

Chapter CCXLII.¹

CONDUCT OF DEBATE IN THE HOUSE.

1. **Members limitations.** Sections 2448–2453.
 2. **Rights as to opening and closings.** Sections 2454–2459.
 3. **Division of time.** Sections 2460–2462.
 4. **Interruption of another Member.** Sections 2463–2467.
 5. **Yielding the floor to motions, etc.** Sections 2468–2471.
 6. **Yielding the floor to another Member.** Sections 2472–2478.
 7. **Relevancy in debate.** Sections 2479–2484.
-

2448. The hour rule applies to debate on a question of privilege as to debate on other questions.

A Member in addressing the House on a question of privilege is presumed to confine his remarks to limits within the spirit of the rule and not to use the privilege as a vehicle for discussions otherwise not in order.

On May 7, 1910,² Mr. Dorsey W. Shackelford, of Missouri, claimed the floor to discuss a question of privilege.

The Speaker³ in recognizing Mr. Shackelford, said:

Under the rules of the House the gentleman from Missouri is entitled to an hour on the question of privilege. It is exceedingly difficult for the Chair to determine what is in order touching the question of privilege, and the Chair will have to suggest to the gentleman from Missouri, that, with his long experience in the House, he substantially must be the judge of whether in good faith he is speaking to the question of personal privilege or whether, under the guise of a question of personal privilege, he is imposing upon the House. The gentleman will proceed in order.

2449. A Member who has spoken once to the main question may speak again to an amendment.

On May 8, 1912,⁴ the House was considering the bill (H. R. 17756) providing civil government in the Philippine Islands, when Mr. Marlin E. Olmsted, of Pennsylvania, who had previously been recognized for an hour on the bill, offered an amendment and proceeded to debate it.

Mr. Charles N. Fowler, of New Jersey, made the point of order that Mr. Olmsted had exhausted the hour to which he was entitled for debate and was not entitled to further recognition while others who had not spoken desired the floor.

¹ Supplementary to Chapter CXII.

² Second session Sixty-first Congress, Record, p. 5921.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ Second session Sixty-second Congress, Record, p. 6076.

The Speaker ¹ overruled the point of order and said:

The gentleman from Pennsylvania, having offered his amendment, is entitled to his hour. The House had the privilege of cutting off all this debate and did not do it. If the gentleman were trying to speak on the bill the Chair would rule that anybody who had not spoken should have the right of way. But the gentleman from Pennsylvania has offered an amendment, and he has the right to an hour on the amendment.

2450. A Member being recognized for debate may consume a portion of the time allotted to him and reserve the remainder, but such reservation must be made at the time the floor is yielded.

On March 16, 1910,² during the consideration in the House of the joint resolution (H. J. Res. 172) amending the Census Act by authorizing inquiries respecting the nationality or mother tongue of all persons born in foreign countries, Mr. Edgar D. Crumpacker, of Indiana, was recognized for one hour.

After consuming a portion of the hour in debate, Mr. Crumpacker yielded the floor.

Subsequently, Mr. Crumpacker addressed the Speaker and proposed to use the remainder of the time allotted to him.

The Speaker inquired:

Did the gentleman from Indiana reserve the balance of his time?

Being answered in the negative, the Speaker said:

The time is gone if the gentleman did not reserve it.

2451. A Member was held not to have yielded the floor until he resumed his seat.

On April 6, 1912,³ Mr. Choice B. Randell, of Texas, was recognized to discuss a question of personal privilege. After proceeding for some time in debate Mr. Randell paused and asked unanimous consent to extend his remarks in the Record.

Consent having been given by the House, Mr. Randell entered into colloquy with various Members, when Mr. James M. Cox, of Ohio, made the point of order that having yielded the floor he was not entitled to resume.

The Speaker pro tempore ⁴ said:

The gentleman from Ohio made the point of order that the gentleman had already yielded the floor. The Chair holds that the gentleman had not yielded the floor, because he had not taken his seat.

2452. The display of exhibits in debate by way of illustration is subject to the will of the House and any Member may object.

The rule ⁵ prohibiting the reading of papers in debate was held to apply to the exhibition of articles as evidence or in exemplification in debate.

On February 1, 1929,⁶ the House in the Committee of the Whole House on the state of the Union, had under consideration the naval appropriation bill.

¹ Joseph G. Cannon, of Illinois, Speaker.

² Second session Sixty-first Congress, Record, p. 3248.

³ Second session Sixty-second Congress, Record, p. 4371.

⁴ Oscar W. Underwood, of Alabama, Speaker pro tempore.

⁵ Rule XXX.

⁶ Second session Seventieth Congress, Record, p. 2636.

During debate, Mr. Emanuel Celler, of New York, said:

Mr. Chairman, I have brought here something to show the anomalous situation of which I told you at the inception of my talk. I show you here something called a "tonic." It is produced and bottled in my town in great quantities. You can readily identify it in any drug store. It is alleged to be a "tonic"—maybe it is. It is good to drink. It is made from white Tokay wine and bottled under a permit—permit N.Y.H. 13369—authorized by the Commissioner of Prohibition. What a farce! What a joke!

Whereupon, Mr. Cellar exhibited a filled bottle.

Mr. Robert A. Green, of Florida, raised a question of order.

The Chairman¹ held:

The Chair refers to section 427 of Jefferson's Manual where he finds this statement, which seems to be controlling:

"A Member has not a right even to read his own speech, committed to writing, without leave."

And further, from section 891 of the rules, the Chair finds this statement:

"The reading of papers other than the one on which the vote is about to be taken is usually permitted without question, and the Member in debate usually reads or has read such papers as he pleases, but this privilege is subject to the authority of the House if another Member objects."

