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The Rule XIX Call to Order for Disorderly Language in Senate Debate

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Analyst on Congress and the Legislative Process

name redacted

Senior Research Librarian

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Summary

The Senate has, from the 1st Congress (1789-1790), valued the importance of decorum in debate and included a “call to order” mechanism in its rules to sanction Senators who use “disorderly” language. The rules adopted in 1789 contained such a call-to-order provision, and its language has been amended multiple times over the years. **Table 1** of this report details the historical evolution of the rule. The present form of the Senate’s call-to-order provision was adopted on June 14, 1962.

Senate Rule XIX identifies specific language that is considered disorderly. This includes language directly or indirectly imputing to another Senator or Senators “any conduct or motive unworthy or unbecoming a Senator” (paragraph 2) and referring “offensively to any State of the Union” (paragraph 3). Rule XIX prohibits imputing conduct or motive “by any form of words” to a sitting Senator, which includes not just original words spoken in debate but quotes, news articles, and other materials. The statements in paragraphs 2 and 3 are not considered to be a comprehensive recitation of language that may violate decorum in Senate debate. Although precedents on the subject are mixed, Senators have at times also been called to order for making disparaging references in debate to the House of Representatives or its Members.

Paragraphs 4 and 5 of Rule XIX establish a parliamentary mechanism whereby a Senator who engages in the type of disorderly language described in the rule can be “called to order” by the presiding officer or by another Senator. This call to order is rarely formally invoked in the modern Senate. **Table 2** of this report lists instances in which the rule has been invoked since 1962. It is far more common for the presiding officer, acting on his or her own initiative, to issue a “warning” to a Senator who has violated standards of decorum in debate or to read the provisions of Rule XIX aloud as a general reminder to the Senate in cases where debate has become heated.

If a formal call to order is made, however, any Senator may demand that the allegedly disorderly words be read aloud for the benefit of the Senate. Should the chair then rule that the speaking Senator’s words have violated Rule XIX, the sanctioned Senator must take his or her seat. The chair’s ruling in this regard is subject to an appeal to the full body. A Senator sanctioned under the rule in this manner is barred from participating in further debate on the pending matter unless the Senate, by unanimous consent or by nondebatable motion, permits him or her to proceed in order. Disorderly words used in Senate debate can be stricken from the *Congressional Record* by unanimous consent or by motion.

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“Disorderly” Language in Senate Debate

Paragraphs 2 and 3 of Senate Rule XIX identify language that is considered to violate standards of decorum in debate. Such “disorderly” language includes directly or indirectly imputing to another Senator or Senators “any conduct or motive unworthy or unbecoming a Senator” (paragraph 2) and referring “offensively to any State of the Union” (paragraph 3).¹ Rule XIX prohibits imputing conduct or motive “by any form of words” to a sitting Senator. The presiding officer has stated that this prohibition includes language taken from “quotes, articles, or other materials,” not just original words spoken by a Senator in debate.²

From a historical standpoint, these explicit statements of words that constitute disorderly language are relatively recent additions to the Senate’s standing rules. The language of paragraph 2 related to impugning motives and of paragraph 3 against speaking offensively of any state were both adopted on April 8, 1902.³ While these explicit examples of disorderly language are newer to Senate rules, the prohibitions they codify are not. The Senate has, from its earliest days, stressed the importance of decorum in debate and had a mechanism in its rules to sanction Senators who use disorderly language. Senators could have been, and were, called to order for imputing motives or maligning a state prior to the adoption of these paragraphs.⁴ The concepts of decorum in debate made explicit by Rule XIX are clearly stated in Section XVII of Thomas Jefferson’s *Manual of Parliamentary Practice* (“*Jefferson’s Manual*”) and stem from English parliamentary practice prior to the 1st Congress under the Constitution.⁵

The statements listed in Rule XIX are not considered to be a comprehensive recitation of language that may be considered disorderly and violate decorum in Senate debate.⁶ For example,

¹ U.S. Congress, Senate, *Senate Manual*, 113th Cong., 1st sess., S.Doc. 113-1 (Washington: GPO, 2014), pp. 18-19.

² *Congressional Record*, daily edition, vol. 163 (February 7, 2017), p. S852.

³ *Congressional Record*, vol. 34 (April 8, 1902), p. 3819. The legislative history of S.Res.179 (57th Congress), the measure that added current paragraphs 2 and 3 to Rule XIX, is sparse: There was no written committee report accompanying the resolution and the measure was agreed to in the Senate by unanimous consent with no debate. A “note” appearing on the resolution itself, as reported by the Committee on Rules, stated that the purpose of the resolution was “to make more clear the rule of the Senate requiring decorum in debate, and the power and duty of the Chair to enforce the same.” While there is little formal legislative history, adoption of the resolution is widely understood to be a direct response to an incident that occurred on the Senate floor on February 22, 1902. On that day, South Carolina Senators John L. McLaurin and Benjamin R. Tillman engaged in a violent physical altercation in the chamber after the two had traded angry words in debate. The Senate formally censured both men for their part in the incident. For more information, see *Congressional Record*, vol. 34 (February 22, 1902), pp. 2087-2090. See also, an account of the incident by the Senate Historical Office: https://www.senate.gov/artandhistory/history/minute/Senate_Fistfight.htm.

