunge certain words from the Record.**

On June 16, 1947,<sup>(14)</sup> certain words used in debate characterizing a committee report as containing "lies and half-truths" were demanded to be taken down. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used were unparliamentary. Mr. John E. Rankin, of Mississippi, moved to strike the entire statement from the Record. On that motion he asked for recognition.

Mr. Vito Marcantonio, of New York, moved to lay the motion to

14. 93 CONG. REC. 7065, 80th Cong. 1st Sess.

strike words on the table. Mr. Rankin objected that he had already been recognized. Speaker Martin ruled that the motion to table was “preferential and not debatable.” The House rejected the motion to table.

**—Subject to Germane Amendment**

**§ 51.32 Where a motion was made to expunge the remarks of a Member, an amendment to it proposing to expunge the remarks of another Member was held not germane.**

On June 7, 1933,<sup>(15)</sup> Mr. Frederick R. Lehlbach, of New Jersey, made a motion to expunge from the Record certain words used in debate by Mr. Thomas L. Blanton, of Texas, which had been ruled out of order by Speaker Henry T. Rainey, of Illinois. Before the question was put on the motion to expunge, Mr. William B. Oliver, of Alabama, offered an amendment to the motion:

Mr. Speaker, I move to amend the motion of the gentleman from New Jersey [Mr. Lehlbach] by including in the language to be stricken out the language used by the gentleman from New York [Mr. Snell], which reflects on the President.

15. 77 CONG. REC. 5205, 73d Cong. 1st Sess.

Mr. Lehlbach made the point of order that Mr. Oliver’s amendment was not germane since the House was “dealing with language reported to the House and uttered by the gentleman from Texas, and language spoken in committee by anybody else is not a germane amendment, to my motion.”

Speaker Rainey sustained the point of order.

**—Question of Privilege—To Strike Words**

**§ 51.33 On occasion, a resolution seeking to expunge unparliamentary words from the Record has been offered as a question of privilege of the House and agreed to.**

A resolution offered on Sept. 5, 1940,<sup>(16)</sup> sought to expunge from the Record certain unparliamentary remarks uttered on Sept. 4. Timely objection to the remarks had been made, and there had subsequently been some dispute as to whether unanimous consent had been given for the withdrawal of some or all of the remarks in question. The proceedings of Sept. 5 were as follows:

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I rise to a question of the privilege of the House.

16. 86 CONG. REC. 11552, 11553, 76th Cong. 3d Sess.

THE SPEAKER:<sup>(17)</sup> The gentleman will state his question of privilege.

MR. HOFFMAN: Mr. Speaker, I will not make a lengthy statement—

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a point of order. In order to get recognition on the question of the privilege of the House it is necessary for a Member to offer a resolution first?

THE SPEAKER: That is the rule. . . .

MR. HOFFMAN: Must I offer the resolution before I state my question?

THE SPEAKER: The gentleman must offer his resolution first, under the rule.

MR. HOFFMAN: Very well, but I desire to be heard on the question. However, I will not take more than 5 minutes.

THE SPEAKER: The Chair will hear the gentleman. The Clerk will report the resolution.

#### HOUSE RESOLUTION 591

Whereas the gentleman from the Second District of Kentucky [Mr. Vincent], referring to the gentleman from the Twentieth District of Ohio [Mr. Sweeney], stated on the floor of the House on September 4, 1940, as appears in the [daily] Record on page 17450, "I said I did not want to sit by a traitor to my country;" and

Whereas such words were a violation of the rules of the House and, as reprinted in the Record, charge the Member from Ohio with a lack of patriotism, and with disloyalty to his country, reflect upon him in his representative capacity and upon the dignity of the House: Therefore, be it

*Resolved*, That the words, "I said I did not want to sit by a traitor to my country," be expunged from the Record. . . .

