

submit a privileged resolution . . . and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That the Sergeant at Arms of the House of Representatives is authorized and directed to protect the funds of his office by purchasing insurance [in stated amounts], providing protection against loss with respect to such funds. Until otherwise provided by law, premiums on such insurance shall be paid out of the contingent fund of the House on vouchers signed by the Sergeant at Arms and approved by the Committee on House Administration.

In each case the resolution was agreed to and a motion to reconsider was laid on the table.

### ***Regulation of Parking***

#### **§ 19.5 The Sergeant at Arms assigns space for outdoor parking of automobiles under direction of the Select Committee to Regulate Parking.**

On June 28, 1967,<sup>(9)</sup> a select committee charged with responsibility for outdoor parking on the House side of the Capitol was created.

MR. [B. F.] SISK [of California]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

9. 113 CONG. REC. 17791, 17792, 90th Cong. 1st Sess.

The Clerk read the resolution, as follows:

#### **H. RES. 514**

*Resolved*, (a) That there is hereby created select committee to be composed of three Members of the House of Representatives to be appointed by the Speaker, one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) The said committee is hereby authorized to exercise direction over the Sergeant at Arms of the House of Representatives in the assignment of space for outdoor parking of automobiles in squares 639, south of 635, and G92, located adjacent to the House Office Buildings, and for all other outdoor parking of automobiles on the House side of the United States Capitol Grounds. . . .

The resolution was agreed to.

### **§ 20. Duties of the Doorkeeper**

Under Rule V clause 1, of the *House Rules and Manual*,<sup>(10)</sup> the Doorkeeper enforces rules<sup>(11)</sup> relating to privileges of the Hall of the House. Under Rule V clause

10. See 1 Hinds' Precedents § 260 for the origin of Rule V clause 1.

11. These rules include Rule XXXI *House Rules and Manual* § 918 (1973) relating to the Hall of the House; and Rule XXXII clauses 1, 2, *House Rules and Manual* § 919–921 (1973), relating to admission to the floor.

2,<sup>(12)</sup> he allows no person to enter the Hall of the House during sessions, and clears the floor of all persons not privileged to remain.

Before the 92d Congress, the Doorkeeper was responsible for making an inventory of all furniture, books, and other public property in committee rooms and other spaces.<sup>(13)</sup> However, the provision containing this directive, former Rule V clause 2, was deleted in the general revision of the rules effected by the Legislative Reorganization Act of 1970<sup>(14)</sup> because the duty of taking inventories and accounting for custody of furniture and other office equipment was placed in the Clerk by the House Office Building Commission.<sup>(15)</sup>

With the Sergeant at Arms, the Doorkeeper enforces the rule<sup>(16)</sup> relating to behavior of Members on the floor. Although Jefferson's Manual,<sup>(17)</sup> states that porters or the Sergeant at Arms keeps the doors, this duty is executed by the Doorkeeper and his assistants.

The Speaker in executing his own responsibilities under the

rules imposes on the Doorkeeper duties in addition to those mentioned above. Thus, pursuant to his authority to exercise general control of the Hall of the House and corridors thereof under Rule I clause 3, the Speaker has directed the Doorkeeper to remove a placard posted by a Member in the lobby of the House,<sup>(18)</sup> or to clear<sup>(19)</sup> and close the galleries.<sup>(20)</sup>

Statutes also impose duties on the Doorkeeper. For example, he certifies his payroll each month,<sup>(1)</sup> and he reports position descriptions of all employee positions under the House Radio and Television Correspondents' Gallery and the House Periodical Press Gallery to the Committee on House Administration.<sup>(2)</sup>

The Doorkeeper performs supervisory responsibilities, which include appointing the superintendent of the Document Room<sup>(3)</sup> and the superintendent of the Publications Distribution Service (folding room).<sup>(4)</sup> The Doorkeeper oversees operations of

12. See 5 Hinds' Precedents §7295 for the origin of clause 2.

13. See 1 Hinds' Precedents §261.

14. 84 Stat. 1140.