Objection has been made by the gentleman from Florida, and it seems to the Chair that the statements from the manual and from the rules are controlling, and therefore the Chair sustains the point of order, that if the gentleman from Florida objects to the gentleman from New York displaying this article the gentleman from New York must remove it, and the gentleman from New York will proceed in order.

Subsequently, another Member having assumed the Chair, and the question being again raised, the Chairman² ruled:

Objection is made to the display of the article in question. The gentleman from New York can not proceed until the article is removed from the Chamber.

2453. The introduction of exhibits, demonstrations, or other unusual adjuncts to debate are subject to the will of the House.

On January 17, 1930,³ during the consideration of the Treasury and Post Office Departments appropriation bill, in the Committee of the Whole House on the state of the Union, Mr. William I. Sirovich, of New York, in discussing denaturants of industrial alcohol, said:

Here is a bottle containing pyridine. Mr. Chairman, may I pass this around for Members to smell, not to drink?

The Chairman⁴ submitted the request to the Committee as a request for unanimous consent.

2454. The proponent of a resolution is entitled to prior recognition for motions and debate.

The Member in charge of a measure may not be deprived of the floor by a Member proposing a preferential motion.

¹ John C. Ketcham, of Michigan, Chairman.

² Robert Luce, of Massachusetts, Chairman.

³ Second session Seventy-first Congress, Record, p. 1820.

⁴ Bertrand H. Snell, of New York, Chairman.

On January 12, 1916,¹ Mr. Frank Buchanan, of Illinois, rising in his place, proposed a resolution impeaching H. Snowden Marshall, United States district attorney for the southern district of New York.

At the conclusion of the reading of the resolution by the Clerk, Mr. Buchanan moved the passage of the resolution.

Mr. John J. Fitzgerald, of New York, proposed to offer, as preferential, a motion to refer the resolution to the Committee on the Judiciary, and claimed the floor to debate the motion to refer.

Mr. Buchanan submitted that he had not yielded the floor and was entitled to debate the resolution.

The Speaker² held:

The Chair thinks that the gentleman from Illinois had not yielded the floor. If he has anything to say on his resolution, the Chair will hear it. Before the gentleman from Illinois begins, the Chair will state that the gentleman from New York has a perfect right to make a motion to commit—not right now, but when the time comes.

2455. A Member may not prefer a parliamentary inquiry while another Member is in possession of the floor.

On September 12, 1918,³ the House was in the Committee of the Whole House on the state of the Union for the consideration of the revenue bill.

Mr. J. Thomas Heflin, of Alabama, had the floor during general debate, when Mr. Edward E. Dension, of Illinois, sought to interrupt him for the purpose of propounding a parliamentary inquiry.

The Chairman⁴ declined to recognize for the interruption and held:

The gentleman can not propound a parliamentary inquiry; he can make a point of order.

2456. On January 30, 1923,⁵ the House was considering the resolution (H. Res. 498) providing for an order of business.

Mr. Thomas L. Blanton, of Texas, had been recognized and was proceeding in debate when Mr. Rufus Hardy, of Texas, preferred a parliamentary inquiry.

The Speaker⁶ held:

The gentleman has no right to prefer a parliamentary inquiry without the consent of the gentleman occupying the floor.

2457. On June 23, 1917,⁷ the bill H. R. 4961, the food conservation bill, was being considered in the Committee of the Whole House on the state of the Union.

Mr. M. Clyde Kelly, of Pennsylvania, had been recognized, and was proceeding in debate.

Mr. Edward L. Hamilton, of Michigan, asked recognition to submit a parliamentary inquiry.

¹ First session Sixty-fourth Congress, Record, p. 965.

² Champ Clark, of Missouri, Speaker.

³ Second session Sixty-fifth Congress, Record, p. 10232.

⁴ Edward W. Saunders, of Virginia, Chairman.

⁵ Fourth session Sixty-seventh Congress, Record, p. 2733.

⁶ Frederick H. Gillett, of Massachusetts, Speaker.

⁷ First session Sixty-fifth Congress, Record, p. 4176.

The Chairman¹ refused recognition and said:

The gentleman can not take the gentleman from Pennsylvania off his feet by a parliamentary inquiry.

2458. On February 6, 1918,² during the consideration of the bill (H. R. 5667) for the deportation of certain aliens, Mr. Joseph Walsh, of Massachusetts, offered an amendment which he proceeded to discuss.

Mr. Charles C. Kearns, of Ohio, interrupted with a request that he be permitted to make a parliamentary inquiry.

The Chairman³ said:

The gentleman from Massachusetts has the floor and the gentleman can not take him off the floor for that purpose.

2459. A Member rising to a question of personal privilege was not permitted to take from the floor another Member who had been recognized for debate.

On April 12, 1924,⁴ the House was in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7995, the immigration bill.

Mr. Henry W. Temple, of Pennsylvania, was recognized for debate on a pending amendment.

Mr. Fiorello H. LaGuardia, of New York, interposed a demand for recognition to present a question of personal privilege.

The Chairman⁵ held:

The gentleman can not rise to a question of personal privilege when some other gentleman has the floor.

2460. In the House the Member reporting a measure is entitled to recognition for one hour during which he may yield to others as he may choose, and at the close of which, unless the previous question is moved, the ranking Member in opposition may be recognized for an hour with the same privilege, after which other Members favoring and opposing the measure are recognized alternately, preference being given members of the committee reporting the measure.

Form of special order for consideration of a resolution declaring war.