⁴ For examples of Senators being called to order for such disorderly language prior to the adoption of paragraphs 2 and 3 of Rule XIX, see U.S. Congress, Senate, *Precedents, Decisions on Points of Order With Phraseology in the United States Senate, from the First Congress to End of the Sixtieth Congress, 1789-1909, compiled by Henry H. Gilfry, Clerk of the United States Senate*, 61st Cong., 1st sess., S.Doc. 129 (Washington: GPO, 1909), pp. 347-351.

⁵ *Jefferson’s Manual* was prepared by Thomas Jefferson for his own use as President of the Senate in the years of his vice presidency (1797-1801). The volume presents a summary of established procedures and precedents of English parliamentary law, which Jefferson obtained through a close study of volumes such as John Hatsell’s *Precedents of Proceedings in the House of Commons* (3 volumes, 1785) and Anchtell Grey’s *Debates in the House of Commons from the Year 1667 to the Year 1694* (10 volumes, 1769). *Jefferson’s Manual* is not considered to be part of the rules of the Senate and is not a direct authority on parliamentary procedure in the Senate.

⁶ Paragraph 7 of Rule XIX prohibits Senators from introducing or bringing “to the attention of the Senate during its sessions any occupant in the galleries.” Paragraph 7 was added to the standing rules on August 27, 1957 by the adoption of S.Res.183 (85th Congress), *Congressional Record*, vol. 103, August 26, 1957, pp. 526-527. Additionally, paragraph 1(a) of Rule XIX bars Senators from speaking more than twice on any one question on the same legislative (continued...)

while there is no specific Senate rule governing such statements, chamber precedents indicate that the body has, on occasion, ruled certain references made in debate to the character or conduct of the House of Representatives and its Members to be disorderly.⁷

The application of Rule XIX does not, however, “extend to remarks made about the President of the United States, the Vice President, or Administration officials,” and a Senator cannot be called to order under the rule for comments or remarks made in debate about such individuals.⁸ Likewise, general criticism of the action of a congressional committee does not constitute a violation of the rule as to motives.⁹

As is discussed below, the presiding officer decides if a Senator has used disorderly language in debate in violation of Rule XIX, subject to an appeal to the full Senate.

Procedures for Calling a Senator to Order

Paragraphs 4 and 5 of Rule XIX establish a parliamentary mechanism whereby a Senator who engages in the type of disorderly language described in the rule (discussed above) can be “called to order” by the presiding officer or by another Senator.¹⁰ These paragraphs of the rule state:

4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.¹¹

In current practice, the Rule XIX call to order is rarely formally invoked. It is far more common for the presiding officer, acting on his or her own initiative, to issue a “warning” to a Senator who has violated standards of decorum in debate or to simply read the provisions of Rule XIX aloud

(...continued)

day. The so-called “two speech rule” has existed in Senate rules from the 1st Congress (1789-1790). The original form of the rule was adopted on April 16, 1789 as Rule IV of the Senate’s original nineteen standing rules: U.S. Congress, Senate, *Journal of the Senate of the United States*, 1789, 1st Cong., 1st sess. (Washington: Gales & Seaton, 1820), p. 13. Finally, paragraph 1(b) of Rule XIX generally prohibits Senators from making nongermane remarks during the first three hours after business is called up on each calendar day. The provision was added to Rule XIX on January 23, 1964. For an overview of the rule and its use, see CRS Report R45134, *Germaneness of Debate in the Senate: The Pastore Rule*, by (name redacted) and (name redacted).

⁷ For example, it has also been held a violation to refer to the individual character or to the acts or conduct of Members of the House. Senate precedents on references to the House and its Members are mixed, however. At other times, certain references to the other body have not been found to violate the rule. For further discussion of Senate precedents related to references to the House in debate, see Floyd M. Riddick and Alan S. Frumin, *Riddick’s Senate Procedure: Precedents and Practices*, 101st Cong., 1st sess., S.Doc. 101-28 (Washington: GPO, 1992), pp. 746-747.

⁸ Riddick and Frumin, *Riddick’s Senate Procedure*, p. 741.

⁹ Riddick and Frumin, *Riddick’s Senate Procedure*, p. 741.

¹⁰ Presumably the presiding officer would call a Senator to order only if he or she already believed the Senator’s remarks were out of order.

¹¹ U.S. Congress, Senate, *Senate Manual*, 113th Cong., 1st sess., S.Doc. 113-1 (Washington: GPO, 2014), pp. 18-19.

as a general reminder to the Senate in cases where debate has become heated.¹² Occasionally, however, a formal call to order is made. The steps used to invoke the Rule XIX call to order are as follows:

Any Senator who believes that another Senator has transgressed the rules of decorum in debate under Rule XIX may call that Senator to order. A Senator would do so by saying:

Mr. (or Madam) President, I call the Senator to order under Rule XIX.¹³

The presiding officer may also, on his or her own initiative, call a Senator to order without any call to order being raised from the floor. Senate precedents state that a Senator or the presiding officer may call a Senator to order “without the latter yielding for that purpose.”¹⁴ That is, a Senator properly in possession of the floor may be interrupted by another Senator who wishes to call the first to order for his or her remarks.¹⁵ Senate precedents further indicate that Rule XIX “can be invoked at any time upon its violation” and that a Senator may call another Senator who is addressing the Senate to order “at any time.”¹⁶

Under paragraph 5 of Rule XIX, any Senator may demand that the allegedly objectionable words be read aloud, although this step is optional. To do so, a Senator would say:

Mr. (or Madam) President. I demand that the words of the Senator from [STATE] be read aloud for the information of the Senate.

