June 7, 2019

The Honorable Jerrold Nadler  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Nadler:

In light of Monday’s hearing entitled, “Lessons from the Mueller Report: Presidential Obstruction and Other Crimes,” I am compelled to remind you—and request you remind the Majority Members of the Committee—the Rules of the House prohibit Members from “engag[ing] in personalities” with Members of Congress, Senators, or the President.\(^1\) This appears to be part of a strategy to turn the Committee’s oversight hearings into a mock-impeachment inquiry rather than a legitimate exercise in congressional oversight.\(^2\) Conducting such hearings inevitably sets this Committee on a collision course with the longstanding Rules of the House, which you have apparently alluded to as recently as this week.\(^3\)

**The House Rules Require Members Engage in Civil Debate**

The Rules of the House dictate minimum standards of decency and decorum, setting forth how Members must conduct themselves during debate.\(^4\) However, Majority Members of the Committee have demonstrated they either do not understand the Rules or simply are under the mistaken belief the Rules do not apply to them.

The core component of the Rules governing decorum is Members may not “engage in personalities” with Members of Congress, Senators, or the President.\(^5\) Considering the topic of Monday’s hearing, I encourage all Members of the Judiciary Committee to read Jefferson’s Manual,\(^6\) which states in pertinent part:

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\(^1\) Rules of the House of Representatives, Rule XVII, Clause 1(b). See also Rule XXIX, Clause 1 dictating the rules of parliamentary practice comprised by Jefferson’s Manual govern the House. [hereinafter “Rules”].

\(^2\) See, e.g., The Situation Room, CNN, June 5, 2019, available at: http://transcripts.cnn.com/TRANSCRIPTS/1906/05/sitroom.01.html (“... we're investigating all the things we would investigate frankly in an impeachment inquiry.”).


\(^4\) See, Rules, Rule XVII.

\(^5\) Rules, Rule XVII, Clause 1(b).

...it has been held in order in debate to refer to the President of the United States or his opinions, either with approval or criticism, provided that such reference be relevant to the subject under discussion and otherwise conformable to the Rules of the House. Under this standard the following references are in order: (1) a reference to the probable action of the President; (2) an adjuration to the President to keep his word (although an improper form of address); (3) an accusation that the President “frivolously vetoed” a bill.

Personal abuse, innuendo, or ridicule of the President is not permitted.

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Under this standard, the following remarks regarding personal conduct, demeanor, or attributes have been held out of order as unparliamentary references: (1) discussing personal conduct even as a point of reference or comparison; (2) “cowardly,” “cowardice,” or lacking personal courage; (3) “a little bugger”; (4) “disgusting” and “despicable,” “disgraceful,” “disgusting and indecent rhetoric,” (5) a personal “dark side”; (6) that such person is deserving of shame or is “shameful” (although an accusation of “shameful opposition” to a legislative proposal is not necessarily out of order; (7) not “a large enough person” to apologize; (8) “arrogant”; (9) “mean-spirited,” vengeful, or “cruel”; (10) ill-tempered or lacking temperament or “infantile”; (11) a “hissy fit”; (12) was “rooting against,” or was turning one’s back on, the American people, intentionally hurting the public, or “tilking” the taxpayer; (13) that such person had engaged in insults; (14) accusing such person of being “delusional”; (15) commenting derogatorily on physical attributes.