On April 4, 1917,⁶ during disposition of business on the Speaker's table, Mr. Henry D. Flood, of Virginia, asked unanimous consent that the joint resolution (S. J. Res. 1) declaring a state of war to exist between the Imperial German Government and the Government and the people of the United States, be taken up for consideration under the general rules of the House on the following day.

Mr. Frank Clark, of Florida, submitting a parliamentary inquiry, asked who would control the time for debate under the general rules of the House.

¹ Courtney W. Hamilton, of Missouri, Chairman.

² Second session Sixty-fifth Congress, Record, p. 1788.

³ Joseph J. Russell, of Missouri, Chairman.

⁴ First session Sixty-eighth Congress, Record, p. 6254.

⁵ Everett Sanders, of Indiana, Chairman.

⁶ First session Sixty-fifth Congress, Record, p. 264.

The Speaker¹ said:

The gentleman from Virginia, Mr. Flood, asks unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning, and that after the reading of the Journal and the disposition of business on the Speaker's table, the so-called war resolution shall be taken up for debate under the general rules of the House. Under the general rules of the House the gentleman from Virginia would have the first hour. He can move the previous question at any time within that hour. If he lets his hour run out, then the Chair would feel that he ought to recognize the gentleman from Wisconsin, Mr. Cooper, the ranking Republican member of the Committee on Foreign Affairs. After the hour of the gentleman from Wisconsin has expired, if there is no particular agreement or rule about it, the next ranking Democratic member should have an hour, and then the next Republican. That is on the Committee on Foreign Affairs. The members of the committee have priority of recognition. Of course it depends on whether they are for or against the resolution. The whole time may be occupied by the gentleman from Virginia, Mr. Flood, if at any time within his hour he moves the previous question and the House shall vote the previous question; but the House has a right to vote down the previous question if it wants to do so. If the House goes into the Committee of the Whole House on the state of the Union, the Chairman, whoever he is, would construe the rules of the House already established.

2461. Where a special order for the consideration of a bill limited general debate to one hour without providing for control of the time it was held that the Member in charge should be recognized to control the time in favor of the bill; the ranking minority Member to control the time in opposition; and if none of the minority opposed the bill the minority leader should control the time in opposition.

On December 3, 1918², Mr. Frank Clark, of Florida, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12917) to establish a sanatorium for discharged soldiers and sailors, under a special order limiting general debate to one hour without providing for control of the time.

Mr. Joseph Walsh, of Massachusetts, inquired who would control the time for debate in opposition to the bill.

The Speaker³ replied:

The practice has been that the ranking minority Member, if he is opposed, takes charge, and if he is not it goes down the line, and if nobody on that committee is here, if the Chair were going to preside over the committee, he would recognize the gentleman from Illinois, Mr. Mann.

2462. The time of a debate having been divided and assigned to the control of the two sides, it must be allotted to Members in accordance with the rules, no Member being allowed more than one hour.

On November 24, 1922,⁴ the Committee of the Whole House on the state of the Union was engaged in general debate on the bill (H. R. 12817) to supplement the merchant marine act, it having been agreed, by unanimous consent, that the time should be equally divided and should be controlled by Mr. William S. Greene, of Massachusetts, and Mr. William B. Bankhead, of Alabama.

¹ Champ Clark, of Missouri, Speaker.

² Third session Sixty-fifth Congress, Record, p. 51.

³ Champ Clark, of Missouri, Speaker.

⁴ Third session Sixty-seventh Congress, Record, p. 143.

Mr. Ewin L. Davis, of Tennessee, having consumed one hour yielded by Mr. Bankhead, the Chairman¹ announced:

The time of the gentleman from Tennessee has expired.

Mr. William B. Bankhead inquired if it would not be in order to yield further time to Mr. Davis.

The Chairman ruled:

Under the rules of the House and the unbroken precedents, so far as the present occupant of the chair has been able to ascertain, the Chair holds that the gentleman can proceed only by the unanimous consent of the committee.

The Chairman then read sections 5004 and 5005 from Hinds' Precedents and continued:

The rulings in the precedents have been made largely under special rules and unanimous-consent agreements. If the gentleman wishes to have the decisions cited, the Chair will be very glad to do so.

By permission of the committee the Chair submits a number of precedents in line with the ruling just indicated.

2463. It is entirely within the discretion of the Member occupying the floor in debate to determine when and by whom he shall be interrupted.

It is a breach of order for Members from their seats to interject remarks into the speech of a Member having the floor.

On June 22, 1916,² the Speaker,³ speaking extemporaneously, referred to a tendency upon the part of some to interject remarks into the speeches of those occupying the floor in debate and called attention to the rule requiring Members to rise and address the Chair for permission to interrupt the Member having the floor.

2464. On May 13, 1916,⁴ while the bill S. 2986, the rural credits bill, was being considered in the Committee of the Whole House on the state of the Union, Mr. Carter Glass, of Virginia, the Member in charge of the bill, interrupted Mr. Caleb Powers, of Kentucky, who had the floor, with a request for unanimous consent to close debate.

Mr. Simeon D. Fess, of Ohio, submitted that the request was not in order as Mr. Powers had not yielded for the interruption.

The Chairman⁵ ruled that it was not in order to interrupt a Member having the floor for debate without his permission.

2465. A Member desiring to interrupt another in debate should address the Chair for permission of the Member speaking, but the latter may exercise his own discretion as to yielding.

If a Member having the floor yields for interruption the remarks of the Member yielded to must appear in the Record, but if the Member having the floor declines to yield he may strike from copy for the Record remarks so interjected.

¹ John Q. Tilson, of Connecticut, Chairman.

² First session Sixty-fourth Congress, Record, p. 9790.

³ Champ Clark, of Missouri, Speaker.