15. 34 Stat. 1365.

16. Rule XIV clause 7, *House Rules and Manual* §763 (1973).

17. *House Rules and Manual* §380 (1973).

18. 6 Cannon's Precedents §262.

19. See §20.2, 20.3, *infra*.

20. See §20.4, *infra*.

1. 2 USC §89. A violation of this duty is deemed to be a cause for removal from office (see 2 USC §90).

2. 2 USC §294(b)(1).

3. 44 USC §739.

4. 44 USC §740.

a special as assistant,<sup>(5)</sup> telephone clerks,<sup>(6)</sup> doormen, and the pages that serve the House.<sup>(7)</sup>

With the Clerk of the House, the Secretary of the Senate, and Sergeant at Arms of the Senate, the Doorkeeper (a) sells waste-paper and useless documents that accumulate in his department,<sup>(8)</sup> and (b) invoices public documents stored in and about the Capitol at the convening of each regular session.<sup>(9)</sup>

In the absence of the Clerk and Sergeant at Arms, certain duties devolve upon the Doorkeeper including (a) calling the House to order before election of a Speaker,<sup>(10)</sup> (b) sending to Governors certificates of the number of Representatives to which each state is entitled after each decennial census,<sup>(11)</sup> and (c) making a roll of

5. 2 USC §76a.

6. 2 USC §76b.

The chief telephone clerk is chosen by the majority; the assistant chief telephone clerk is chosen by the minority.

7. See annotation to Rule V clause 1, *House Rules and Manual* §652 (1973).

8. 2 USC §117.

9. 44 USC §741.

10. Rule III clause 1, *House Rules and Manual* §639 (1973). See §20.8, *infra*, in which the Doorkeeper presided at the commencement of the 80th Congress.

11. 2 USC §2a(b).

Representatives-elect before the meeting of each Congress.<sup>(12)</sup>

When the office of the Doorkeeper is declared vacant because of misconduct of an incumbent, the duties of the Doorkeeper devolve upon the Sergeant at Arms.<sup>(13)</sup>

The Doorkeeper with the aid of his appointees performs services not enumerated in the rules or statutes such as furnishing Members with printed copies of bills, reports, and other documents; conveying messages from Members; and keeping the Hall, galleries, and committee rooms in order.<sup>(14)</sup>

### ***Controlling Access to Galleries***

#### **§ 20.1 The distribution of tickets for seats in the gallery during special occasions is the responsibility of the Doorkeeper of the House.**

On Feb. 28, 1945,<sup>(15)</sup> a Member raised an inquiry concerning distribution of gallery tickets to minority members:

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I would like to make an inquiry of the Chair, although

12. 2 USC §26.

13. 1 Hinds' Precedents §288, 289.

14. 1 Hinds' Precedents §262, note 9.

15. 91 CONG. REC. 1594, 79th Cong. 1st Sess.

I do not know that it is a parliamentary inquiry. Heretofore, when tickets have been distributed, there were a certain number of step tickets. Does the minority get any of those, or do they all go to the majority?

THE SPEAKER PRO TEMPORE: <sup>(16)</sup> That is a double-edged question. . . . The Chair does not undertake to answer the question, because no matter how it is answered, it is put in such manner as would make it appear that tickets have been distributed in the past contrary to the understanding of the Chair. That matter is left with the Doorkeeper, who is an officer of the House. . . .

**§ 20.2 The Doorkeeper executes the Speaker's directive to clear the galleries issued in response to a Member's point of order.**

On Jan. 18, 1972,<sup>(17)</sup> the Speaker, Carl Albert, of Oklahoma, during a speech by a Member, Bella S. Abzug, of New York, discussing her resolution to censure the President's conduct of the war in Indochina, twice admonished spectators that expressions of approval were not permitted under the rules. When all persons in one gallery stood and displayed signs indicating approval of proceedings on the floor, the Speaker ordered the galleries cleared.