The chair would then rule on whether or not the words in question were disorderly and transgressed Rule XIX. If the presiding officer ruled that a speaking Senator had transgressed Rule XIX, he or she would direct the speaking Senator to take his or her seat. Senate precedents indicate that the “penalty” for violating “Rule XIX, is that the speaking Senator take his seat.”¹⁷ If, on the other hand, the presiding officer, in response to a call to order from the floor, ruled that the speaking Senator had not violated Rule XIX, the speaking Senator would be allowed to proceed in order.

The ruling of the presiding officer under Rule XIX that a Senator has used disorderly words in debate is subject to an appeal by any Senator, including by a Senator who has been directed to take his or her seat. If such an appeal is raised, the presiding officer would state:

The question before the Senate is, ‘Shall the decision of the Chair to hold the Senator from [STATE] in violation of rule XIX stand as the judgment of the Senate?’

Such an appeal is debatable but subject to a nondebatable motion to lay the appeal on the table.¹⁸

A speaking Senator who has been found to have violated Rule XIX by using disorderly language may not proceed in debate without the permission of the Senate. Senate precedents suggest that, unless lifted by unanimous consent or by motion, the prohibition on debate is in force during

¹² See, for example, *Congressional Record*, daily edition, vol. 164 (January 21, 2018), p. S422.

¹³ Although not specifically stated in the rule, a Senator raising a call to order would presumably direct the attention of the presiding officer to the specific remarks alleged to be disorderly.

¹⁴ Riddick and Frumin, *Riddick’s Senate Procedure*, p. 739.

¹⁵ In this sense, the call to order can be distinguished from a point of order. In most cases, a Senator under recognition would have to yield in order for another Senator to make a point of order against the Senator in possession of the floor.

¹⁶ Riddick and Frumin, *Riddick’s Senate Procedure*, p. 739.

¹⁷ Riddick and Frumin, *Riddick’s Senate Procedure*, p. 740.

¹⁸ Should the Senate decide a question of order by overruling the decision of the chair on appeal, that action establishes an authoritative precedent that will guide the decision of the chair in identical future circumstances. For additional information, see CRS Report 98-306, *Points of Order, Rulings, and Appeals in the Senate*, by (name redacted) .

consideration of the pending question.¹⁹ Senate precedents state, however, that a Senator who has been called to order “would be entitled to recognition to speak on another matter subsequently taken up by the Senate.”²⁰

Permission for a sanctioned Senator to proceed in order could be granted by unanimous consent or by the adoption of a nondebatable motion.²¹ If a motion to proceed in order is adopted, the speech of the offending Senator is not terminated: He or she would retain possession of the floor and could continue speaking. The motion to proceed in order can be made only by a Senator in possession of the floor or when a Senator in possession of the floor yields for the purpose of making the motion. Such a motion cannot be made after the Senate has taken up other business. To make such a motion, a Senator would say:

Mr. (or Madam) President, I move that the Senator from [STATE] be permitted to proceed in order.

If a Senator has been found to have violated decorum in debate under Rule XIX, his or her objectionable words may be stricken from the *Congressional Record* either by unanimous consent or by motion.²² Senate precedents indicate that matters that have, by such a motion, been stricken from the *Record* as having violated Rule XIX include not only remarks or language reflecting on a sitting Senator but also a chart, a letter, or a telegram doing so.²³ CRS identified one instance in which a Senator sought a ruling that language used in debate earlier in the day by a colleague had violated Rule XIX, and when the chair indicated that, in his opinion, it had, the Senator asked and received unanimous consent to strike the offending language from the *Record*.²⁴

History of the Call to Order for Disorderly Language

A mechanism for calling Senators to order for the use of disorderly language in debate has existed in Senate rules since the 1st federal Congress (1789-1790), beginning with the Senate’s adoption of 19 standing rules governing its operation on April 16, 1789. Of these, Rule XVI, stated:

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, without debate; but, if there be a doubt in his mind, he may call for the sense of the Senate.²⁵

The rule was rewritten in 1856 to state:

If any member, in speaking, or otherwise, transgress the rules of the Senate, the presiding officer shall, or any member may, call to order, and when a member shall be called to order by the President, or a Senator, he shall sit down, and shall not proceed without leave of the Senate. And every question of order shall be decided by the President,

¹⁹ The full scope of this prohibition is unclear and is a subject on which the authoritative guidance of the Senate Parliamentarian or her assistants is warranted.

²⁰ Riddick and Frumin, *Riddick’s Senate Procedure*, p. 740.

²¹ The motion would be decided by majority vote.

²² Precedents suggest that this motion is debatable.

²³ Riddick and Frumin, *Riddick’s Senate Procedure*, p. 646.