⁴ First session Sixty-fourth Congress, Record, p. 7909.

⁵ John N. Garner, of Texas, Chairman.

If a Member transgress the rules of the House in speaking the Chair may call him to order, but in the later practice the Speaker does not pass upon the question as to whether words requested to be taken down in debate are within the rule.

If the point of order is made against words spoken in debate without the demand that they be taken down, the Chair ordinarily admonishes the offender and, if he continues to transgress the rules, stops him.

The vote of the House tabling a motion to strike from the record words taken down in debate was held to carry to the table the entire proposition.

The motion to lay on the table is not debatable.

In the House a motion may be withdrawn before action thereon, but in Committee of the Whole withdrawal of motions or amendments is by unanimous consent only.

An inquiry as to whether a Member defended the owners of bonds in a "rotten, obsolete canal" proposed to be sold to the Government was held by the House not to be unparliamentary.

On June 11, 1917,¹ the Committee of the Whole House on the state of the Union, having under consideration the river and harbor bill, rose and the Chairman reported to the House that during debate in the committee Mr. J. Hampton Moore, of Pennsylvania, had objected to certain words spoken by Mr. Martin B. Madden, of Illinois, and had demanded that they be taken down, and the words objected to were reported to the House as follows:

Mr. MADEN. Provision is made in the bill for the condemnation of this rotten, obsolete canal to be owned by the Government of the United States.

Mr. MOORE of Pennsylvania. I ask that the gentleman's words be taken down.

Mr. MADDEN. Why does the gentleman want to defend the owners of these stocks and bonds?

Mr. MOORE of Pennsylvania. I ask that the gentleman's words be taken down.

Mr. MADDEN. That is all right. I am not reflecting on the gentleman.

Mr. MOORE of Pennsylvania. He is reflecting on the truth. I withdraw my request.

Mr. MADDEN. I insist on their being taken down.

Mr. Carl E. Mapes, of Michigan, inquired if discretion was not lodged in the Speaker to refuse to have the words taken down on demand when it clearly appeared that they were parliamentary, and asked for an interpretation of the following passage from Jefferson's Manual:

Then the person objecting to them and desiring them to be taken down by the Clerk at the table must repeat them. The Speaker then may direct the Clerk to take them down in his minutes; but if he thinks them not disorderly, he delays the direction.

The Speaker² said:

Long since that proposition has become obsolete by the practice of the House. If the Chair observes that a Member is speaking out of order, that, of course, is in his judgment and he can call him to order himself. The Chair has seen that done several times and has done it once or twice himself. The practice of the House has been—how long the Chair does not know, but ever since the Chair has been here—that whenever a Member says things that another Member objects to sufficiently to ask that the words be taken down, that immediately the House takes charge of the matter and proceeds to straighten it out.

¹ First session Sixty-fifth Congress, Record, p. 3459.

² Champ Clark, of Missouri, Speaker.

Mr. Moore asked to withdraw his request that the words be taken down.

The Speaker said:

In the Committee of the Whole you can not withdraw a motion without the consent of the committee, but in the House, if a motion is made, the gentleman has a right to withdraw it up to the time the vote is taken on it. This occurred in the committee. His request to take the words down is tantamount to a motion. In the committee he had to have unanimous consent to do it but in the House a Member can withdraw a motion or any other proposition or amendment up to the time it is voted on without asking consent.

Mr. Jacob E. Meeker, of Missouri, moved that the words of both Mr. Moore and Mr. Madden be stricken from the Record.

Mr. William H. Stafford, of Wisconsin, moved to lay that motion on the table.

Mr. Madden and Mr. Moore rose to address the House.

The Speaker said:

This motion to table is not debatable.

Mr. Finis J. Garrett, of Tennessee, submitted that it was within the province of the Speaker to decide whether the language taken down under the rule was parliamentary.

The Speaker held:

Ordinarily in debate if A complains that the remarks of B are out of order, the Chair admonishes B to keep within the limits, and if he does not do so the Chair stops him. That is before the motion to take down the words is made. The Chair undoubtedly has a good deal of discretion about that. I remember very well one day, a long time ago, when Speaker Reed was in the Chair and Mr. Allen of Mississippi was making a speech. In the course of his remarks he attacked the Senate, and the Speaker tapped his desk with the gavel and suggested to him that he was out of order. Now, Mr. Allen was a seasoned Member. He seemed puzzled. He did not know what he was out of order about. He started in again with the very same line of talk, and Speaker Reed went through the same performance again, rapping with his gavel, and told him he was out of order, but did not tell him why. Mr. Allen started in the third time, and speaker Reed stopped him and explained to him that he was out of order because he was lashing the Senate.

Time and again a Member objects to remarks that some other Member makes, and the Chair in that case passes on whether the words are in order or out of order and admonishes the Member to proceed in order. But when this motion to take the words down is made, an entirely different situation arises; and, it being in the Committee of the Whole, they could not deal with it in this case, so they referred it back to the House. The gentleman from Missouri, Mr. Meeker, made a very proper motion to strike out these words about which this controversy has arisen and the gentleman from Wisconsin, Mr. Stafford, made a motion to lay that motion on the table. That motion is not debatable, and the question is on the motion to lay on the table.

The question being taken, it was decided in the affirmative and the entire question was laid on the table.

Mr. Edward W. Sanders, of Virginia, as a parliamentary inquiry, inquired what disposition that vote made of the question.

The Speaker said:

That is absolutely settled by the adoption of the motion to table. That means that the words are not stricken out. In the opinion of the House the gentleman was not out of order when he made those remarks.

Mr. Madden inquired if remarks made by Mr. Moore could be inserted in his speech without his consent.