THE SPEAKER: The Chair reminds our guests in the galleries that the

16. John W. McCormack (Mass.).

17. 118 CONG. REC. 9, 92d Cong. 2d Sess.

Chair must enforce the rules of the House and that demonstrations from the galleries will not be permitted. . . .

POINT OF ORDER

MR. [DURWARD G.] HALL, [of Missouri]: Mr. Speaker, I demand that the gallery be cleared.

THE SPEAKER: The Chair will not tolerate demonstrations of approval or disapproval in the galleries.

MR. HALL: Mr. Speaker, I make a point of order that our guests and those in the galleries are not in order. I request that the gallery be cleared.

THE SPEAKER: The gentleman's point is well taken. The galleries will be cleared.

*Parliamentarian's Note:* The Doorkeeper cleared the gallery pursuant to the Speaker's directive. See 2 Hinds' Precedents §1352 for an instance in 1836 wherein the Speaker had ordered the galleries cleared.

**§ 20.3 The Doorkeeper executed the Speaker's order to clear certain spectator galleries but not others, as announced at the commencement of the day's sitting.**

On May 9, 1972,<sup>(18)</sup> the Speaker, Carl Albert, of Oklahoma, ordered some spectator galleries to be cleared.

THE SPEAKER: The Chair desires to make the announcement that the

18. 118 CONG. REC. 16287, 92d Cong. 2d Sess.

Chair did not order the clearing of the galleries except those on the Chair's left, where there was disorder.

*Parliamentarian's Note:* This order was given because some persons protesting the President's announcement on May 8, 1972, to mine the North Vietnamese harbor caused disorder in the galleries.

**§ 20.4 The Doorkeeper executes the Speaker's order to close the galleries in anticipation of disturbances.**

On May 10, 1972,<sup>(19)</sup> the Speaker, Carl Albert, of Oklahoma, ordered the galleries to be closed.

THE SPEAKER: The Chair desires to make a statement.

The Chair has received intelligence from the police force and other responsible authorities that there will be disturbances in the gallery today. On the basis of this information and their recommendation the Chair has ordered that the galleries be closed to the public for the time being.

*Parliamentarian's Note:* This decision, made after consultation with the Majority and Minority Leaders and the Parliamentarian, was based on reports from the Capitol Police that certain persons would demonstrate in the gallery against the Indochina war. The galleries were closed by the Door-

keeper from the commencement of business at 12:00 meridian until 2:52 p.m. when they were reopened.

**§ 20.5 The Doorkeeper confiscated the film of a visitor who was ordered to leave the gallery for photographing the Members while in session.**

On Feb. 22, 1942,<sup>(20)</sup> a visitor was ordered to remove himself or his camera because he was taking pictures from the gallery.

THE SPEAKER [Sam Rayburn, of Texas]: The Chair understands there is a camera in the gallery. Whoever has that camera will remove the camera or remove themselves and the camera immediately. That is a violation of the rules of the House.

The film in the camera of the person taking the pictures was confiscated by the Doorkeeper.

***Closing or Locking Doors***

**§ 20.6 Upon a personal instruction by the Speaker during a call of the House under former Rule XV clause 2, the Doorkeeper locked all exits from the House Chamber and removed doorknobs from cloakroom doors to prevent Members from leaving during a call of the House.**

19. 118 CONG. REC. 16576, 92d Cong. 2d Sess.

20. 88 CONG. REC. 2152, 77th Cong. 2d Sess.



On Oct. 8, 1968,<sup>(1)</sup> the Speaker ordered the doors to the Chamber closed and locked during a call of the House under former Rule XV clause 2, and instructed the Doorkeeper to enforce the rule and let no Members leave the Hall.

