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THE SPEAKER PRO TEMPORE:[8] The Clerk will report the words taken down.

The Clerk read as follows:

> . . . I think the Members should be allowed to express themselves during special orders without this kind of unfair stealing of time.

THE SPEAKER PRO TEMPORE: The Chair thinks in the connotation that the words were used, there is no allegation of illegality. The words are not unparliamentary, in the opinion of the Chair. . . .

MR. MCEWEN: Mr. Speaker, I wish to make it abundantly clear that at no time in my presentation did I accuse anyone or intend to imply that anyone was stealing anything.

MR. JACOBS: Mr. Speaker, I withdraw my point of order.

§ 60. Critical References to Members

The form and the substance of a Member's reference to another Member in debate are regulated by the rules and longstanding practice of the House. So that "order, decency, and regularity be preserved in a dignified public body,"[9] the motives of Members may not be impugned or their personalities attacked,[10] and indecent or grossly accusatory language may not be used in criticizing a Member. Indeed, Rule XIV provides that a Member must confine himself to the question under debate, avoiding personality.[11]

The proper procedure to be followed when objectionable words are used in reference to a Member is the demand that they be "taken down,"[12] and the House has on occasion demanded an apology from or reconciliation between hostile Members.[13]

Senate rules of proceedings are similar to those of the House, the Standing Rules of the Senate prohibiting remarks in debate imputing conduct or motive unworthy of a Senator to one or more of his colleagues.[14]

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8. Tommy F. Robinson (Ark.).

9. Jefferson's Manual, *House Rules and Manual* § 285 (1995). See also *id.* at §§ 353–379, for parliamentary principles as to order in debate.

10. For a distinction between general language used in debate and that involving personalities, see 5 Hinds' Precedents § 5153.

The Speaker may intervene in debate to prevent breaches of order in referring to personalities. See 5 Hinds' Precedents § 5163.

Breaches of order include sarcastic or satirical compliments; see 5 Hinds' Precedents §§ 5165, 5167, 5168.

Members may be censured for invoking personalities in debate; see 2 Hinds' Precedents §§ 1251, 1253, 1254, 1259.

11. Rule XIV clause 1, *House Rules and Manual* § 749 (1995).

12. See § 49, supra.

13. See 2 Hinds' Precedents §§ 1651, 2648, 2650.

14. See Rule XIX clause 2, Standing Rules of the Senate § 19.2 (1975).

The rules against engaging in personalities in debate have applied uniformly whenever questions of order have been raised respecting personal references, whether in legislative debate, during special orders, or in extension of remarks. Obtaining a special order with the specific purpose of discussing a topic such as "ethics in the House" does not change these standards precluding personal references in debate. Neither does informing a colleague that his conduct is going to be the subject of discussion on the floor make a subsequent personal reflection less objectionable. "Engaging in personalities" remains contrary to accepted House practice notwithstanding such notification. Where the House has under consideration a resolution involving the conduct of a Member, a wider range of debate is permitted. In the context of a specific legislative proposal involving censure, reprimand, or expulsion, or a proposal advocating an investigation of misconduct, the facts surrounding the resolution may be discussed, but even in these situations debate personally offensive has not been permitted.

For a discussion of Senate principles governing references in debate to Members, see 94 CONG. REC. 8966, 80th Cong. 2d Sess., June 19, 1948 (President Pro Tempore Irving M. Ives [N.Y.]).

Rule XIV, clause 1, prohibits references by one Member in debate to newspaper accounts personally critical of another Member in a way that would be unparliamentary if uttered as the first Member's own words. Generally, the publication of charges in another forum does not necessarily legitimize references to such charges on the floor of the House. In 1868, a Member from Illinois leveled charges against a Member from Minnesota in an article (apparently a letter to the editor) in a Minnesota newspaper. The House adopted as a question of privilege a resolution enabling a select committee to investigate the matter. The select committee found that the words of the letter, if uttered on the floor of the House, would have been unparliamentary for their tendency to provoke disturbance and disorder in the proceedings but that, as uttered in a newspaper, had no equal tendency.[15]

A statement on the floor personally critical of another Member is properly challenged by a demand that the "words be taken down." A question of personal privilege cannot ordinarily be raised against words used in debate,[16] whether or not the Member making the

15. See 3 Hinds' Precedents § 2691.

16. See § 60.26, infra.

statement purports to assert it on his own responsibility. However, in 1910, a Member from Arkansas stated on the floor his understanding, apparently derived from the accounts of others, of matters reflecting on the conduct of a Member from New York. The Member from New York was recognized on a question of personal privilege notwithstanding the argument of the Member from Arkansas that he had not made the assertion on his own responsibility but instead had said that he was so informed.[17]

Although debate on a privileged resolution recommending disciplinary action against a Member may include comparisons with other such actions taken by or reported to the House for purposes of measuring severity of punishment, it is not in order to discuss the conduct of another Member not the subject of a committee report, or make references to similar conduct of another which is not then the subject of a question pending before the House.[18]

Indulging in Personalities

§ 60.1 It is a breach of order in debate to indulge in personalities of other Members or to use unparliamentary language in relation to them.

On Mar. 11, 1936,[19] Speaker Joseph W. Byrns, of Tennessee, commented on the subject of the conduct of debate in the House. He cited Rule XIV of the House rules governing the subject and quoted relevant sections of Jefferson's Manual. The Speaker expressed the hope that Members would cease indulging in the personalities of other Members in debate, cease addressing a Member in other than the third person, and expressed his intention to call any Member violating rules of decorum and debate to order. He also requested any Members who would be called upon to preside as Chairman of the Committee of the Whole to pursue a similar practice.[20]

—Proper Form of Address

§ 60.2 The proper form of reference to another Member is "the gentleman (or gentlewoman) from (state)," and not any other appellation or characterization.