²⁴ *Congressional Record*, daily edition, vol. 141, January 18, 1995, p. S1063.

²⁵ U.S. Congress, Senate, *Journal of the Senate of the United States*, 1789, 1st Cong., 1st sess. (Washington: Gales & Seaton, 1820), pp. 12-13.

without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.²⁶

Rule XIX was amended to its present form on June 14, 1962, by Senate adoption of S.Res.37.²⁷ The 1962 amendment made a significant change in the operation of the call-to-order mechanism. Under the 1856 amendment described above, the mechanism had been interpreted to require a Senator to immediately take his or her seat when called to order by another Senator, even before any ruling had been made as to whether the words spoken by the Senator were, in fact, disorderly. This interpretation is illustrated in an exchange Majority Leader Scott Lucas had with the presiding officer on the Senate floor on May 8, 1950:

Sen. Lucas: Mr. President. Can a Senator, at any time when another Senator is speaking, merely rise and say in substance that the Senator from Nebraska, the Senator from Illinois, or whoever might be speaking, is violating rule XIX, and that he therefore demands the Senator take his seat? Under those circumstances, is it necessary for the Senator who is speaking to take his seat? And can one Senator discipline another Senator under those circumstances, whether the Senator is guilty of violating Rule XIX or is not guilty?

The Vice President: The Chair is bound to say that the language of the rule gives the Chair no authority whatever to pass on the question of whether a Senator is violating rule XIX. It provides that whenever a Senator is speaking, and another Senator calls him to order on the ground that he is violating the rule, he must take his seat. No matter what he has said, no matter what he is talking about, no matter whether there is any offense given or any violation of the rule, the Senator must take his seat until the Senate permits him to proceed in order. The Chair would not hesitate to say that it is a rather peculiar rule, but even if a Senator is repeating the Lord's Prayer, some other Senator may call him to order, and the Senator must take his seat until he is permitted to proceed in order.²⁸

The 1962 amendment to the call-to-order provision changed the interpretation of Rule XIX so that, when called to order by a colleague, the presiding officer would first have to rule whether the words were disorderly (with that ruling subject to an appeal) before a Senator was required to be seated. The amendment was designed to ensure that a Senator could not be taken off his or her feet by a simple allegation that he or she had transgressed Rule XIX, something supporters of amending the rule argued had occurred. The Rules Committee report accompanying S.Res.37, quoting its author, Senator Joseph S. Clark, stated:

[S.Res.37] would modify Senate Rule XIX, requiring a Senator to take his seat without a ruling by the Chair that he has spoken disparagingly of another Senator, which has become a deterrent to frank and free debate.... Rule XIX ... has been construed to permit a Senator at any time to interrupt another Senator, raise a point of order and require that Senator to take his seat without any ruling on the part of either the Presiding Officer or the Senate that the Senator called to order had violated the rule. All Senators will recall the several instances of abuse of the rule which have occurred during the August session of Congress.²⁹

²⁶ U.S. Congress, Senate, *Journal of the Senate of the United States*, 1856, 34th Cong., 1st sess. (Washington: A.O.P. Nicholson, Senate Printer, 1856), pp. 395-396.

²⁷ U.S. Congress, Senate, *Journal of the Senate of the United States*, 1962, 87th Cong., 2nd sess. (Washington: GPO, 1962), p. 314.

²⁸ *Congressional Record*, vol. 96 (May 8, 1950), p. 6600. A lengthy floor debate over the meaning and application of the rule continues on pp. 6601-6604.

²⁹ U.S. Congress, Senate Committee on Rules, report to accompany S.Res.37, 87th Congress, 2nd sess., S.Rept. 87-1521 (Washington: GPO, 1962), pp. 1-2.

Senate rules governing the call to order mechanism have seen a number of other, smaller changes over the years. **Table 1**, below, outlines the evolution of the Senate’s call to order rule from its inception in 1789 to the present. It provides the dates that amendments to the rule were adopted, the text of the rule at that time, and notes providing additional context.

Table I. Evolution of Senate Rules Governing a “Call to Order” for Disorderly Language in Debate
1789-Present

Date of Adoption of Rule	Rule Designation	Rule Text	Citation	Notes
April 16, 1789	Rule XVI	When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, without debate; but, if there be a doubt in his mind, he may call for the sense of the Senate.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1789, 1 st Cong., 1 st sess. (Washington: Gales & Seaton, 1820), pp. 12-13.	The 1789 call-to-order provision was one of the original 19 standing rules adopted by the Senate in the 1 st Congress.
March 26, 1806	Rule 15	When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; but, if there be a doubt in his mind, he may call for the sense of the Senate.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1806, 9 th Cong., 1 st sess. (Washington: Gales & Seaton, 1821), p. 66.	The 1806 amendment redesignated the existing 1789 call to order as Rule XV and added a new Rule XVI. The language of the new Rule XVI is the basis for the language currently contained in Rule XIX, paragraph 5, which permits any Senator to demand that the allegedly disorderly words of a speaking Senator be read aloud for the information of the Senate.
	Rule 16	If a member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.		
January 3, 1820	Rule 6	When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, without debate; but, if there be a doubt in his mind, he may call for the sense of the Senate.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1820, 16 th Cong., 1 st sess. (Washington: Gales & Seaton, 1821), p. 62.	The 1820 amendment redesignated the call to order provisions of Rules 15 and 16 as Rules 6 and 7, respectively. The text of both remained otherwise unchanged from the 1806 version of the rules.