It is not in order to call the President a “liar” or accuse such person of “lying”. Indeed, any suggestion of mendacity is out of order, such as: (1) suggesting that such person misrepresented the truth, attempted to obstruct justice, and encouraged others to perjure themselves; (2) dishonesty, failing to be honest, making a “dishonest argument”, or intent to be intellectually dishonest, or stating that many were convinced such person had “not been honest”; (3) “raping” the truth, not telling the truth, distorting the truth, or having only a “nodding acquaintance” with the truth; (4) not being “straight with us” or “spoke out of the other side of his mouth” ; (5) attributing “hypocrisy”; (6) “deceit”, “deception”, being deceptive, or using “deceptive rhetoric”; (7) making promises while having “no intention of living up to his promises”; (8) acting in a “duplicitous” manner; (9) acting in a “disingenuous” manner; (10) fabricating an issue, or intending to mislead, such as stating “blatant falsehoods” ; (11) intentional mischaracterization, although mischaracterization without intent to deceive is not necessarily out of order.
It is not in order to cast aspersions on the ethical behavior of the President, including: (1) alluding to unethical behavior or corruption, such as implying a cause-and-effect relationship between political contributions and his actions as President, including an accusation that the President had "lined the pockets" of his "political cronies" and filled "campaign coffers"; (2) using the Presidency for personal benefit; (3) questioning whether the President can "live up to the ethical requirements" of the office; (4) calling such person "amoral" or lacking in morality.

Accusations that the President has committed a crime, or even that the President has done something illegal, are unparliamentary. The following allegations are not in order: (1) "draft-dodger", unexcused absences from military service, such as being "A.W.O.L." or of dereliction of duty as Commander-in-Chief; (2) discussing "charges" leveled at the President or under investigation, including alluding to "fund-raising abuses", speculating that the Vice President might someday pardon the President for certain charges, or invoking a finding of personal liability by a court; (3) "crook", "come clean", or "fess up"; (4) suggesting censure or impeachment; (5) discussing alleged criminal conduct; (6) obstruction of justice; (7) accusations of "illegal" activity or actions taken with the knowledge that they were not in accordance with the law, violating the law, breaking the law, abusing the law, or assaulting the rule of law; (9) suggesting collusion with a foreign country to violate the integrity of a U.S. election; (10) "shredding", having contempt for, or having disrespect for the Constitution; (11) "con man" or "con artist"; (12) alluding to alleged sexual misconduct or labeling such person a sexual predator.

References to racial or other discrimination on the part of the President are not in order. As such, remarks may not refer to the President as: (1) a racist; (2) having made "racial slurs" or "racial epithets"; (3) telling a "racial lie"; (4) a bigot ; (5) having made a bigoted or racist statement; (6) having taken a bigoted action; (7) not caring about black people; (8) a misogynist; (9) having run a prejudiced campaign.

Language impugning the patriotism or loyalty of the President is not in order, such as: (1) directly questioning patriotism; (2) labeling the President as un-American or having an "un-American ideology"; (3) accusing the President of giving "aid and comfort to the enemy", "aiding and abetting the enemy", or "aiding and abetting a terroristic regime"; (4) accusing the President of "spying" on Congress; (5) equating the President's decisions with regard to armed conflict to his having "slaughtered" thousands or that a soldier's death was for his "amusement."
Personally disparaging the manner in which the President carries out the duties of the office can constitute a personality, such as when the remarks suggest that the President is an undemocratic leader akin to a dictator. Remarks that have been held to be unparliamentary include: (1) an accusation of “abuse of power” or “abuse of the office” or “abuse of executive privilege”; (2) an accusation that the President “disrespected the office” or took an action “beneath the dignity of the office”; (3) an accusation of violating the oath of office; (4) likening the President to a “ruler”, “king”, “monarch”, or “emperor”; (5) an accusation of “tyranny”; (6) an accusation of “demagoguery” or of being a demagogue.

The Chair may admonish Members transgressing this stricture even after other debate has intervened.

