

## CHAPTER 13

## DECORUM IN DEBATE

## Sec. 120. Equality of Members in Debate

*See also Sec. 52, Equality of Members.*

The rights and duties of members of a legislative body are derived from and founded upon the absolute equality of the members. Every member has the same right as any other member to present questions for the consideration of the house and has the same right to be heard. Members must not be permitted by their conduct to deny to others that which they may claim for themselves. It is the duty of all members to conduct themselves so as not to obstruct the like rights of other members. Freedom of speech involves obedience to all the rules of debate.

## Sec. 121. Breaches of the Order of the House

*See also Sec. 101, Debate is Limited to the Question Before the House.*

1. An ancient rule governing debate is that "no one is to speak impertinently, or beside the question, superfluously, or tediously."

2. A member who resorts to persistent irrelevance or to persistent repetition after the attention of the house has been called to the matter may be

*Sec. 120:* Cushing's Legislative Assemblies, Sec. 373; Cushing, Sec. 36; Hughes, Sec. 686; Sturgis, p. 121.

*Sec. 121, Par. 1:* 2 Hatsell 166; Jefferson, Sec. XVII, N.Y. Manual, p. 457; Cushing's Legislative Assemblies, Secs. 1676-1700.

directed to discontinue the speech by the presiding officer.

3. During debate, while the presiding officer is speaking, or the house is engaged in voting, no one is to disturb another in a speech by hissing, coughing, spitting, speaking or whispering to another, nor passing between the presiding officer and the member speaking, nor crossing the floor of the house, nor walking up and down, nor taking books or papers from the desk, nor writing there.

4. If, at any time, the presiding officer rises to state a point of order, or give information, or otherwise speak within the presiding officer's privilege, the member speaking must sit down until the presiding officer has been heard.

5. The reading in the house of any letter from a person not a member or any other communication calling in question acts of members or officials of the house or being abusive is out of order and should not be permitted.

## Sec. 122. Procedure Under Call to Order

1. If repeated calls do not produce order, the presiding officer may call any member by name, who obstinately persists in irregularity.

*Sec. 121, Par. 2:* Jefferson, Sec. XVII, quoting Scob. 31, 32; 2 Hatsell 166, 168; Sturgis, p. 125; Hughes, Sec. 734.

*Sec. 121, Par. 3:* 2 Hatsell 171; Jefferson, Sec. XVII; Cushing, Secs. 37, 211; Reed, Sec. 212; U.S. House Rule XIV, Par. 7.

*Sec. 121, Par. 4:* Cushing, Sec. 207; Hughes, Sec. 724.

*Sec. 121, Par. 5:* Hughes, Sec. 708.

*Sec. 122, Par. 1:* Jefferson, Sec. XXIV; Cushing, Secs. 40, 225; Reed, Sec. 221.

2. When called to order by the presiding officer, the member must sit down until the question of order is decided. The member may not proceed without the body's permission. The presiding officer may state the offense committed, and the member may then be heard in explanation or justification, and may be required to withdraw while the body considers whether it will take any action against the member.

3. Although in control of debate on a question of order, the presiding officer may put to a vote the question of whether a member called to order during a debate should be allowed to proceed. A member who has been called to order in debate and decided out of order loses the floor and another may be recognized. When called to order for irrelevancy, a member may proceed in order unless the question was brought to a vote and the debate found irrelevant.

### Sec. 123. Use of Disorderly Words in Debate

1. No person may use indecent language with reference to the body or its members.

2. When disorderly words are used by a member in debate, notice should immediately be taken of them by the member objecting, and if desiring the words to be taken down, the objecting member should repeat them exactly as that member believes them to have been spoken. If of the opinion that the words are disorderly, the presiding officer should

*Sec. 122, Par. 2: Jefferson, Sec. XXIV; Reed, Sec. 223; Hughes, Sec. 690; Cushing, Secs. 40, 41, 228-232; Tilson, p. 47.*

*Sec. 122, Par. 3: Hughes, Sec. 693; Cushing, Sec. 214.*

*Sec. 123, Par. 1: Jefferson, Sec. XXXIII.*

direct that the clerk take them down. If of the opinion that the words are not disorderly, the presiding officer may delay the order to the clerk to take down the words unless there is a demand by other members, when the presiding officer should order the clerk to take them down as stated by the objecting member, or a member may insist on the determination of the question by the house by putting the question in the form of a motion.

3. When words are taken down, they are then a part of the minutes, and when read to the offending member, that person may deny those words. When there is a dispute as to the words, before the question of disorderliness is voted upon, the presiding officer should first put the question: "Are the words written down the words spoken by the member?"

4. The question of whether the words are disorderly is then submitted to the body. If the body is satisfied that the words are not disorderly, no further proceeding is necessary. If the words are found disorderly, the member using them should be permitted to explain and apologize to the body, but if the member refuses to apologize, the presiding officer may censure the member or the body may choose to act in the case.