17. William B. Bankhead (Ala.).

MR. HOFFMAN: Mr. Speaker, the Record this morning contains that statement. Most of the Members of the House are familiar with what occurred last night. It is not my purpose to take the time of the House to discuss the question of the privilege of the House. I will present the resolution, and then move the previous question. The facts upon which the question of the privilege of the House which I raise are these:

Yesterday, September 4, 1940, on the floor of the House, the following occurred:

The gentleman from the Second District of Kentucky rose and made the following statement, as appears from the official transcript of the reporter:

Mr. Vincent of Kentucky. Mr. Speaker, I served in the World War, and the World War, as I understood it then and as I understand it now, was fought because we were being attacked by submarines and women and children murdered on the high seas. To say that my President of that time brought on that war to me was an untruth. . . .

When he came down to sit with me, I got up and moved. . . . I said I did not want to sit by a traitor to my country. Then he attacked me and you know what happened.

Following the word "happened," the gentleman from the Second District of Kentucky continued:

I have no apology to make—

And followed that by a sentence consisting of 18 words, which were subsequently deleted from the stenographer's copy sent to the printer.

Then the following occurred:

Mr. Hoffman. Mr. Speaker, I demand recognition on a point of order.

The Speaker pro tempore. The gentleman will state it.

Mr. Hoffman. Mr. Speaker, I demand that the words of the gentleman who just left the floor be taken down, because they violate the rules of the House.

The Speaker pro tempore. The Clerk will report the words complained of.

Mr. Vincent of Kentucky. Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

Mr. Dworshak. I object, Mr. Speaker.

The Speaker pro tempore. The gentleman from Kentucky asks unanimous consent to withdraw the statement. Is there objection? The Chair hears none.

Mr. Bradley of Michigan. I object, Mr. Speaker. . . .

Later, the following occurred: . . .

Mr. Hoffman. Mr. Speaker, a moment ago certain words were uttered by the gentleman on the floor of the House which I demanded be taken down. No report was made of those words. I demand the regular order—the taking down of the words, the report of the words, and the reading by the Clerk.

The Speaker pro tempore. Subsequently, unanimous consent was granted for the words to be withdrawn.

Mr. Hoffman. Oh, no, Mr. Speaker; three Members were on their feet—I was one of them—and objecting to that.

The Speaker pro tempore. That was the ruling of the Chair. . . .

If it be true that there was no objection to the unanimous-consent request of the gentleman from the Second District of Kentucky, that consent, according to the printed Record and according to the reporter's record, was as follows:

Mr. Vincent of Kentucky. Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

The last sentence of the statement was the sentence consisting of 18 words and, had unanimous consent been granted to withdraw the last sentence of the previous statement made by the gentleman from the Second District of Kentucky, there was no consent to withdraw the words, "I have no apology to make."

The striking out of those words from the official transcript furnished by the reporter and the failure to print them in the record of the House renders the Record inaccurate and untrue.

The words, as they now appear in the daily printed Record, September 4, page 17450—

I said I did not want to sit by a traitor to my country—

Were a violation of the rules of the House and, as reprinted in the Record, charge the Member from Ohio with a lack of patriotism, and with disloyalty to his country, reflect upon him in his representative capacity and upon the dignity of the House.

These words were objected to; a demand was made that they be taken down; and, under the rules of the House, they should either have been taken down or unanimous consent should have been obtained to withdraw them from the Record.

Unanimous consent to withdraw these words just quoted—that is—

I said I did not want to sit by a traitor to my country—

Was not given. The words were not taken down and read to the House.

They now appear in the Record. They reflect upon the Member from Ohio. They bring disrepute upon the House and reflect upon the integrity of the House, if permitted to remain in the Record.

Mr. Speaker, I therefore move the adoption of the resolution, and, upon that, move the previous question.

THE SPEAKER: The question is on agreeing to the resolution.

The resolution was agreed to.

**§ 51.34 The House, on a question of privilege of the House, ordered expunged from the Record unparliamentary remarks after the Member using them failed to withdraw them pursuant to a leave to revise.**

The proceedings of Sept. 5, 1940, are discussed in § 51.33, *supra*.