Date of Adoption of Rule	Rule Designation	Rule Text	Citation	Notes
February 14, 1828	Rule 7	If a member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1828, 20 th Cong., 1 st sess. (Washington: Duff Green, 1828), p. 160.	The 1828 amendments made the first substantive changes to the call to order mechanism. New language in Rule 6 made clear that a Member could be called to order by either a Senator or by the President of the Senate (the presiding officer), and made explicit that the ruling of the chair was subject to appeal to the full Senate. Minor wording changes were made in Rule 7.
	Rule 6	When a member shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.		
June 26, 1856	Rule 7	If the member be called to order by a Senator, for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1856, 34 th Cong., 1 st sess. (Washington: A.O.P. Nicholson, Senate Printer, 1856), pp. 395-396.	The 1856 amendment made clear in Rule VI that a sanctioned Senator could not proceed in order without the leave of the Senate. Rule VII remained unchanged.
	Rule 6	If any member, in speaking, or otherwise, transgress the rules of the Senate, the presiding officer shall, or any member may, call to order, and when a member shall be called to order by the President, or a Senator, he shall sit down, and shall not proceed without leave of the Senate. And every question of order shall be decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.		

Date of Adoption of Rule	Rule Designation	Rule Text	Citation	Notes
March 25, 1868	Rule 7	If the member be called to order by a Senator, for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1868, 40 th Cong., 2 nd sess. (Washington: GPO, 1868), p. 340.	The rule was amended during a general recodification of Senate rules. The 1868 amendments, among other changes, substituted the words <i>Senator</i> for <i>member</i> and <i>presiding officer</i> for <i>President</i> .
	Rule 6	If any senator, in speaking or otherwise, transgress the rules of the Senate, the presiding officer shall, or any senator may, call to order; and when a senator shall be called to order by the presiding officer, or a senator, he shall sit down and shall not proceed without leave from the Senate. And every question of order shall be decided by the presiding officer, without debate, subject to an appeal to the Senate; and the presiding officer may call for the sense of the Senate on any question of order. But when an appeal shall be taken from the decision of the presiding officer, any subsequent question of order, which may arise before the decision of such appeal by the Senate, shall be decided by the presiding officer without debate, and every appeal therefrom shall also be decided at once, and without debate.		
	Rule 7	If a senator be called to order by another for words spoken, the exceptionable words shall immediately be taken down in writing, that the presiding officer may be better able to judge of the matter.		

Date of Adoption of Rule	Rule Designation	Rule Text	Citation	Notes
January 16, 1877	Rule 36	If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be so called to order, he shall sit down, and shall not proceed without leave of the Senate, which leave, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall then be in order and be determined without debate.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1877, 44 th Cong., 2 nd sess. (Washington: GPO, 1877), p. 121.	The rules were redesignated as Rule 36 and 37, and additional stylistic changes were made. Language was added stating that the motion that a sanctioned Senator be permitted to proceed in order was to be decided by without debate.
	Rule 37	If a Senator be called to order for words spoken in debate, upon the demand of the Senator so called to order, or of any other Senator, the exceptionable words shall be taken down in writing.		
January 11, 1884	Rule XIX, paragraph 2	If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall be determined without debate.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1884, 48 th Cong., 1 st sess. (Washington: GPO, 1884), p. 151.	The rule was amended during a general recodification of Senate rules with additional, largely technical amendments and transferred to its current place in Rule XIX.
	Rule XIX, paragraph 3	If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.		

Date of Adoption of Rule	Rule Designation	Rule Text	Citation	Notes
June 14, 1962	Rule XIX, paragraph 4	If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1962, 87 th Cong., 2 nd sess. (Washington: GPO, 1962), p. 314.	The rule of January 11, 1884, was amended to its present form on June 14, 1962, by Senate adoption of S.Res.37. The amendment required the presiding officer to rule whether a Senator had spoken disorderly words before he or she had to sit down.
	Rule XIX, paragraph 5	If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate		

Source: CRS analysis of relevant volumes of the Journal of the Senate of the United States.

Use of the Senate Rule XIX Call to Order

As previously mentioned, the Rule XIX call to order is rarely formally invoked. However, references to the rule in floor debate have been a much more common occurrence and served as warnings or reminders that decorum should be maintained. Both methods of practice are examined in more detail below.

Formal Calls to Order

CRS conducted full-text searches of the *Congressional Record* and the *Senate Journal* using the Legislative Information System of the U.S. Congress (LIS) and the *ProQuest Congressional* database in order to identify instances in which a call to order under Senate Rule XIX had been formally invoked since June 14, 1962.³⁰ These instances are identified in **Table 2**.