17. See 6 Cannon's Precedents § 594.
18. See the proceedings of Dec. 18, 1987, at § 60.18, infra and Apr. 1, 1992.
19. 80 CONG. REC. 3577, 74th Cong. 2d Sess.
20. See also 96 CONG. REC. 5539, 81st Cong. 2d Sess., Apr. 12, 1950; 80 CONG. REC. 3894, 3895, 74th Cong. 2d Sess., Mar. 17, 1936.

On Oct. 2, 1984,[1] during consideration of the balanced budget bill (H.R. 6300) in the House, the Chair, in responding to a parliamentary inquiry, reminded the Members of the proper form of reference to other Members:

> MR. [DANIEL E.] LUNGREN [of California]: Well, Mr. Speaker, thank God this is not a medical research center, because if you believe laetrile cures cancer, you think that Dr. "Feelgood's" bill here on the floor is going to do something, but the fact of the matter is that it has nothing to do with the legislation on the floor; it has to do with the will of the Members of Congress. . . .
>
> MR. [RONALD V.] DELLUMS [of California]: Mr. Speaker, is it a violation of the comity and custom of the House to refer to a Member of this body in terms other than as the gentleman from a particular State?
>
> The Chairman of this committee was referred to as "Dr. Feelgood Jones," and I would think that is in violation of the comity and custom of the House. . . .
>
> THE SPEAKER PRO TEMPORE:[2] The gentleman is correct in stating that it is the custom and practice and tradition of the body that Members of the body should be referred to as the gentleman or gentlewoman from a certain State.

References to Demagoguery

§ 60.3 A statement in debate that a Member would not "yield to any more demagogs" was held not to avoid personalities and therefore to be unparliamentary and out of order.

On May 4, 1943,[3] while Mr. Harold Knutson, of Minnesota, had the floor, Mr. Wright Patman, of Texas, asked him to yield. Mr. Knutson replied "No. I do not yield to any more demagogs." Mr. Patman rose to a point of order and demanded that the words be taken down, and the Committee of the Whole rose. In the House, a third Member, Mr. J. William Ditter, of Pennsylvania, opposed the point of order and cited the dictionary definition of a demagog: "A leader or orator and popular with or identified with the people."

Speaker Sam Rayburn, of Texas, stated that he had passed upon identical language in the past and would conform to his prior ruling, holding that words accusing a Member of demagoguery does not avoid personalities and is therefore a breach of order.

§ 60.4 Reference in debate to a Member as "president of the Demagog Club" was held to be a breach of order.

On Feb. 15, 1940,[4] Mr. Clare E. Hoffman, of Michigan, de-

1. 130 CONG. REC. 28519, 28520, 98th Cong. 2d Sess.
2. Richard A. Gephardt (Mo.).
3. 89 CONG. REC. 3915, 3916, 78th Cong. 1st Sess.
4. 86 CONG. REC. 1529, 76th Cong. 3d Sess.

manded that the following words used by Mr. Michael J. Bradley, of Pennsylvania, in debate in relation to Mr. Martin Dies, Jr., of Texas, also a Member of the House, be taken down:

> As I say, he is a pretty smart fellow, and, after all, he has not been president of the Demagog Club for 8 years for nothing, without learning how to take care of his prerogatives as far as publicity is concerned.

Speaker Pro Tempore Sam Rayburn, of Texas, found that the point of order presented a "pretty close question, but the Chair feels constrained to hold that in the language the gentleman used he did not avoid personality."

§ 60.5 The Speaker ruled that language characterizing debate as demagogic was not a breach of order.

On Mar. 26, 1965,[5] Mr. Frank Thompson, Jr., of New Jersey, stated as follows in debate: "I might suggest further you can beat this dog all you want for political purposes; you can demagog however subtly and try to scare people off at the expense of the Nation's schoolchildren with your demagoguery—". Mr. Charles E. Goodell, of New York, demanded that the words be taken down. Speaker John W. McCormack, of Massachusetts, ruled that the language did not violate the rules of the House since Members in debate have reasonable flexibility in expressing their thoughts.

§ 60.6 The Speaker ruled out of order in debate remarks characterizing the motives behind certain legislation as "demagogic and racist."

On Dec. 13, 1973,[6] the Committee of the Whole was considering H.R. 11450, the Energy Emergency Act. Mr. John D. Dingell, of Michigan, offered an amendment to prohibit the use of petroleum for the busing of schoolchildren beyond the nearest public school. In debate on the amendment, Ms. Bella S. Abzug, of New York, stated as follows:

> An amendment like this can only be demagogic or racist because it is only demagoguery or racism which impels such an amendment like this.

Mr. Robert E. Bauman, of Maryland, demanded that the words be taken down; Ms. Abzug responded that her language had not in any way impugned the motives of Mr. Dingell. The Committee rose and Speaker Carl Albert, of Oklahoma, ruled as follows:

5. 111 Cong. Rec. 6107, 89th Cong. 1st Sess.

6. 119 Cong. Rec. 41271, 93d Cong. 1st Sess.

On May 4, 1943 . . . Speaker Sam Rayburn, of Texas, held:

Statement by Newsome of Minnesota that, "I do not yield to any more demagogues," held not in order.

It is the opinion of the Chair that the statements reported to the House are within the framework of this ruling, and without objection the words are therefore stricken from the Record.

References to Member's Representative Capacity

§ 60.7 A reference in debate to another Member as not representing a certain class of people in his state was held not unparliamentary.

On Apr. 28, 1953,[7] Mr. Clare E. Hoffman, of Michigan, stated of Mr. Herman P. Eberharter, of Pennsylvania: "you do not represent the hard-working Dutch people up there—not by a long shot. You live in the city where you want everything brought to you." Mr. Eberharter demanded that the words be taken down, but Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used by Mr. Hoffman did not indicate any intent to reflect upon the character or integrity of Mr. Eberharter, and were therefore not objectionable under House rules.

§ 60.8 A statement by a Member (referring to the actions of another Member on the floor) that "I think in my opinion it was a cheap, sneaky, sly way to operate" was held to be unparliamentary by the Speaker and those words were, on motion, stricken from the Record by the House.