**§ 51.35 The House considered as a question of privilege of the House and adopted a resolution expunging from the Record unparliamentary remarks inserted by a Member without permission to revise and extend.**

On Aug. 27, 1940,<sup>(18)</sup> Mr. Jacob Thorkelson, of Montana, arose to a question of personal privilege and to a question of the privilege

of the House. He introduced the following resolution:

Whereas the gentleman from the Fifth District of Illinois, Mr. Sabath, caused to be inserted in the *Congressional Record* of August 14, 1940, on page 10342, the following remarks:

"The House will recall that in Appendix of the Record, pages 3006-3010, I showed that he had placed in the Record up to that time 210 full pages of scurrilous matter at a cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and before, I lost all confidence in him."

And whereas such insertion is a violation of the privilege of the House, in that said remarks charge a Member of the House with having inserted in the Record a forged letter; and

Whereas the insertion of said remarks results in the Record being inaccurate, in that the Record as printed contains statements which from the Record appear to have been made on the floor of the House, but for which permission for insertion in the Record was not obtained; and

Whereas said remarks, as so inserted, were not in order and were an abuse of the privilege of the House: Therefore, be it

*Resolved*, That the remarks appearing on page 15814 of the *Congressional Record* under date of August 14, 1940, to wit: "The House will recall that in the Appendix of the Record, pages

18. 86 CONG. REC. 11046-49, 76th Cong. 3d Sess.

3006–3010, I showed that he had placed in the Record up to that time 210 full pages of scurrilous matter at a cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him” be, and they hereby are, expunged from the *Congressional Record*, and are declared to be not a legitimate part of the official Record of the House.

Speaker William B. Bankhead, of Alabama, first ruled that a statement by a Member that another Member had introduced a forged letter into the Record was not grounds for a question of personal privilege. However, the Speaker requested Mr. Thorkelson to withhold his question of privilege of the House for the time being so that the Chair could have the opportunity to find out from the reporters’ notes whether Mr. Adolph J. Sabath had been granted permission to revise and extend his remarks in the Record.

On the following day, Aug. 28, 1940,<sup>(19)</sup> the question of privilege presented by Mr. Thorkelson was considered in the House as the

19. 86 CONG. REC. 11150–58, 76th Cong. 3d Sess.

unfinished business from the preceding day. Speaker Bankhead ruled that extension of remarks in the Record by a Member without first obtaining permission of the House to revise and extend was grounds for a question of privilege of the House. The House then adopted the resolution offered by Mr. Thorkelson expunging from the Record remarks inserted by Mr. Sabath without such permission.

#### ***Motion To Proceed in Order***

**§ 51.36 Where unparliamentary words used in debate have been stricken from the Record, the offending Member may be permitted to proceed in order by unanimous consent or by nondebatable motion; but a Member who is not permitted by the House to proceed in order loses the floor and may not participate in debate on the same day even on time yielded to him by another Member.**

The following proceedings occurred in the House on Mar. 19, 1985:<sup>(20)</sup>

MR. [HARRY] REID [of Nevada]: Mr. Speaker, on February 26 of this year one of my constituents traveled nearly

20. 131 CONG. REC. 5532, 5533, 5537, 99th Cong. 1st Sess.

3,000 miles to Washington specifically to see me about a critical issue, but he did not. . . . I was called away from something very important to become captive, once again, to an abusive practice, an abuse inflicted upon the entire House of Representatives and the legislative process itself, voting on the Journal.

Mr. Reid made further comments, indicated below, which were the subject of a demand that the words be taken down:

MR. [VIN] WEBER [of Minnesota]: Mr. Speaker, I demand that the gentleman's words be taken down. . . .

Mr. Speaker, would it be in order, in view of the gentleman's statement a minute ago, for me to ask unanimous consent that he be permitted to withdraw his words?

THE SPEAKER PRO TEMPORE:<sup>(1)</sup> Yes. The Chair would entertain such a motion. . . .

MR. REID: Mr. Speaker, I respectfully submit that I appreciate the request of the gentleman from Minnesota, but I do not think I said anything offensive, and I would ask for a ruling on that.