The most recent example of a formal call to order being made occurred on February 7, 2017. In that case, a Senator was called to order by the majority leader for quoting a former Senator and reading passages from a letter written to the Committee on the Judiciary by a notable private individual, both of which negatively characterized a sitting Senator. The presiding officer had previously warned the speaking Senator that her remarks could be in violation of the Rule XIX provisions regarding disorderly language. When called to order, the speaking Senator asked unanimous consent to proceed in order, but objection was heard to the request. The presiding officer then instructed the Senator in question to take her seat, and she appealed the ruling of the chair. After a quorum was established, the ruling of the chair was upheld on appeal. A subsequent motion to allow the speaking Senator to proceed in order was rejected by a vote of 43-50.³¹

Informal References to Rule XIX

In practice, Senators have utilized a number of different techniques to draw a speaker's attention to Rule XIX without formally invoking a call to order. Senators have, for example, stated that they considered raising a Rule XIX call to order, indicated their belief that certain words transgressed the rule, cautioned their colleagues to be mindful of Rule XIX when speaking, made parliamentary inquiries of the chair about the application of the call to order mechanism, or directly asked the chair to read from the rule. These practices afforded Senators the opportunity to express their displeasure with a speaker's remarks without having to formally call a colleague to order. This informal manner of lessening tensions and enforcing decorum in debate is perhaps unsurprising in a chamber that has traditionally valued comity and senatorial courtesy over a rigid adherence to procedure.

Most recently, at the urging of a Senator, the presiding officer of the Senate, on January 21, 2018, read paragraph 4 of Rule XIX aloud to the Senate immediately following a request by a Senator that it be read aloud. While it is not clear what specific words prompted the request that the rule be read, the incident occurred in the course of an animated floor debate regarding government funding during a lapse in appropriations. In another example, on October 4, 2013, a Senator stated in debate that, in his judgment, certain statements made by another Senator violated Rule XIX standards of decorum but that he was not going to raise a call to order related to them. In response to the Senator's statement, the presiding officer read paragraph 2 of Rule XIX aloud "for

³⁰ The date of Senate adoption of the current form of the call the order.

³¹ *Congressional Record*, daily edition, vol. 163 (February 7, 2017), pp. S852-S855.

the edification of all Senators.”³² There have been numerous other examples in recent years in which Rule XIX was mentioned in floor debate but a call to order was not formally invoked.³³

³² *Congressional Record*, daily edition, vol. 158 (October 4, 2013), p. S7183.

³³ CRS identified additional instances on October 3 and May 7, 2013; December 15, 2009; June 4, February 4, and January 25, 2008; December 5, 2007; July 11, March 6, and February 6, 2006; November 16, 2005; November 20, 2004; November 12, 2003; May 1, 2002; October 5, July 20, and April 5, 2000; July 1, 1999; September 29 and 4, 1997; March 1, 1995; August 25, 1994; August 6, May 20, and May 19, 1993; October 1, 1992; and July 18, 1990.

Table 2. Examples of the Use of the Rule XIX Call to Order For Disorderly Language in Debate

1964-Present

Date	Circumstances	Words or Actions Alleged to Be Disorderly	Ruling/Outcome	Citation
05/14/1964	During floor debate, Sen. Clifford Case made multiple unsuccessful attempts to raise a point of “personal privilege” regarding the ongoing remarks of Majority Leader Mike Mansfield. Case then called Mansfield to order under Rule XIX, alleging that Mansfield had impugned the motives of another Senator.	“I say to all Senators present, ‘Let us have done with the sly innuendo.’”	The chair ruled that there had been no violation of Rule XIX and Sen. Mansfield continued to hold the floor in debate.	<i>Congressional Record</i> , vol. 110 (May 14, 1964), p. 10929.
03/21/1967	During debate on antiballistic missile (ABM) technology, Sen. Strom Thurmond called Sen. Joseph Clark to order for impugning the motives of a Member of the House of Representatives. According to Thurmond, Clark had violated Rule XIX by implying that the city of Charleston was included in the ABM system solely because the chairman of the House Armed Services Committee was from South Carolina.	“Was any Pennsylvania city in the original list of 25 cities? Charleston, S.C., was. I wonder why. Everybody in this Chamber knows why.”	Clark indicated that no ruling on the call to order was necessary as he was voluntarily yielding the floor. Thurmond insisted on a ruling by the chair, however, who stated that no Rule XIX violation had occurred. In support of his ruling, the presiding officer stated, “There is no specific rule with reference to Members of the House. It is only a question of propriety or impropriety under the precedents of the Senate, which does not allow Senators to refer to Members of the House in opprobrious terms or to impute to him unworthy motives.” Thurmond then made a motion to strike all references to the chairman of the House Armed Services Committee from the <i>Record</i> . The motion was agreed to by voice vote.	<i>Congressional Record</i> , vol. 113 (March 21, 1967), p. 7518.