The Speaker ruled:

The Chair will state the case to the gentleman from Illinois out of his own experience. At one time I was making a speech that I had carefully prepared, I think with reference to the value of wooden and iron ships. I wound up that speech with a long and rhetorical sentence which I thought was a fine finish. [Laughter.] Right in the middle of the sentence Governor Steele, of Indiana, without asking my permission, injected a remark of his own into the middle of the sentence, spoiling the sentence. After I had answered him I began the sentence over again, and it went through without interruption. So when I received the notes of my speech I struck out Governor Steele's question and my answer. He rose the next morning to a question of privilege and wanted to know why I did it. Speaker Reed harnessed me up and interrogated me, and I told him that there was no sense in the question, that it ruined the last sentence of my speech, and I did not propose to stand for it. [Laughter.] Then Mr. Speaker Reed kindly told me what the rule was, and I have never forgotten it, and it will answer the gentleman's question. When a Member has the floor and somebody wants to interrupt him he has the right to do one of two things: He can decline to yield, and then if the other Member insists upon injecting remarks into his speech he can cut out those remarks without asking anybody's consent. But if he yields to the interruption he has to put it in as it occurs.

2466. A Member having the floor for debate may be interrupted for the presentation of a proper point of order.

On February 4, 1914,¹ during debate in the Committee of the whole House on the state of the Union, on the bill H. R. 6060, the immigration bill, Mr. Frank W. Mondell, of Wyoming, proposed to interrupt Mr. Adolph J. Sabath, of Illinois, who had the floor for debate, for the purpose of submitting a parliamentary inquiry.

The Chairman² having declined to recognize for that purpose, Mr. Mondell submitted a point of order.

The Chairman said:

The gentleman can interrupt another with a point of order. The gentleman will state his point of order.

2467. On December 15, 1919,³ Mr. Frank W. Mondell, of Wyoming, asked unanimous consent that the business in order on that day be in order on the following day. Mr. Mondell was proceeding in debate when Mr. Thomas L. Blanton, of Texas, rose to a question of order.

Mr. Mondell declined to yield and submitted that he was entitled to the floor and could not be interrupted by a point of order.

The Speaker said:

Any Member of the House has a right to make a point of order.

2468. In the House a Member may not yield even temporarily for other business without losing the floor.

On August 3, 1917,⁵ Mr. Asbury F. Lever, of South Carolina, called up the conference report on the bill (H. R. 4188), the food survey bill.

During debate Mr. Lever, as a parliamentary inquiry, asked if it would be in order to yield the floor temporarily to permit Mr. William C. Adamson, of Georgia, to present a conference report for printing under the rule.

¹ Second session Sixty-third Congress, Record, p. 2903.

² James Hay, of Virginia, Chairman.

³ Second session Sixty-sixth Congress, Record, p. 598.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

⁵ First session Sixth-fifth Congress, Record, p. 5771.

The Speaker¹ held that to yield even temporarily for the consideration of other business, however formal, would forfeit the floor.

2469. The Member in charge of a bill in the House does not lose the floor by offering an amendment.

On February 22, 1923,² Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported the resolution (H. Res. 514) providing for the consideration of a bill to amend the trading with the enemy act.

After brief debate Mr. Campbell offered an amendment to the resolution.

Mr. Finis J. Garrett, of Tennessee, made the point of order that in offering the amendment Mr. Campbell had yielded the floor and asked recognition.

The Speaker³ said:

If he yields the floor to another to offer an amendment he loses the floor, but not if he offers the amendment himself.

2470. Unless otherwise provided a Member recognized for general debate in Committee of the Whole is recognized for one hour and may yield all or any portion of that time even though the Member to whom he yields has just occupied an hour in his own right and objection is made to his continuing.

Time yielded to another may in turn be yielded to a third Member with the consent of the Member first yielding.

A Member may yield time for amendment in the House, but a Member yielding relinquishes the floor.

On January 31, 1921,⁴ the House was in the Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill.

During general debate Mr. John H. Small, of North Carolina, who had been recognized for debate, yielded time to Mr. Clarence F. Lea, of California, who in turn yielded time to Mr. Marvin Jones, of Texas.

Mr. William J. Sears, of Florida, submitted a parliamentary inquiry as to whether a Member recognized in general debate in the Committee of the Whole was recognized for a full hour and if he might yield such time.

The Chairman⁵ said:

The gentleman is informed that that has been, in the opinion of the Chair, the practice of the House.

Mr. James W. McClintic, of Oklahoma, made the further point of order that one to whom time was yielded by another Member might not yield to a third.

Mr. James R. Mann, of Illinois, in debating the point of order said:

Mr. Chairman, I have been in the House now for nearly 24 years. This has been the practice of the House ever since I have been a Member of it. In general debate the man who gets time in his own right can yield it as he pleases for debate. He can yield it for amendment if he chooses when we are in the House, but if he yields for amendment, he loses the floor.

¹ Champ Clark, of Missouri, Speaker.

² Fourth session Sixty-seventh Congress, Record, p. 4277.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ Third session Sixty-sixth Congress, Record, p. 2340.

⁵ Mr. James W. Husted, of New York, Chairman.

That has been the practice always in the House. I have just as much right when I am recognized for an hour to yield it as I please as any other Member, and I have frequently seen the case where a Member's time was exhausted when he was on the floor, and on more than one occasion have myself been recognized and have yielded to that gentleman the hour that I have obtained, against protest of Members who objected to his continuing.

The Chairman affirmed:

The Chair thinks that the gentleman from Illinois has stated the practice of the House correctly and the Chair overrules the point of order. The gentleman from Texas is recognized for five minutes.