THE SPEAKER PRO TEMPORE: The Chair will rule.

The Clerk will report the words.

The Clerk read as follows:

One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague from Pennsylvania, Mr. Walker, who speaks constantly of the need to do away with government waste, and he is literally speaking out of both sides of his mouth.

THE SPEAKER PRO TEMPORE: The Chair would announce that it is not proper to impugn the motive of another Member. We have precedents here in the House. Mr. Knutson, of Minnesota: "I cannot believe that the gentleman from Mississippi is sincere in what he has just said." And that was held not in order on November 2, 1942.

The Chair must state that the words of the gentleman from Nevada have, in his opinion, an unparliamentary connotation and shall be stricken.

Without objection, the gentleman from Nevada may proceed. Do I hear an objection?

MR. WEBER: Yes, Mr. Speaker. . . .

Would the Chair clarify the parliamentary situation in which the gentleman from Nevada finds himself?

THE SPEAKER PRO TEMPORE: . . . The Chair has ruled that the gentleman from Nevada misspoke on the words "speaking out of both sides of his mouth," and therefore those words shall be stricken.

The Member only can proceed by permission of the House. . . .

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I ask unanimous consent that the gentleman from Nevada may be permitted to proceed.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Washington that the gentleman from Nevada be allowed to finish his remarks?

MR. [DANIEL E.] LUNGREN [of California]: Reserving the right to object—

THE SPEAKER PRO TEMPORE: The gentleman from California reserves the right to object. . . .

1. Kenneth J. Gray (Ill.).

Let the Chair restate what has occurred here.

The gentleman has propounded a parliamentary inquiry, and the Chair has responded that the Chair has ruled that those words are offensive and shall be stricken. It is not a matter of further debate.

MR. LUNGREN: I understand. I am still proceeding under my reservation, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The question occurs now on whether or not the gentleman is allowed to proceed with the understanding that those words have been stricken. . . .

MR. LUNGREN: . . . Mr. Speaker, under my reservation, I ask the gentleman at this point in time whether he would agree to withdraw his remarks. . . .

THE SPEAKER PRO TEMPORE: It is not in the parliamentary procedures or rules of the House for any further debate on this matter. The Chair has ruled affirmatively that the words shall be stricken.

The only question now before this House is whether or not—

MR. LUNGREN: Mr. Speaker, you have constrained me to object, and I do object at this time. . . .

THE SPEAKER PRO TEMPORE: Objection is heard.

Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 5 minutes. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I recognize the gentleman from Nevada (Mr. Reid). I yield to the gentleman from Nevada. . . .

THE SPEAKER PRO TEMPORE: The gentleman cannot be yielded to at this time. . . .

Is there objection to the gentleman from Arkansas yielding further to the gentleman from Nevada?

MR. ALEXANDER: . . . Do I not have a right to yield to any Member of this House? . . .

THE SPEAKER PRO TEMPORE: The Chair will rule that if a Member in this particular case has been precluded from continuing, he cannot be yielded to on this subject without unanimous consent.

If the gentleman wants to propound the unanimous-consent request, and hearing no objection, he could yield.

Is there objection to the request of the gentleman from Arkansas to yield to the gentleman from Nevada? . . .

MR. LUNGREN: . . . I will be constrained to object, and I do object at this time. . . .

MR. ALEXANDER: Mr. Speaker, I have not announced the subject which I intend to address. How can the Chair rule against me yielding to another Member when the Chair does not know the subject that I intend to address?

THE SPEAKER PRO TEMPORE: The Chair would announce to the distinguished gentleman from Arkansas that, under the rules of the House, at any time a Member's words are taken down, under the rules he is not permitted on that particular legislative business day to speak to the House without permission of the body. An objection was heard to the unanimous-consent request. . . .

MR. WEBER: Mr. Speaker, I ask unanimous consent that the gentleman from Nevada (Mr. Reid) be allowed to proceed.

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

There was no objection.