Date	Circumstances	Words or Actions Alleged to Be Disorderly	Ruling/Outcome	Citation
04/26/1967	During consideration of H.R. 6950, a bill dealing with the investment tax credit, Sen. Russell B. Long called Sen. Hugh Scott to order for disorderly words in debate.	The words in question were stricken from the <i>Congressional Record</i> and are not recorded in the Senate Journal.	Long subsequently withdrew his motion that Scott be required to take his seat under Rule XIX. Sen. Robert C. Byrd then sought, and received, unanimous consent to have the exchange of remarks between the two Senators “deleted” from the <i>Congressional Record</i> .	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1967, 90 th Cong., 1 st sess. (Washington: GPO, 1967), p. 342.
03/20/1968	During floor debate that touched on a previous Senate investigation of possible wrongdoing by chamber employees, Sen. Clifford Case called Sen. Carl Curtis to order, charging that Curtis had impugned the character of a sitting Senator.	“No. I do not think you are qualified, because you were not a member of the committee.”	The chair responded that he “will give the Senator from Nebraska an opportunity to revise and state his remarks.” Curtis responded by saying, “I stand on my original statement, and I object to these interruptions.” He was permitted to proceed in order.	<i>Congressional Record</i> , vol. 114 (March 20, 1968), p. 7153.
03/20/1968	During floor debate that touched on a previous Senate investigation of possible wrongdoing by chamber employees, Sen. Joseph Clark called Sen. Carl Curtis to order, charging that Sen. Curtis had impugned his motives.	“Well, you all of a sudden want everybody to disclose everything, and you did all you could to cover up wrongdoing.”	The chair directed the clerk to read back the offending language. A request to permit Curtis to proceed in order was objected to and a ruling of the chair demanded. The presiding officer ruled that the words were, in fact, disorderly. A motion to permit Curtis to proceed in order was then agreed to by voice vote. Curtis apologized for violating Rule XIX.	<i>Congressional Record</i> , vol. 114 (March 20, 1968), p. 7153.
02/26/1970	During floor debate, Sen. Clifford Case called Sen. Charles Goodell to order for language defaming a state.	“I would say to the Senator from New Jersey that we in New York certainly do not think that New Jersey is an underdeveloped area. All we have to do is go down to Staten Island and breathe deeply, and we know there is more than Indians in New Jersey.”	In response to a demand by Case that Goodell take his seat, the presiding officer stated, “Under rule XIX, if a Senator is called to order, it is within the discretion of the Chair to direct a Senator to take his seat and whatever ruling the Chair makes is subject to appeal.” A motion to permit Goodell to proceed in order was then agreed to by voice vote.	<i>Congressional Record</i> , vol. 116 (February 26, 1970), p. 5040.

Date	Circumstances	Words or Actions Alleged to Be Disorderly	Ruling/Outcome	Citation
10/14/1970	Sen. Jack Miller was formally called to order by Majority Leader Mike Mansfield for imputing motives to certain Senators by arguing that they were improperly delaying consideration of the farm bill conference report for purely political reasons.	"I find it is common knowledge around the cloakrooms that certain Senators seeking reelection did make certain overtures, if not to the majority leader, then to the chairman of the Senate Agriculture Committee, to hold up the measure here."	A ruling from the chair as to whether the words violated Rule XIX was requested, but no ruling was made as Miller voluntarily yielded the floor in order to allow the Senate to receive a message from the House.	<i>Congressional Record</i> , vol. 116 (October 14, 1970), p. 36878.
03/23/1972	During floor debate on S.Res. 280, a resolution authorizing Senate intervention in a Supreme Court case about the speech or debate clause, Sen. Robert C. Byrd, in the midst of a speech by Sen. William Saxbe requested that the presiding officer enforce Rule XIX.	The words that prompted Byrd to ask the chair to enforce Rule XIX are not stated in the <i>Journal</i> , and it is not clear from the <i>Record</i> what language prompted his action.	Saxbe yielded the floor prior to any statement by the presiding officer.	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1972, 92 nd Cong., 2 nd sess. (Washington: GPO, 1972), p. 338.
06/25/1979	During floor consideration of an amendment to H.R. 4289, a bill providing supplemental appropriations, Sen. John Heinz called Sen. Lowell Weicker to order for reading from an article in <i>Forbes</i> magazine, which he alleged impugned Senators' motives.	The language and tone of the magazine article quoted implied that government action to provide funds to the Wheeling-Pittsburgh Steel Company, which would have been struck out of the pending bill by an amendment offered by Weicker, was improper and politically motivated by the region's Senators.	Heinz called Weicker to order under the rule. The chair directed Weicker to be seated. Heinz demanded that the offending words be read for the benefit of the Senate. At the urging of Majority Leader Robert C. Byrd, a unanimous consent request was agreed to allowing Weicker to proceed in order and striking certain remarks by both Senators from the <i>Record</i> .	U.S. Congress, Senate, <i>Journal of the Senate of the United States</i> , 1979, 96 th Cong., 1 st sess. (Washington: GPO, 1979), p. 387.