2471. A Member receiving time in debate from another may not yield such time to a third Member without the consent of the original possessor.

A Member desiring time in general debate in opposition to a bill may accept time from one favoring the measure or he may decline to accept such time, and if the latter does not yield to another or consume the time himself, may demand recognition in his own right.

A Member yielding to another to offer an amendment thereby relinquishes control of the time allotted to him.

A Member securing time from another in which to offer an amendment is recognized in his own right.

On January 13, 1910,¹ Mr. James A. Hughes, of West Virginia, from the Committee on Accounts, reported the resolution (H. Res. 228) authorizing messengers for committees, and after brief debate yielded to Mr. Ernest W. Roberts, of Massachusetts, to offer an amendment.

Mr. Charles L. Bartlett, of Georgia, having raised a question of order, the Speaker² held that Mr. Hughes in yielding for an amendment had relinquished the floor, and recognized Mr. Roberts in his own right.

After ten minutes debate, Mr. Roberts yielded the remainder of the hour allotted to him to Mr. Hughes.

Mr. Bartlett raised a point of order.

The Speaker held:

If the gentleman, having an hour, yielded back the remainder of his time, or yielded the remainder of his time to any Member, that Member would be entitled to it; but if he did not, then some other Member would be recognized.

Mr. Bartlett then demanded the floor in his own right.

Mr. Hughes offered to yield him time from the remainder of the hour yielded by Mr. Roberts.

Mr. Bartlett declined to accept time thus yielded and insisted on being recognized for an hour.

The Speaker said:

The gentleman yielded the floor when he yielded to the gentleman from Massachusetts to offer an amendment. Then the gentleman from Massachusetts had one hour. The gentleman from Massachusetts states that he yielded the remainder of that hour to the gentleman from West Virginia, so that the gentleman would have fifty minutes on the amendment; but if there is to be a fresh recognition, and the gentleman from Georgia is opposed to the amendment, and the gen-

¹ Second session Sixty-first Congress, Record, p. 608.

² Joseph G. Cannon, of Illinois, Speaker.

tleman from West Virginia is not, the Chair would recognize the gentleman from Georgia. The gentleman from West Virginia, however, is entitled to fifty minutes if he desires to use that time.

Mr. Swagar Sherley, of Kentucky, made the point of order that Mr. Hughes having received the time from another could not in turn yield to a third member.

The speaker overruled the point of order and said:

The chair was under the impression, growing out of the usual practice, that the gentleman from West Virginia could yield time that had been yielded to him, but that practice may be one that prevails by sufferance of the House. The Chair will have the precedents examined to see. The Chair finds the following decision:

“A Member who receives time in debate from another may yield to a third only with the consent of the original possessor.”

2472. A Member recognized for an hour may yield time to others at will until the entire hour is consumed, although another demands recognition in his own right.

On August 9, 1921,¹ during the general debate in the Committee of the Whole House on the state of the Union on the bill (S. 1358) for maintaining the Corps of Cadets at West Point at maximum strength, Mr. Daniel E. Garrett, of Texas, was recognized for an hour. After consuming a portion of the time Mr. Garrett yielded five minutes to Mr. James T. Begg, of Ohio.

Mr. Frank L. Greene, of Vermont, addressed the Chair and was recognized, when Mr. Garrett submitted that he was entitled to use or to yield the entire hour without interruption.

The Chairman² said:

The Chair is of opinion that if the gentleman from Texas demands the use of his time, he is entitled to the hour. Then the gentleman will be recognized in lieu of the gentleman from Vermont. The gentleman from Texas is recognized.

2473. On May 22, 1922,³ the Committee of the Whole House on the state of the Union was engaged in general debate on the bill (S. 2919) for the extension of the District of Columbia rent act.

Mr. Ralph Gilbert, of Kentucky, who had been recognized for an hour, having concluded his remarks on the bill, yielded the remainder of his time to Mr. J. Charles Linthicum, of Maryland.

Mr. Philip P. Campbell, of Kansas, protected:

Mr. Chairman, the time can not be taken by any one man to control absolutely. The gentleman from Kentucky has yielded the floor. He can not shut off another man from getting the floor.

The Chairman⁴ said:

The gentleman from Kentucky can use his hour in any way he sees fit. He still has 22 minutes. The Chair has recognized the gentleman from Kentucky for one hour.

2474. A Member may not offer an amendment in time secured for debate only.

¹First session Sixty-seventh Congress, Record, p. 4797.

²Cassius C. Dowell, of Iowa, Chairman.

³Second session Sixty-seventh Congress, Record, p. 7415.

⁴Nicholas Longworth, of Ohio, Chairman.

On March 27, 1920,¹ while the District of Columbia appropriation bill was being considered in the Committee of the Whole House on the state of the Union, Mr. William W. Rucker, of Missouri, was recognized to debate an amendment offered by Mr. Charles R. Davis, of Minnesota.

After proceeding in debate, Mr. Rucker offered an amendment to the pending amendment.

The Chairman² declined to recognize for the amendment, and said:

The gentleman can not get the floor for that purpose. The gentleman, under the rule of the House, is not entitled to recognition for that purpose after making a speech on another subject. The gentleman should have offered his amendment before he made his speech if he desired to get the floor for that purpose.

The Chair understands that the gentleman can not take the floor to make a speech and then get recognition for the purpose of offering an amendment under the rules of the House. The gentleman from Missouri can get recognition later on.

2475. On April 3, 1918,³ during consideration of the bill (H. R. 10691) relating to loans secured by Liberty bonds, in the Committee of the Whole House on the state of the Union, Mr. Henry I. Emerson, of Ohio, having control of the time, yielded to Mr. William H. Stafford, of Wisconsin, for debate.