5. If the remarks of the member are decided to be improper, that member may not proceed if any one objects without the permission of the body ex-

*Sec. 123, Par. 2: Jefferson, Sec. XXXV; Hughes, Sec. 709; Cushing, Secs. 227-232; Reed, Secs. 222, 223; Sturgis, p. 125.*

*Sec. 123, Par. 3: Jefferson, Sec. XXXV; Cushing, Sec. 229.*

*Sec. 123, Par. 4: Jefferson, Sec. XXXV; Hughes, Sec. 709; Cushing, Secs. 229, 230.*

pressed by a vote, upon which question no debate is allowed.

6. When a member has been called to order for disorderly words, it is usual for a motion to be made to permit the member to explain and if the explanation is satisfactory, it is in order and customary for a motion to be made and carried that the member be allowed to "proceed in order." The motion should always be that the member be permitted to "proceed in order," and not merely to "proceed."

7. The procedure here given is the established formal procedure for dealing with instances of disorderly conduct or disorderly words.

8. Improper conduct of a member can be referred to a committee for investigation and report or for action and the notoriety which comes from discussion on the floor avoided.

9. When another member has spoken or any other business has taken place since the member spoke, it is too late to take notice of any disorderly words used for the purpose of censure.

### Sec. 124. Personalities Not Permitted in Debate

*See also Sec. 110, Addressing Members or Presiding Officer.*

1. In debate a member must confine remarks to the question before the house, and avoid personalities.

*Sec. 123, Par. 5: Cushing, Sec. 230; Sturgis, p. 125.*

*Sec. 123, Par. 6: Hughes, Secs. 720, 721; Reed, Sec. 223.*

*Sec. 123, Par. 8: Jefferson, Sec. XXXV; Cushing, Sec. 232.*

*Sec. 124, Par. 1: Sturgis, p. 125; Tilson, p. 44.*

2. A member in referring to another member should avoid using the member's name, rather identifying that member by district, seat, as the member who last spoke or by describing the member in some other manner.

3. It is not the person but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms.

### Sec. 125. Personal Disputes Between Members

1. Whenever there has been a dispute or an assault between members, the body may require the members to settle their differences and agree not to prosecute the disagreement further. The members may be put under restraint if they refuse to settle their differences or until they do.

2. In a dispute between members, of which the body takes official notice, both parties to the dispute should retire after being heard while the body decides what action, if any, it will take concerning the matter. It is not, however, necessary for a member objecting to disorderly words to retire unless that member is personally involved. Disorderly words to the presiding officer, or in respect to the official acts of an officer, do not involve the officer so as to require that person to retire.

*Sec. 124, Par. 2: Jefferson, Sec. XVII; Cushing, Sec. 206.*

*Sec. 124, Par. 3: Sturgis, p. 125; Hughes, Sec. 705.*

*Sec. 125, Par. 1: Jefferson, Sec. XVII.*

*Sec. 125, Par. 2: Jefferson, Sec. XVII.*

### Sec. 126. Complaints Against the Presiding Officer

1. The presiding officer is subject to the same rules regarding disorderly words as members.
2. Complaint of the conduct of the presiding officer should be presented directly for action by the house, in which case the presiding officer should vacate the chair and call a member to preside until the matter is settled.
3. A question concerning conduct of the presiding officer should not be presented by way of debate on other matters. Allusions to, or critical reference to the presiding officer, are not in order. Such attacks are not conducive to the good order of the house.

*Sec. 126, Par. 1: Hughes, Sec. 709.*

*Sec. 126, Par. 2: Hughes, Sec. 692.*

*Sec. 126, Par. 3: Hughes, Sec. 692.*

## CHAPTER 14

### CLOSING DEBATE

#### Sec. 130. Bringing Question to Vote

*See also Sec. 523, Putting the Question to Vote.*

1. When the debate appears to be closed, the presiding officer should inquire, "Are you ready for the question?" If, after a reasonable pause, no one rises to claim the floor, the presiding officer may assume that no member wishes to speak, and put the question to vote.
2. Debate is not closed by the presiding officer stating the question, for until both the affirmative and negative are put, a member can rise and claim the floor and reopen the debate or make a motion, provided the member rises with reasonable promptness after the presiding officer asks, "Are you ready for the question?"
3. When the question is debatable, and no one rises to claim the floor after the question is stated by the presiding officer, the presiding officer should inquire, "Are you ready for the question?" After a moment's pause, if no one rises, the presiding officer should put the question to vote. When the question is debated or motions are made, the presiding officer should wait until the debate has apparently ceased, and should again inquire, "Are you ready for the question?" Having given ample time for any one to

*Sec. 130, Par. 1: Sturgis, p. 127; Cushing's Legislative Assemblies, Sec. 1610.*

*Sec. 130, Par. 2: Cushing's Legislative Assemblies, Sec. 1610; Sturgis, p. 127.*