On Aug. 21, 1974,[8] the procedure for taking down words in the House, finding those words unparliamentary and striking the offending words from the Record was demonstrated, as set out below:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman).

Yesterday, Mr. Speaker, by mutual consent of the leadership on both sides of the aisle and by the members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. Bauman). He gave a reason at that particular time.

I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman

7. 99 CONG. REC. 4126, 83d Cong. 1st Sess.

8. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

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:[9] 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 remarks to the gentleman from Maryland (Mr. Bauman). . . .
>
> I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.

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

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

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

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.

§ 60.9 Words that would ordinarily be subject to a point of order in debate as inappropriate references to another Member may be permissible when a resolution to expel such Member is pending, if the words are within the scope of the subject matter of the resolution.

During consideration, on Mar. 1, 1979,[10] of a resolution to expel a Member, such Member was characterized as "arrogant" by another Member.[11] No objection was raised, and probably the reference would not in any event have been ruled out of order.

§ 60.10 It is not unparliamentary in debate to charac-

9. Carl Albert (Okla.).

10. 125 CONG. REC. 3746–53, 96th Cong. 1st Sess. Proceedings relating to the resolution to expel Mr. Charles C. Diggs, Jr., of Michigan, are discussed further at §§ 23.58, supra, and 80.7, infra.

11. 125 CONG. REC. 3751, 96th Cong. 1st Sess.

terize Members as having praised a foreign dictator in the past in prior debate.

The following proceedings occurred in the House on Apr. 12, 1984,[12] during consideration of House Concurrent Resolution 290 (expressing the sense of Congress that no appropriated funds be used for the purpose of mining the ports or territorial waters of Nicaragua):

MR. [TOM] HARKIN [of Iowa]: I ask the Members to turn the clock back to 1978 and 1979 when all the debates were going on about supporting Somoza. And the same Members who are taking the floor tonight to argue against this resolution are the same Members in 1978 and early 1979 who rose time and time again to tell us how great Somoza was and to tell us how we had to keep arming and supporting General Somoza in Nicaragua. They continually voted to send more arms to Somoza.

MR. [HENRY J.] HYDE [of Illinois]: Will the gentleman yield?

MR. HARKIN: No, of course not.

MR. HYDE: A statement has been made, a misstatement.

THE SPEAKER PRO TEMPORE:[13] The gentleman is out of order.

MR. HYDE: Mr. Speaker, I ask that the gentleman's words be taken down. . . .

THE SPEAKER PRO TEMPORE: The words of the gentleman will be taken down. What specific words?

MR. HYDE: He said the same people that stood up here tonight were praising Somoza, and I was here in this House then and I have never said a syllable of praise for that man. . . .

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

The Clerk read as follows: . . .

THE SPEAKER:[14] In the opinion of the Chair, the words do not apply to any specific Member[15] in an unparliamentary manner and consequently there has been no infraction of the rules of the House by the gentleman from Iowa.

References to Ethics Charges and Disciplinary Proceedings

§ 60.11 Although debate must avoid personalities under Rule XIV clause 1, discussion as to a Member's official conduct is appropriate, including evidence of charges not sustained by the Committee on Standards of Official Conduct, where a disciplinary resolution relating to that Member is pending.

For examples of debate in the House relating to disciplinary resolutions against Members, see § 35.13, supra, discussing the proceedings at 124 CONG. REC. 36976 et seq., 95th Cong. 2d Sess., Oct.

12. 130 CONG. REC. 9480, 98th Cong. 2d Sess.

13. Steny H. Hoyer (Md.).

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

15. *Note:* The remarks would probably not be ruled out of order even if referring to a specific Member.

13, 1978, relating to House Resolution 1414, in the matter of Representative Charles H. Wilson of California; and see 124 CONG. REC. 37005 et seq. for proceedings relating to House Resolution 1415, in the matter of Representative John J. McFall of California.

§ 60.12 Where a resolution to expel a Member is pending before the House, a transcript of court proceedings on which the proposal of expulsion is based may be read or inserted in the Record with the permission of the House, and no point of order lies that the House may not consider such information.

For an illustration of proceedings in which permission was sought to read from a transcript of court proceedings, see § 80.7, infra.

§ 60.13 In one instance, during a special-order speech urging the future expulsion of a Member who refused to refrain from voting in the House pending his appeal of federal felony convictions relating to his official conduct, another Member read into the *Congressional Record* the indictment in federal court of the Member in question, where no point of order was raised.

On Feb. 28, 1979,[16] the following proceedings occurred in the House:

> THE SPEAKER:[17] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.
>
> MR. [NEWTON L.] GINGRICH [of Georgia]: Mr. Speaker, this evening I have asked for this special order to talk briefly about . . . the question of whether or not a Member should be expelled.
>
> I have requested the gentleman from the 13th District of Michigan refrain from voting precisely because something did happen—he did violate his oath to this House. . . .
>
> [T]omorrow I will offer a privileged motion, the motion of expulsion, immediately before the House takes up its other legislative business for the day. . . .
>
> One of our former colleagues has commented on this issue. . . .
>
> I would like to share with my colleagues a letter he wrote earlier this year:

The letter from Mr. Charles E. Wiggins, former Member from California, stated in part:

> There are two aspects to the question posed: Does the House have the power to act under the circumstances? And, if so, should it do so as a matter of sound policy?
>
> The first question is, I believe, free of serious doubt. The source of Con-

16. 125 CONG. REC. 3495, 3496, 96th Cong. 1st Sess.
17. Thomas P. O'Neill, Jr. (Mass.).

gressional power is Article I, Section 5 of the Constitution. . . .

Congressman Diggs has been convicted of multiple counts of a felony which, stripped to its essentials, involves stealing from the public. Whether such an offense is sufficiently serious as to justify his expulsion, I submit to your good judgment. Personally, I believe it does, for the public itself is uniquely the victim of his crime and the circumstances of its commission involve a criminal misuse of the office itself.