**§ 51.37 The motion that a Member ruled out of order for words spoken in debate be permitted to proceed in order is not inconsistent with the prohibition in clause 4 of Rule XIV that the offending Member may not automatically proceed, since it permits the House to determine the extent of the sanction for the breach of order.**

On May 9, 1990,<sup>(2)</sup> the following proceedings occurred in the House:

(Mr. Torricelli asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, you heard it here today: Republican Member after Republican Member taking the floor, predicting that the President will never raise taxes.

I am here to predict that he will raise taxes. And, Mr. Speaker, we are both right because no doubt, for the President's friends, for those of privilege in American, he will never raise taxes.

But for you and for me and for the overwhelming majority of Americans, he is—he says that he is going to, and he is about doing it. It isn't, Mr.

2. 136 CONG. REC. 9828, 9829, 101st Cong. 2d Sess.

Speaker, that the President is intellectually dishonest, though indeed in the last election he was. It is about the fact that he has a \$500 billion—

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask that the gentleman's words be taken down.

[The words in question were held to be unparliamentary, the Speaker Pro Tempore<sup>(3)</sup> stating as follows:]

In referring to the President during debate a Member shall abstain from "terms of approbrium," such as calling the President a "liar"—V, 5094, VIII, 2498.

Without objection the gentleman from New Jersey [Mr. Torricelli] may proceed in order.

[Objection was heard.]

THE SPEAKER PRO TEMPORE: Does any Member move that the gentleman from New Jersey [Mr. Torricelli] may proceed in order? . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I make that motion.

THE SPEAKER PRO TEMPORE: The question is on the motion of the gentleman from Illinois [Mr. Yates]. . . .

So the motion was agreed to. . . .

THE SPEAKER PRO TEMPORE: . . . The House has voted to allow the gentleman to proceed in order. The gentleman has 16 seconds remaining. . . .

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

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

MR. WALKER: If I understand correctly what just happened in the course of events, it was that the Chair did rule that the gentleman's words were inappropriate, is that correct?

3. John P. Murtha (Pa.).

THE SPEAKER PRO TEMPORE: The Chair did so rule.

MR. WALKER: And the penalty for such a ruling would normally be that the gentleman would not be allowed to speak for the rest of the day in the House Chamber, is that not correct?

THE SPEAKER PRO TEMPORE: The House permitted him to proceed in order.

MR. WALKER: Under the rules, Mr. Speaker, the rules state that someone having had the Chair so rule is not permitted to speak in the House for the rest of the day, is that not correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So by taking the action which the party did a few minutes ago, the majority party did, what they did was basically overrule the rules with regard to the penalty for having words taken down.

THE SPEAKER PRO TEMPORE: The motion to allow the gentleman to proceed is a proper parliamentary motion under the same rule.

MR. WALKER: Yes. I understand. But the effect of the action, the effect of the motion, was to override the rules of the House.

THE SPEAKER PRO TEMPORE: Under the rules of the House the Chair cannot say that one part of the rule has precedence over the practice of the House paramount to that rule.

MR. WALKER: Well, I have a further parliamentary inquiry.

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

MR. WALKER: If the motion had not been made, the gentleman would not have been permitted to speak for the rest of the day, is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So the effect of the motion was to allow the gentleman to do something which the rules would otherwise not permit him.

THE SPEAKER PRO TEMPORE: The House has followed the normal practice. There are two aspects to the rule. The House proceeded under the rules, and both procedures are proper. The House voted and the gentleman was allowed to proceed for 16 seconds.

MR. WALKER: I have a further parliamentary inquiry. So in other words what the Chair is saying is that the will of the majority can prevail, even though it is over and above the rules that are adopted by the—

MR. YATES: Mr. Speaker, regular order.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Yates] is absolutely correct. That is not a parliamentary inquiry.

*Parliamentarian's Note:* Where the House has voted to allow a Member called to order to proceed in order, the offending Member is recognized for the remainder of his debate time, as indicated above.

## § 52. —Permission To Explain or To Proceed in Order

A Member whose words are demanded to be taken down must take his seat and if his words are