Mr. Stafford inquired as to the offering of amendments to the bill.

The Speaker⁴ pro tempore said:

When a measure is being considered in the House any gentleman who has the floor in his own right has the right to offer amendments; but the gentleman from Wisconsin is well aware that under the rules of the House, when time is yielded for the purpose of debate, it is not in order for the person having the floor for debate to offer an amendment.

2476. A Member having control of the time may not yield for an amendment without losing the floor, and is not entitled to a second hour if another demands recognition.

On January 11, 1910,⁵ the bill (H. R. 16223) extending time to homesteaders in which to establish residence was being considered in the House.

Mr. Frank W. Mondell, of Wyoming, in charge of the bill, yielded for an amendment, and subsequently addressed the Chair asking recognition.

Mr. James R. Mann, of Illinois, rose to a parliamentary inquiry and asked if Mr. Mondell was entitled to a second recognition and, if so, whether he was recognized for an hour.

The Speaker⁶ replied:

Undoubtedly the gentleman is entitled to an hour on a second recognition. But if the gentleman yields for an amendment he loses the floor, and he can not be recognized again if another Member addresses the Chair.

2477. A Member may yield to permit an amendment to be read for information, or to be voted upon at the close of general debate, without losing control of his time.

¹ Second session Sixty-sixth Congress, Record, p. 4932.

² Martin B. Madden, of Illinois, Chairman.

³ Second session Sixty-fifth Congress, Record, p. 4540.

⁴ Charles R. Crisp, of Georgia, Speaker pro tempore.

⁵ Second session Sixty-first Congress, Record, p. 514.

⁶ Joseph G. Cannon, of Illinois, Speaker.

On May 4, 1921,¹ while the Committee of the Whole House was engaged in the consideration of the bill (H. R. 2373) to authorize association of producers of agricultural products, Mr. Joseph Walsh, of Massachusetts, was recognized.

Mr. Fred H. Dominick, of South Carolina, asked recognition to offer an amendment.

The Speaker² ruled:

The gentleman can do so if the gentleman from Massachusetts yields for that purpose; but, of course, if he yields, the gentleman from Massachusetts loses the floor.

Mr. Walsh said:

I have no objection to the gentleman offering his amendment now, to be voted on at the close of general debate.

After the amendment had been read Mr. Walsh resumed, when Mr. Otis Wingo, of Arkansas, made the point of order that Mr. Walsh having yielded for an amendment to be offered had relinquished the floor.

The Speaker said:

The gentleman from Massachusetts yielded to have it read for information. He had no objection to that, but he did not yield the floor. Is not that correct?

2478. A Member who, having the floor in debate, yields to another to offer an amendment loses his right to resume, and the Member to whom the floor is yielded is recognized for one hour.

On January 24, 1929,³ the House was considering the bill (H. R. 16352) providing that no lands owned by an religious organization within any national park can be purchased by condemnation or otherwise by the Government.

Mr. Don B. Colton, of Utah, who had been recognized for one hour, yielded to Mr. Scott Leavitt, of Montana, for the purpose of offering an amendment.

The amendment being disposed of, Mr. Colton proposed to resume control of the time, when Mr. Cassius C. Dowell, of Iowa, made the point of order that having yielded for an amendment he had yielded the floor.

The Speaker pro tempore⁴ ruled:

As the Chair understands it, the gentleman from Utah yielded to the gentleman from Montana for the purpose of offering an amendment. The Chair will rule that when the Member in charge of the bill yields to another Member for the purpose of offering an amendment, he also yields the floor. The member who offers the amendment is then entitled to an hour to debate his amendment. The Chair will say that this ruling follows the decisions that are found in Hind's Precedents, Volume V, sections 5029, 5030, and 5031.

2479. While the Member must confine himself to the question under debate, a certain latitude is permitted in the refutation of charges reflected upon him in his representative capacity.

In discussing a question of personal privilege based upon newspaper charges personal letters refuting such charges were admitted as relevant.

¹ First session Sixty-seventh Congress, Record, p. 1037.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Second session Seventieth Congress, Record, p. 2212.

⁴ Bertrand H. Snell, of New York, Speaker pro tempore.

Reference in a newspaper article to a Member as a “congressional slacker” was held to present a question of personal privilege.

On February 22, 1926,¹ Mr. Martin L. Davey, of Ohio, rising to a question of privilege, sent to the desk to be read by the Clerk an article from a newspaper referring to him as a “congressional slacker” and otherwise reflecting upon him in his Representative capacity.

Mr. Davey was addressing the House on the question of privilege and proposed to have read by the Clerk certain telegrams in refutation of charges contained in the newspaper article when Mr. R. Walton Moore, of Virginia, made the point of order that the article read from the desk did not give rise to a question of privilege, and it was not in order to read the telegrams offered.

The Speaker² said:

The Chair thought the margin was rather narrow, but he did think that one or two of the expressions alluding to the gentleman as a congressional slacker did impugn him in his capacity as a Member, and therefore the Chair without question permitted him to proceed. The Chair thinks, however, that the reading of these telegrams, which are merely written in advocacy of a certain bill introduced by the gentleman, comes very near the line as to whether he is proceeding to address himself to a question of personal privilege. The Chair thinks the gentleman is in order.