Date	Circumstances	Words or Actions Alleged to Be Disorderly	Ruling/Outcome	Citation
10/18/1983	During floor consideration of legislation to establish a national holiday honoring Dr. Martin Luther King Jr., Sen. Jesse Helms raised a call to order that remarks by Sen. Edward M. Kennedy impugned his character as a sitting Senator.	“[T]he suggestion by the Senator from North Carolina that there have been no hearings on this issue is completely inaccurate and false.”	Kennedy was directed to take his seat. A motion was made to permit him to continue in order. The absence of a quorum call was noted before the motion was put to a vote. Once the quorum call was dispensed with, the majority leader subsequently propounded a unanimous consent request that the word <i>false</i> be expunged from the <i>Congressional Record</i> . This request was agreed to and Kennedy proceeded in order.	<i>Congressional Record</i> , vol. 129 (October 18, 1983), pp. 28071-28072.
07/18/1990	During floor debate, Sen. Alan Simpson called Sen. James Exon to order for allegedly impugning the motives of Minority Leader Robert Dole.	“I have the floor. I listened very intently, and I do not appreciate the offhand remarks that are muttered by the minority leader. We know how cutting you are, and we know how you can tear the Senate apart, as you almost did yesterday.”	Simpson, after making the call to order, demanded that Exon’s words be read aloud by the clerk for the benefit of the Senate. During the reading, Dole was recognized and indicated that he was not offended by Exon’s remarks and hoped the Senate would simply move on. Simpson then sought, and received, unanimous consent to withdraw his call to order. Exon proceeded in order in debate.	<i>Congressional Record</i> , vol. 136 (July 18, 1990), pp. 18034-18035.
06/26/1992	During Senate debate touching on a balanced budget amendment to the Constitution, Sen. Alphonse D’Amato called Sen. Robert C. Byrd to order for allegedly impugning the character of another Senator.	“May I say to the distinguished Senator I think that the statement that the Senator has made—I have been in this Senate 34 years and in the House 4 years. I think that is as irresponsible a statement as I have ever heard in my 34 years in the Senate. I think that it is absolutely irresponsible to stand and make that kind of a charge against the Appropriations Committee.”	The chair ruled that the words were not disorderly but stated that “from now on, Senators will confine their debate to the rules,” and Rule XIX, paragraph 2, was read aloud. Byrd was allowed to proceed in order in debate.	<i>Congressional Record</i> , vol. 138 (June 26, 1992), p. 16530.

Date	Circumstances	Words or Actions Alleged to Be Disorderly	Ruling/Outcome	Citation
05/20/1993	During consideration of the nomination of Roberta Achtenberg to be Assistant Secretary of Housing and Urban Development, Sen. Jesse Helms posed a parliamentary inquiry asking if Sen. Barbara Boxer was violating Rule XIX by quoting a letter written by the mayor of San Francisco.	“The Senator from North Carolina and the Senator from Mississippi have made it look as if there is a divide between this nominee and the mayor of San Francisco.... I think these comments from Mayor Frank Jordan, who knows Roberta Achtenberg, should put to rest—should put to rest—this campaign against her by people who do not know her.”	The chair directed Boxer to suspend, read Rule XIX, paragraph 2, aloud and encouraged all Senators to proceed in accordance with the rule. Boxer then continued her remarks.	<i>Congressional Record</i> , vol. 139 (May 20, 1993), p. 10609.
02/08/1994	During floor debate touching on the Madison Guaranty Savings and Loan Investigation, Sen. Alphonse D’Amato called Sen. Howard Metzenbaum to order for impugning his character.	“In fact, the Senator’s daily speeches, in my opinion, each represent a chapter in a completely new and original work of fiction. I call it ‘ALFONSE in Wonderland.’”	Metzenbaum was allowed to maintain the floor while the Senate Parliamentarian researched the issue. The <i>Record</i> does not appear to indicate a ruling was ever subsequently made.	<i>Congressional Record</i> , vol. 140 (February 8, 1994), p. 1514.
01/18/1994	During Senate floor consideration of tax legislation, Majority Leader Robert Dole asked the presiding officer if remarks made earlier in the day would have violated Rule XIX had a call to order been made from the floor and asked for a ruling of the chair.	The words that prompted Dole to ask the chair to enforce Rule XIX are not stated in the <i>Journal</i> , and it is not clear from the <i>Record</i> what specific language prompted his action.	In response to Dole’s inquiry, the chair read a passage from p. 738 of <i>Riddick’s Senate Procedure</i> , stating, “A Senator in debate, who ‘in the opinion of the Presiding Officer’ refers offensively to any State of the Union, or who impugns the motives or integrity of a Senator, or reflects on other Senators, may be called to order under Rule XIX. It is therefore the opinion of the Chair that the rule was violated, rule XIX was violated.” Dole then asked for and received unanimous consent to have the offending words stricken from the <i>Record</i> .	<i>Congressional Record</i> , daily edition, vol. 141 (January 18, 1995), p. S1063.

Date	Circumstances	Words or Actions Alleged to Be Disorderly	Ruling/Outcome	Citation
10/01/1996	During consideration of the conference report on legislation to reauthorize the Federal Aviation Administration, Sen. John McCain requested a ruling from the chair as to whether remarks made by Sen. Edward Kennedy violated Rule XIX by impugning the motives of Senators.	“We could do that this afternoon. But no, no, no, no, no. He refused to do that because they want to stick it to these workers; stick it to the workers, pass this provision in there to stick it to the workers.”	The chair ruled that the language was not in violation of Rule XIX.	<i>Congressional Record</i> , vol. 142 (October 1, 1996), p. 26935.

Source: CRS analysis of relevant volumes of the *Journal of the Senate of the United States* and the *Congressional Record*.

Author Contact Information

(name redacted)
Analyst on Congress and the Legislative Process
[redacted]@crs.loc.gov7-....

(name redacted)
Senior Research Librarian
[redacted]@crs.loc.gov7-....

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