Parliamentarian's Note: The reading and insertion of the indictment, and possibly portions of the Wiggins letter, would have been subject to a point of order since in effect impugning the integrity, motives, and official conduct of a Member when a disciplinary measure against the Member was not pending on the floor of the House. Subsequently, Mr. M. Caldwell Butler, of Virginia, obtained unanimous consent to insert the entire indictment in the Record rather than read it from the floor. The effect of such request was to preclude a demand that the words be taken down, inasmuch as the words were not being uttered on the floor. A question of privileges of the House could thereafter have been raised by a resolution to strike the offending words from the Record.

§ 60.14 The Speaker reminded the Members, pending the consideration of a resolution to censure and punish a Member, that while a wide range of discussion relative to such Member was permitted during debate, Rule XIV, clause 1, prohibited personalities in debate and the use of language which is personally abusive.

On July 31, 1979,[18] the Speaker[19] made a statement regarding procedures to be followed during debate of a privileged resolution reported from the Committee on Standards of Official Conduct censuring and punishing a Member, as indicated below:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I call up a privileged resolution (H. Res. 378) in the matter of Representative Charles C. Diggs, Jr., and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 378

Resolved,

(1) that Representative Charles C. Diggs, Junior, be censured . . . .

THE SPEAKER: The Chair wishes to make a statement after which the gentleman from Florida (Mr. Bennett) will be recognized for 1 hour.

The Chair must acknowledge the gravity of the pending resolution inso-

18. 125 CONG. REC. 21584, 96th Cong. 1st Sess.

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

far as the House will be called up to discipline one of its Members. While there should, of course, be an opportunity to debate all aspects of this matter, the Chair wishes to remind Members of the restrictions imposed by clause I, rule XIV, and by the precedents relating to references to Members in debate. These restrictions indicate that Members should refrain from using language which is personally abusive. While a wide range of discussion relating to conduct of the Member in question will be permitted, it is the duty of the Chair to maintain proper decorum in debate. It is the intention of the Chair to enforce the rules.

§ 60.15 Where several Members had improperly engaged in personalities during debate by references to the Speaker and to a Member who had filed a complaint regarding the Speaker's official conduct, the Speaker Pro Tempore (the Majority Leader) took the Chair to announce to the House that Members should not engage in such debate.

The proceedings of June 14 and 15, 1988, are discussed in § 57.5, supra.

§ 60.16 It is not in order in debate to "list Members of the House who have had ethical clouds cast upon them" unless the subjects of a pending report from the Committee on Standards of Official Conduct or otherwise before the House on a question of privilege.

On June 15, 1988,[20] Speaker Thomas S. Foley, of Washington, responded to an inquiry regarding the use of personalities in debate. The proceedings were as follows:

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

MR. [CHARLES E.] SCHUMER [of New York]: Mr. Speaker, Attorney General Meese said yesterday that he had to step down to pursue opportunities in the private sector. . . .

The issue was not just Ed Meese. It was this administration's disdain for Government that led to its appalling lack of ethical standards. Ed Meese is just one fish in a foul sea.

Just consider a partial list of Bush-Reagan appointees who have resigned under a cloud: Richard Allen, Anne Gorsuch Burford, Michael Deaver, John Fedders, Edwin Gray, Rita Lavelle, Robert McFarlane, Lyn Nofziger, Oliver North, Theodore Olsen, Melvyn Paisley, John Poindexter, Paul Thayer, and James Watt. American voters will remember the hall of shame in November.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, if a Member were to list a similar group of Members of the House who have had an ethical cloud cast upon them, would it

20. 134 CONG. REC. 16629, 16630, 100th Cong. 2d Sess.

be proper to read such a list on the House floor?

THE SPEAKER PRO TEMPORE: It is not proper, as the Chair has previously stated, under the rule against personalities in debate, unless the Members' names are subjects of a report being debated from the Committee on Standards of Official Conduct or are otherwise being raised under questions of privilege.

MR. WALKER: Mr. Speaker, I thank the Chair, because it is very interesting that once again we have this double standard in the House of Representatives, that a Member can come on and criticize the administration and criticize a whole list of people, some of whom have never had any charges brought against them whatsoever, and call that a sleaze factor; but in the House of Representatives, if we have Members of the House who have similar kinds of clouds assigned to them, it cannot be mentioned in this well.

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

Speaker Pro Tempore G. V. (Sonny) Montgomery, of Mississippi, called a Member to order in the House on Mar. 22, 1989,[1] as indicated below:

(Mr. Alexander asked and was given permission to revise and extend his remarks and to include extraneous material.)

MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, after arriving at the Capitol a few minutes ago on this glorious spring day, I learned that our colleagues on the other side of the aisle have conducted an election for minority whip resulting in the election of the gentleman from Georgia (Mr. Gingrich) as minority whip. . . .

I would note to those who are observing that the gentleman from Georgia made his name, so to speak, by a sustained personal attack on the good name of Jim Wright, the Speaker of the House of Representatives who has devoted decades of meritorious service to our country. The gentleman from Georgia alleged that the Speaker has circumvented minimum income limits of Members of Congress by writing a book for which he received a royalty.

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

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman

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

that he cannot make personal references, as the gentleman has done in his remarks.

§ 60.18 While comparisons of the recommended disciplinary action pending before the House in a privileged resolution may be made with other such actions taken by or reported to the House by an investigating committee for the purpose of measuring severity of punishment, it is not in order to discuss the conduct of other Members where such conduct has not been the result of a committee reported action.

On Dec. 18, 1987,[2] during consideration of a privileged resolution (H. Res. 335, disciplining a Member) in the House, it was held that debate on a resolution recommending a disciplinary sanction against a Member may not exceed the scope of the conduct of the accused Member. The proceedings were as follows:

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I call up a privileged resolution (H. Res. 335) in the matter of Representative Austin J. Murphy, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania.