The Chair personally instructed the Doorkeepers to lock all exits from the House Chamber and to prohibit Members from leaving during the call of the House. Doors leading from the Chamber to the Speaker's lobby, as well as those opening from the cloakrooms to the north corridor in the House wing were locked. Door-knobs were removed in the cloakrooms to prevent doors being opened.

THE SPEAKER [John W. McCormack, of Massachusetts]: The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

MR. [JOHN H.] DENT [of Pennsylvania]: Mr. Speaker, a point of order, which relates to the call of the roll.

. . . The point of order is the doors were ordered closed, and the doors to the outside of the Chamber are open in the cloakrooms.

THE SPEAKER: The Chair has given instructions to close all doors and allow no Members out.

*Parliamentarian's Note:* The Speaker's order to lock the doors

was permitted under former Rule XV clause 2; the rule in its present form refers merely to the doors being "closed" when so ordered by the Speaker. Rule XV clause 2(b).

**§ 20.7 When proceedings under a call of the House pursuant to Rule XV clause 2 are dispensed with, doors to the Chamber are reopened by the Doorkeeper without further instructions from the Chair.**

On Oct. 8, 1968,<sup>(2)</sup> a Member raised a parliamentary inquiry concerning doors locked during a call of the House:

MR. [CRAIG] HOSMER [of California]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER [John W. McCormack, of Massachusetts]: The gentleman will state it.

MR. HOSMER: Mr. Speaker, a point of order having been made of no quorum, a quorum having been called, and a quorum having been found present, and the further proceedings under the call having been dispensed with, does that mean that the doors of the House are now unlocked?

THE SPEAKER: The gentleman is correct.

***Doorkeeper as Presiding Officer***

**§ 20.8 In the absence of the Clerk and Sergeant at Arms,**

1. 114 CONG. REC. 30093, 90th Cong. 2d Sess.

2. 114 CONG. REC. 30093, 90th Cong. 2d Sess

**the Doorkeeper calls the House to order when a Congress convenes and presides until a Speaker is elected and takes the chair.**

On Jan. 3, 1947,<sup>(3)</sup> the Doorkeeper, Ralph R. Roberts, called the House to order at the commencement of the 80th Congress and presided until a Speaker was elected because the Clerk of the 79th Congress had died and the Sergeant at Arms was absent.

## §21. Duties of the Chaplain

The Chaplain of the House is responsible for offering a prayer at the commencement of each day's sitting of the House under Rule VII of the *House Rules and Manual*.<sup>(4)</sup>

Although the prayer generally precedes the transaction of any business,<sup>(5)</sup> it follows the election of a new Speaker at the first meeting after the death of a Speaker.<sup>(6)</sup> And despite the general practice that a prayer be of-

fered daily,<sup>(7)</sup> it was not offered on certain occasions.<sup>(8)</sup>

### *Application of Quorum Requirement to Prayer*

**§ 21.1 A quorum is not required for prayer by the Chaplain when a meeting commences, and the Speaker does not recognize Members for a point of order against the prayer based on the absence of a quorum.**

On Mar. 19, 1941,<sup>(9)</sup> a Member raised a parliamentary inquiry:

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER [Sam Rayburn, of Texas]: The gentleman will state it.

MR. RICH: Mr. Speaker, when I was seeking recognition from the Speaker before the Chaplain offered prayer, I felt that there would be a call of the House and I thought it would be a good thing for all the Members to be here for once to hear the Chaplain offer prayer. What does the Speaker think about that? Would it be proper procedure for a Member to make the point of order that a quorum is not present before the Chaplain offers prayer?

THE SPEAKER: As the Chair understands it, it has been held many times

3. 93 CONG. REC. 33-35, 80th Cong. 1st Sess.

4. Rule VII *House Rules and Manual* §650 (1973).

5. 4 Hinds' Precedents §3056.

6. §21.4, *infra*.

7. See §21.2, *infra*.

8. See §21.3, *infra*, for instances where no prayer was offered.

9. 87 CONG. REC. 2352, 77th Cong. 1st Sess.