After further discussion of the question of privilege by Mr. Davey, Mr. Bertrand H. Snell, of New York, raised a question of order and said:

Mr. Speaker, I make the point of order that the gentleman from Ohio is trying to maintain his position in regard to certain legislation that he has introduced in the House rather than to refute charges made against him by the newspaper article read at the desk. I think on the question of privilege he must discuss the charges made in that article and not his position on certain legislation that he has introduced before certain committees of the House. I think he has gone far afield, and the Speaker should hold him down to a discussion of the only question he is allowed to speak upon at this time.

The Speaker held:

The gentleman has been attacked by a newspaper article which reflects on his reputation and capacity, saying things which are likely to injure him in his representative capacity, and they are based on a bill which the gentleman has introduced and which he is discussing. The Chair thinks that some little latitude at least ought to be allowed to the gentleman in discussing a matter of this sort under a question of privilege.

2480. Debate in the House on proposed articles of impeachment is not confined to evidence of record but may refer to any germane fact pertinent to the subject.

On March 20, 1926,³ the report⁴ of the Committee on the Judiciary on the proposed impeachment of George W. English, United States district judge for the eastern district of Illinois, was under debate in the House.

Mr. William P. Holaday, of Illinois, in the course of debate, in referring to certain facts connected with the subject, said:

Now, what are the facts? There was in the United States district court at St. Louis one Gardner, identified here as “Dressed-up Johnny Gardner”—and this is outside of the record.

¹ First session Sixty-ninth Congress, Record, p. 4345.

² Nicholas Longworth, of Ohio, Speaker.

³ First session Sixty-ninth Congress, Record, p. 6603.

⁴ Report No. 653.

Mr. George S. Graham, of Pennsylvania, made the point of order that debate on the proposition must be confined to evidence of record.

The Speaker¹ held:

This is not a proceeding, as the Chair views it, where men are bound by the record alone. The Chair regards the presentation of facts, whether in the record or not, that are perfectly germane to the subject to be in order.

2481. The Member shall confine himself to the question under debate, avoiding personality.

In presenting a case of personal privilege arising out of charges made against him, the Member must confine himself to the charges and may not take advantage of the privilege to prefer charges against others.

If the Member digress or otherwise transgress the rules in the discussion of a question of privilege, it is the duty of the Speaker to call him to order.

On September 24, 1917,² Mr. Patrick D. Norton, of North Dakota, presented, as involving a question of the privileges of the House, a printed version of an interview by Mr. J. Thomas Heflin, of Alabama, appearing in a Washington newspaper and reading in part as follows:

I believe some of this money has reached some Members of Congress I know. I could name 13 or 14 Members of the House and the Senate who have acted in a very suspicious fashion, and I feel that this matter should be very fully investigated.

The Speaker³ recognized Mr. Norton to speak to the question of privilege.

Upon the conclusion of Mr. Norton's remarks, Mr. Heflin claimed the floor for a question of privilege on the ground that he had been misquoted in the press, and said:

Mr. Speaker and gentlemen of the House, it is not a pleasant thing to me to have to criticize the men with whom I serve. It is very unpleasant. I regret that things have happened to cause me to have the views that I have expressed on one or two former occasions about the conduct of certain men who sit with me in this body. But, gentlemen, the soldiers are going off to flight; they are going to do unpleasant things.

Mr. Philip P. Campbell, of Kansas, submitted that the statement was not in order.

The Speaker sustained the point of order.

Mr. Heflin proceeded and at various times the Speaker without suggestion from the floor called him to order for irrelevant remarks.

Subsequently, in response to a question of order raised by Mr. Campbell, the Speaker said:

The Chair has listened very closely and whenever the gentleman from Alabama has strayed from the question of privilege the Chair has been trying to get him back to it. If the gentleman from Alabama grossly offends the rules about privilege the Chair will stop him.

2482. In addressing himself to a question of personal privilege the Member may not under guise of defending himself against accusations

¹Nicholas Longworth, of Ohio, Speaker.

²First session Sixty-fifth Congress, Record, p. 7362.

³Champ Clark, of Missouri, Speaker.

introduce matter attacking another even though relevant to the matter under discussion.

On March 3, 1919,¹ Mr. Louis T. McFadden, of Pennsylvania, was addressing the House on a question of personal privilege predicated upon an official statement issued by the Comptroller of the Currency.

As a part of his remarks Mr. McFadden proposed to incorporate resolutions passed by a convention of bankers in Pennsylvania criticizing the Comptroller.

Mr. Otis Wingo, of Arkansas, made the point of order that while the Member might defend himself against charges by the Comptroller he might not bring in resolutions attacking the Comptroller.

The Speaker² sustained the point of order.

2483. On August 8, 1919,³ Mr. Thomas L. Blanton, of Texas, in addressing the House on a question of personal privilege, said:

The President of the United States is the greatest man living to-day, in my judgment, and yet he is human. We are now experiencing the fruits of our Nation's truckling in the passage of the Adamson law, the most colossal blunder of Woodrow Wilson's whole life.

Mr. Edward J. King, of Illinois, made the point of order that in attacking the President the Member was exceeding his privilege and should confine himself to the question under debate.

The Speaker⁴ sustained the point of order.

2484. Personal explanations are allowed only by unanimous consent.

On February 10, 1930,⁵ in the Senate, Mr. Wesley L. Jones, of Washington, proposed to have read at the desk, in order that it might appear in the Congressional Record, by way of personal explanation, an open letter addressed to a Member of the House relative to a statement made by the latter in an interview given to the public press.

The Vice President submitted the proposal as a request for unanimous consent, and there being no objection, the letter was read by the Clerk.

¹ Third session Sixty-fifth Congress, Record, p. 4911.

² Champ Clark, of Missouri, Speaker.

³ First session Sixty-sixth Congress, Record, p. 3723.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

⁵ Second session Seventy-first Congress, Record, p. 3334.