THE SPEAKER PRO TEMPORE:[3] The gentleman from California [Mr. Dixon] is recognized for 1 hour. . . .

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I commend the committee for its report and its recommendation. Given the facts, a reprimand is a reasonable recommendation and I will vote "yes" but I sympathize with the plight of Mr. Murphy. We must be careful not to make a scapegoat of the gentleman from Pennsylvania.

This committee's earlier report on the gentleman from Rhode Island should be reexamined with this new yardstick. The committee's letter on the gentlewoman from Ohio should be scrutinized with this new yardstick. The admission of $24,000 in election law violations by the gentleman from California should be held up to this new yardstick.

Finally, the numerous allegations about the Speaker must be——

MR. [TOMMY F.] ROBINSON [of Arkansas]: Mr. Speaker, I have a parliamentary inquiry. . . .

I thought we were here today to hear a very serious charge against one of our colleagues from Pennsylvania, not from California or other States.

THE SPEAKER PRO TEMPORE: Will the gentleman suspend? Does the gentleman from Georgia yield?

2. 133 CONG. REC. 36266, 36271, 100th Cong. 1st Sess.

3. Dave McCurdy (Okla.).

MR. GINGRICH: No, I do not yield, Mr. Speaker.

MR. ROBINSON: Mr. Speaker, I raise a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state his point of order.

MR. ROBINSON: Mr. Speaker, my point of order is that we are here to consider the committee's report against our colleague Austin Murphy and not against other Members today that the charges have not been substantiated or presented to the committee. . . .

THE SPEAKER PRO TEMPORE: . . . On the debate currently ongoing, there can be references made to other cases reported by the committee, not by individual or by name. The gentleman from Georgia, as the Chair understands, has not mentioned other individuals and the gentleman from Arkansas——

MR. ROBINSON: Mr. Speaker, he has, too.

THE SPEAKER PRO TEMPORE: The gentleman may compare disciplinary actions reported by the committee and should confine his remarks to the matters before the House.

MR. ROBINSON: I have a further parliamentary inquiry, Mr. Speaker. To my knowledge, these charges are not before the committee.

THE SPEAKER PRO TEMPORE: The gentleman from Georgia will proceed in order.

§ 60.19 Reference should not be made in debate to pending investigations undertaken by the Committee on Standards of Official Conduct, including suggestions of courses of action, nor should critical characterizations be made of members of that committee who have investigated a Member's conduct.

On Mar. 3, 1995,[4] the Speaker responded to inquiries made about the propriety of remarks made by a Member with reference to certain investigations:

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, last year Members of the present majority complained about the investigation by Special Counsel Robert Fiske. They claimed that Fiske was a friend of the White House and that his investigation of Whitewater was not going far enough.

I ask the Members of the House to consider these facts. The current chairman of the House Ethics Committee cast the deciding vote for the Speaker in the 1989 whip's race. The chairman of the Ethics Committee seconded the nomination for Speaker this year. The chairman of our Ethics Committee last year tried to help our current Speaker by closing the pending Ethics Committee complaint against him.

Two other majority members of the House Ethics Committee have had personal dealings with the personal PAC of the Speaker, GOPAC, one of them as a contributor, and another as a recipient for his reelection.

Given these facts, I am sure those who call for a replacement of Special

4. 141 CONG. REC. p.____, 104th Cong. 1st Sess. See also the proceedings of Apr. 1, 1992 (138 CONG. REC. p.____, 102d Cong. 2d Sess.).

Counsel Fiske will now join me in calling for a special counsel to investigate the allegations against Speaker Gingrich, and it should not take 100 days.

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

THE SPEAKER PRO TEMPORE:[5] The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Speaker, was not the entire speech of the gentleman from Missouri [Mr. Volkmer], just a moment ago, out of order, because it was a direct reference to Members of this body? . . .

THE SPEAKER PRO TEMPORE: Members should not refer to pending Standards Committee investigations.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Beyond the pending ethics investigation, he also may have had personal references to the chairman of the Ethics Committee. Is that also not out of order?

THE SPEAKER PRO TEMPORE: Members should not so refer to the Standards Committee or any Members thereof.

MR. WALKER: A further parliamentary inquiry, Mr. Speaker. My understanding is that what the gentleman has just done in the House was a speech which was entirely out of order before the body: is that correct?

THE SPEAKER PRO TEMPORE: The Chair is responding in a general way to the proper debate in the House with respect to ethics investigations.

MR. WALKER: I thank the Chair.

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

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

MR. VOLKMER: Is the Chair ruling that it is improper for any Member to request a special counsel in an investigation being conducted by the Ethics Committee, which action has not been taken by the Ethics Committee?

THE SPEAKER PRO TEMPORE: Members should not refer to pending Standards Committee investigations, or suggest courses of action within that committee.

MR. VOLKMER: I thank the Chair.

References to Groups of Members

§ 60.20 Clause 1 of Rule XIV proscribes Members in debate from engaging in personalities, including references that an identifiable group of Members ("the Democratic leadership") committed a crime ("stole" an election).

On Mar. 21, 1989,[6] the Speaker took the initiative to focus the attention of Members on the prohibition in clause 1 of Rule XIV against Members engaging in personalities during debate and called to order a Member alleging

5. John T. Doolittle (Calif.).

6. 135 CONG. REC. 5016, 5017, 101st Cong. 1st Sess.

that an identifiable group of sitting Members had committed a crime. The proceedings in the House were as follows:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, bipartisanship in the House has taken a curious twist. It now appears that the Democrat leadership is attempting to influence and interfere in the race for Republican whip. . . .

To those Democrats who have been a part of trying to influence the outcome of this election, let it be noted that the last time you played this game, you stole the Indiana seat from the Republican Party. That outrage and this one tell us more than we need to know about your definition of bipartisanship.

THE SPEAKER:[7] The gentleman is not proceeding in a parliamentary manner. He used the word "stole." His accusation that Members of the House stole an election is improper, and the gentleman realizes that.

In addition, his imputation that individuals on the broad generic term "House leadership" in an attempt to interfere with his election is also, I think, incorrect, and I would ask the gentleman to reconsider his thoughts on that. . . .

MR. WALKER: Mr. Speaker, instead of "House leadership," should I name names?

THE SPEAKER: The gentleman is engaging in personalities and when he uses words like the word "stole" with reference to an identifiable group of Members, that has been held improper.

§ 60.21 The Speaker ruled that a statement made in Committee of the Whole that another Member should not "let this element over here who advocates unilateral disarmament to browbeat you into thinking they know more than you do" did not refer to or reflect on a particular Member of the House and was therefore in order, but the Speaker cautioned that in the tone or mannerisms of a Member speaking in debate it is not in order to make any statement which would be personally offensive to another Member.

On May 26, 1983,[8] it was demonstrated that, when a demand is made that words spoken in debate in Committee of the Whole be taken down, the words are reported by the Clerk, the Committee rises and the words are reported again to the House, and the Speaker rules whether the words are in order.

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

I would say to my colleague from Indiana that when we are told by the gentleman from California that we go

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

8. 129 CONG. REC. 14048, 14049, 98th Cong. 1st Sess.

beyond a deterrence to a war-fighting capability, that when your deterrence is no longer a deterrence it is probably time that you build that deterrence at least to a war-fighting capability.

I do not want my colleague from Indiana to be ashamed whatsoever or to let this element over here who advocates unilateral disarmament to browbeat you into thinking they know more than you do.

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

THE CHAIRMAN PRO TEMPORE:[9] . . . The Clerk will report the words of the gentleman from South Carolina.

The Clerk read as follows:

> Mr. Hartnett. I do not want my colleague from Indiana to be ashamed whatsoever or to let this element over here who advocates unilateral disarmament to browbeat you into thinking they know more than you do. . . .

THE CHAIRMAN PRO TEMPORE: The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Downey of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces . . . and for other purposes, reported that certain words used in the debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

THE SPEAKER:[10] The Clerk will report the words objected to. . . .

The Chair is ready to rule.

The statement as made by the gentleman from South Carolina is apparently not directed at any particular Member.

The House has had rulings in situations, perhaps analogous to this in the past. A statement by the gentleman from Mississippi (Mr. Rankin), that "It has been amazing to me to hear these Members rise on the floor and give aid and comfort to those enemies, those traitors within our gates, for every Communist in America is a traitor to our Government and is dedicated to its overthrow." That was held in order by Speaker Martin on November 24, 1947, since it did not reflect on any individual Members.

This is a ruling that has been made by this House before and it seems that there is an established precedent.

While the remarks of the gentleman are in order, the Chair would caution him that in the tone of his voice or things of that manner it is against the rules of the House to make any statement that would be personally offensive.

The Chair has ruled that both the gentleman's statements were not personal to any particular Member of the House.

The Committee will resume its sitting.

§ 60.22 In response to a parliamentary inquiry, the Chair indicated that it was not in order in debate to

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

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

refer to an identifiable group of sitting Members as having committed a crime, such as "stealing" an election.

The prohibition in Rule XIV, clause 1,[11] against Members' engaging in "personality" during debate, applies to allegations that an identifiable group of sitting Members have committed a crime. Such application of the rule is shown by the proceedings of Feb. 27, 1985,[12] in which a statement made by Mr. John Rowland, of Connecticut, as indicated below, concerning an allegedly "stolen" election, was the subject of a demand that the words be taken down:

> MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I demand the gentleman's words be taken down in that he said "stolen."
>
> THE CHAIRMAN: Words will be taken down.
>
> THE SPEAKER PRO TEMPORE:[13] 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 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.
>
> THE SPEAKER PRO TEMPORE: In what way does the gentleman care to modify?
>
> MR. ROWLAND of Connecticut: I would like to ask unanimous consent that the words objected to be withdrawn. . . .
>
> 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: Simply put, Members should not accuse other Members of committing a crime. When the majority is accused of "stealing," that may suggest illegality. Other

11. See *House Rules and Manual* § 749 (1995).

12. 131 CONG. REC. 3898, 3899, 99th Cong. 1st Sess.

13. Tommy F. Robinson (Ark.).

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, will the gentleman yield?

MR. GINGRICH: I will be glad to yield to the gentleman.

MR. ROWLAND of Connecticut: I thank the gentleman for yielding.

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.

Characterizations of Member

§ 60.23 A statement in debate attacking personal characteristics of another Member while on the floor is not in order.

On Mar. 16, 1939,[14] Mr. John Taber, of New York, demanded that certain words used by Mr. Lee E. Geyer, of California, in reference to another Member be taken down. Mr. Geyer used derogatory terms in describing the Member's physical characteristics and his overbearing manner in debate. Speaker William B. Bankhead, of Alabama, ruled as follows:

> The words objected to and which have been taken down and read from the Clerk's desk very patently violate the rule, because the words alleged do involve matters of personal reference and personality.

Mr. Geyer then asked and was granted unanimous consent to withdraw the words in question.

§ 60.24 A statement in debate referring to another Member's record with the FBI was held unparliamentary.

On Apr. 30, 1945,[15] certain words used in debate by Mr. John E. Rankin, of Mississippi, were objected to by Mr. Vito Marcantonio, of New York, and demanded to be taken down. Speaker Sam Rayburn, of Texas, ruled that the words were not parliamentary and by unanimous consent the words were stricken from the *Congressional Record*.

Parliamentarian's Note: The statement objected to read as follows: "I will say to the gentleman

14. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

15. 91 CONG. REC. 3992, 79th Cong. 1st Sess.

now, don't you start—don't you start comparing anybody's record, because I have got yours for a long time back with both the Dies Committee and the FBI."

§ 60.25 In response to a parliamentary inquiry during debate on a question of personal privilege (involving derogatory statements to the press by one Member against others), the Speaker Pro Tempore advised that the term "crybaby" would not be an appropriate phrase to be used in the debate as a reference to a particular Member.

On May 31, 1984,[16] the following proceedings occurred in the House:

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: I yield for a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[17] The gentleman will state his parliamentary inquiry.

MR. FRANK: The parliamentary inquiry is dealing with the question of propriety. Is the term "crybaby" an appropriate phrase to be used in a debate in the House?

THE SPEAKER PRO TEMPORE: The Chair would hope that the phrase would not be used.

Questions of Personal Privilege Arising Out of Personal Attacks

§ 60.26 A Member may not rise to a question of personal privilege under Rule IX merely to complain of words previously spoken of him in debate.

On Mar. 16, 1988,[18] the Chair responded to a parliamentary inquiry regarding a point of personal privilege, as indicated below:

MR. [ROBERT K.] DORNAN of California: Mr. Speaker, I have a point of parliamentary inquiry. . . .

I would like to inquire if this Member is able to take a point of personal privilege, that is 1 hour of debate on the House floor at the moment it is granted, if I feel that my honor was impugned when the majority whip, who also spoke way beyond 1 minute . . . if Mr. Coelho tells me that I have sold out the young men and women that I visited with not more than a month ago who are at this moment being strafed and rocketed by Soviet gunships, to tell me to my face—and I am sitting in the front row—that I sold them out impugned my honor.

THE SPEAKER PRO TEMPORE:[19] The gentleman will state a parliamentary inquiry.

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16. 130 CONG. REC. 14624, 98th Cong. 2d Sess.

17. John P. Murtha (Pa.).

18. 134 CONG. REC. 4087, 100th Cong. 2d Sess.

19. Gary L. Ackerman (N.Y.).

MR. DORNAN of California: Do I have a right for a point of personal privilege on that?

THE SPEAKER PRO TEMPORE: That is not a remedy that the gentleman has under the circumstances.

MR. DORNAN of California: May I ask the ruling of the Chair as to why I cannot maintain a point of personal privilege that my honor was impugned.

THE SPEAKER PRO TEMPORE: The point of personal privilege does not derive from words spoken in debate.

—*Press Attacks*

§ 60.27 Press accounts of a Member's criticisms, both during debate and off the floor, of another Member may give rise to a question of personal privilege; thus, on one occasion, Members including the Majority Leader rose to questions of personal privilege under Rule IX to respond to press accounts of another Member's criticisms of their efforts to communicate with a foreign government concerning that country's human rights policies.

The following proceedings occurred in the House on May 15, 1984:[20]

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I rise to a point of personal privilege. . . .

My point of personal privilege, Mr. Speaker, is that in the Washington Post on Monday, yesterday, appeared an article which characterizes a communication signed by 10 Members of the Congress, including this Member, as the Democratic foreign policy establishment writing a letter which states explicitly that it opposes the policies of the American Government and that it amounts to a virtual teaching document to bring Third World Soviet colonies into the process of manipulating American politics and politicians.

THE SPEAKER PRO TEMPORE:[1] The gentleman has stated a question of personal privilege and is recognized for 1 hour. . . .

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I rise to a point of personal privilege, citing the same letter referred to by the majority leader.

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

MR. OBEY: Mr. Speaker, I rise to a point of personal privilege because I am a signator of the same letter which was referred to by the gentleman from Georgia (Mr. Gingrich) in the press.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin (Mr. Obey) is recognized for 1 hour.

—*Insertions in Record*

§ 60.28 Clause 1 of Rule XIV, requiring Members to "avoid personality" during debate, prohibits references in debate to newspaper accounts used in support of a Member's personal criticism of a

20. 130 CONG. REC. 12207, 12211, 98th Cong. 2d Sess.

1. John Joseph Moakley (Mass.).

sitting Member in a way which would be unparliamentary if uttered on the floor as the Member's own words; and the prohibition against reading in debate of press accounts which are personally critical of a sitting Member does not constitute "censorship" of the press by the House, but rather is consistent with House rules which preclude debate or insertions in the Record which engage in "personality."

On Feb. 25, 1985,[2] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[3] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to insert in the Record today and read into the Record several editorials, one from the Atlanta Journal and Constitution yesterday, Sunday, February 24, and one this morning from the Wall Street Journal, both of them talking about the tragic situation in which the Democratic leadership has blocked Mr. McIntyre of Indiana from being seated. . . .

Yet twice the House has voted to deny McIntyre the seat while it investigates. . . .

The technicalities aside, the case is interesting for what it says about the Congress. . . . In the second vote only five Democrats dared abandon O'Neill and the leadership.

Georgia's Democrats went right along with the herd, in defiance of basic decency. . . . A few Republicans near each election try to remind voters that the Democrats' first vote will be for O'Neill and that vote signals bondage. This year it meant the abandonment of fairness. . . .

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

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

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

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

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

2. 131 CONG. REC. 3344–46, 99th Cong. 1st Sess.

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

which he knows would be outside the rules of this House. . . .

MR. GINGRICH: If I may continue a moment to ask the gentleman, if we are in a situation where in the view of some people, such as Mr. Williams of the Atlanta Journal-Constitution, very strong things are legitimately being said, and this is obviously his viewpoint, what is the appropriate manner in which to report his language to the House?

That is not me saying these things; he is saying these things.

THE SPEAKER PRO TEMPORE: The gentleman knows the rules of the House, I am certain, and he can take out or delete any things that he knows would violate the rules of this House if spoken from the floor.

MR. GINGRICH: Under the Rules of the House . . . if one were to only utter the words on the floor that were appropriate, but were to then insert the item in the Record, is the Record then edited by the House? That is, if it was put in as an extension of remarks or put in under general leave?

THE SPEAKER PRO TEMPORE: As the gentleman knows, there are precedents where a question of privilege can be raised about certain things inserted in the Record, and those could be raised if the gentleman attempts to insert them into the Record, or not. . . .

As the gentleman knows, words spoken on the floor of the House can be objected to.

The following exchange took place on Feb. 27, 1985:[4]

MR. [THOMAS S.] FOLEY [of Washington]: . . . I came to the floor [to] suggest that it is important that we have a balanced opportunity to discuss these issues. . . . I simply think it is important that we observe the rules of the House in the course of debate, and I think the two gentlemen, Mr. Walker and Mr. Gingrich, know that it is not permissible under long-standing rules of the House and interpretations of the Parliamentarians . . . to read into the Record statements that would be inappropriate if made by a Member directly. . . .

I just wanted to make the point that these gentlemen in the well and the gentleman from Pennsylvania (Mr. Walker) know the rules very well. They are very skilled at them and they know that it is inappropriate to use a newspaper article, however widely published, to violate the rules of the House.

—*Remarks by Other Colleagues*

§ 60.29 It is not in order in debate to refer to the official conduct of other Members where such conduct is not the subject then pending before the House by way of a report of the Committee on Standards of Official Conduct or as a question of the privilege of the House; nor is it in order in debate to refer to a "hypothetical" Member of the House in a derogatory fashion where it is evident that a particular Member is being described.

4. 131 CONG. REC. 3902, 99th Cong. 1st Sess.

On Nov. 3, 1989,[5] it was demonstrated that where a Member transgresses clause 1 of Rule XIV, by engaging in personalities in debate, the Chair takes the initiative to call him to order pursuant to clause 4 of Rule XIV. The proceedings in the House were as follows:

THE SPEAKER PRO TEMPORE:[6] Under a previous order of the House, the gentleman from California [Mr. Dannemeyer] is recognized for 60 minutes.

MR. [WILLIAM E.] DANNEMEYER [of California]: . . . What is a person to think after breaking the law because of an obsession with homosexual sodomy and having his party leader state publicly that he is a fine man and a credit to public service? . . .

One party, the Democrats, openly courts homosexual votes and defends the behavior as if homosexual sodomy is a fundamental civil right. The other party, the Republicans, while some of its members are kowtowing to homosexuals, still refuses to legitimize homosexual sodomy in the public arena.

The ramifications of this juxtaposition are stark. For instance, take one Democrat and one Republican both discovered in the course of homosexual misdeeds. The former, we will say, is apologetic, but not contrite. The latter is both apologetic and contrite. Isn't it fair to say that the member whose party leadership condones homosexual behavior is more apt to come under less condemnation than the member whose party leadership has consistently renounced homosexual behavior?

In this hypothetical situation, the sword of Damocles hangs precariously over the head of the Republican. His political career is in deep jeopardy. Ironically, the Democrat, with similar circumstances, is allowed by party leaders to use the same sword of Damocles to carve out a lure for the Cretan Bull! . . .

Article I, section 5, clause 2 of the United States Constitution provides that:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a Member.

We should all be clear that at issue when the House takes disciplinary action of this latter sort is not whether a Member is guilty of any criminal wrongdoing. At issue is whether or not a Member is unfit for participation in House proceedings. Wrongdoing can be the basis for considering a punishment, but punishment does not depend on indictments or convictions. . . .

Let me make it easy for Members. Let's say, hypothetically, that a Member has admitted to violating several laws, both felonies and misdemeanors, involving moral turpitude. And that the punishments accompanying these illegal violations combine to total nearly 15 years in prison. . . .

I want to make clear to my colleagues that at the appropriate time in the near future, I will offer a resolution, in one form or another, to expel [two Members specified]. . . .

No Member can legitimately take issue that I have interfered in the ju-

5. 135 CONG. REC. 27077, 27080–82, 101st Cong. 1st Sess.

6. Jolene Unsoeld (Wash.).

risdiction of the Ethics Committee by my comments here today. My indirect or direct comments made about [the two Members] have only concerned activities the former has admitted to and the latter has been convicted on. . . .

THE SPEAKER PRO TEMPORE: The gentleman will pause. The gentleman is discussing a matter pending before the Ethics Committee. I would remind the gentleman from California that clause 1 of rule XIV prevents Members in debate from engaging in personalities. Clause 4 of that rule provides that if any member transgresses the rules of the House, the Speaker shall, or any Member may, call him to order.

MR. DANNEMEYER: . . . George Washington Law Professor John Banzhaf has done extensive research on a case of Member "X." He concludes that Member "X" has publicly admitted to committing crimes, and a refusal to take any action would undermine the public's confidence in the mechanism set up to ensure that Members of Congress abide by ethical and moral standards at least as high as those to which we currently hold attorneys, cadets at the Nation's military academies, high military officials, and even school principals. . . .

The Boston Globe wrote, *Were Member X's transgressions serious enough to warrant his departure from Congress? Yes. For his own good and for the good of his constituents, his causes and Congress*"——

THE SPEAKER PRO TEMPORE: The gentleman will cease. The Chair would remind the gentleman, and will repeat again, and will read the Speaker's full statement, clause 1 of rule XIV prevents Members in debate from engaging in personalities. Clause 4 of that rule provides that if any Member transgresses the rules of the House, the Speaker shall, or any Member may, call him to order. Members may recall that on December 18, 1987, the Chair enunciated the standard that debate would not be proper if it attempted to focus on the conduct of a Member about whom a report had been filed by the Committee on Standards of Official Conduct or whose conduct was not the subject of a privileged matter then pending before the House. Similarly, the Chair would suggest that debate is not proper which speculates on the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.

MR. DANNEMEYER: Madam Speaker, I have no longer made reference to a specific Member. I have merely made reference to "Member X."

THE SPEAKER PRO TEMPORE: The gentleman is referring to newspaper stories which specifically names Members.

The gentleman may proceed within the rules of the House.

§ 61. —Use of Colloquialisms

The use in debate of colloquial expressions, or familiar terms used in conversation, is governed by their current meaning and by the context in which they are uttered.(7) The Speaker has on occa-

7. Although the statesmanship of a Member may be questioned, a con-