A Member may not read in debate extraneous material personally abusive of the President that would be improper if spoken in the Member’s own words, such as material labeling the President’s statement a lie. This prohibition includes the recitation of another Member’s criticism of the President made off the floor (even if recited as a rebuttal to such criticism).7

The fact you are attempting to make the case for starting an impeachment inquiry has no bearing on the applicability of the Rules. Outside of such an inquiry, Members are prohibited from accusing the President of a crime or alluding to potential impeachable offenses. Jefferson’s Manual further states:

Although wide latitude is permitted in debate on a proposition to impeach the President, Members must abstain from language personally offensive; and Members must abstain from comparisons to the personal conduct of sitting Members of the House or Senate. Furthermore, when impeachment is not the pending business on the floor, Members may not refer to evidence of alleged impeachable offenses by the President contained in a communication from an independent counsel pending before a House committee, although they may refer to the communication, itself, within the confines of proper decorum in debate, and may not otherwise suggest that the President has done something worthy of censure or impeachment.8

To be clear, the criticisms of the actions and policies of a president are an ordinary and necessary component of a healthy democracy. However, there is a well-delineated line separating appropriate discourse from conduct that is clearly out of order. Members should endeavor to conduct business in an “orderly manner and without unnecessarily and unduly

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8 Id. at 191. (emphasis added).
exciting animosity” in order to preserve the dignity of this chamber. To understand the contours of this Rule, Members are wise to review the following examples.

**RECENT EXAMPLES OF UTERANCES AFOUL OF HOUSE RULES**

While all Members are vulnerable to the occasional excited utterance, several Majority Members of this Committee have turned making unparliamentary comments into a sport. The following comprise several examples from just this past month:

1) **At a Committee meeting on May 8, 2019, a Majority Member called the President a “pathetic person.”** Jefferson’s Manual indicates this statement was out of order.

2) **In another instance at the May 8, 2019 Committee meeting, a Majority Member stated the President “turned the government of the United States into a moneymaking operation” for himself and his family and further addressed remarks to the President stating, “you violate and undermine the laws of the United States.”** Jefferson’s Manual indicates this statement was out of order.

3) **At the same Committee meeting, a Majority Member of this Committee stated the “President of the United States encouraged his associates to hide the truth, illegally suggested that he would pardon witnesses, and threatened them with retribution if they didn’t protect him.”** Jefferson’s Manual states any suggestion of mendacity is out of order. This includes suggestions the President misrepresented the truth, attempted to obstruct justice, or encouraged others to perjure themselves.

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11 Jefferson’s Manual at 188. (Holding out of order a Member’s assertion a major-party nominee had done something “disgusting” and “despicable” and another’s statement that a president’s action was “cowardly.”)
12 May 8, 2019 Markup at 100 (statement of Hon. Jamie Raskin).
13 Jefferson’s Manual at 189. (As pointed out in the parliamentary notes accompanying Jefferson’s Manual, it has been held out of order for a Member, during debate, to allude to unethical behavior or corruption, such as implying a cause-and-effect relationship between political contributions and actions as President.) See also Jefferson’s Manual at 180 (It was out of order for a Member accusing the President of “lin[ing] the pockets” of his “political cronies” and filling his “campaign coffers.”).
15 Jefferson’s Manual at 188.
16 Id.
4) At the same Committee meeting, a Majority Member accused another Member of “aiding and abetting [the President and Attorney General] in their cover up.” Jefferson’s Manual indicates this statement was out of order.18

5) In your opening statement at the May 21, 2019 Committee meeting, you stated:

a. the President is “putting himself and his allies above the law;”

b. the President “took it upon himself to intimidate a witness who has a legal obligation to be here today;” and

c. former federal prosecutors “have agreed that the President committed crimes.”19

Outside of impeachment proceedings—which is clearly the case here—it is out of order for a Member of Congress, in debate, to engage in personalities with the President or express an opinion, even a third-party opinion, accusing the President of a crime.20 The Rules are clear on this point.

Finally, and most timely, the title of Monday’s hearing, if read during debate, would treat alarmingly close to the prohibition against engaging in personalities against the President due to its mere suggestion the President committed “obstruction of justice and other crimes.”

This is but a small sampling of unparliamentary remarks left unaddressed during Committee business over the past month. This signals a concerning departure from the norms that have governed dignified debate in the House since its early days. Members who continuously assault the Rules should be reprimanded. The rules of decorum exist for a reason; it is unbecoming for Members of the Committee to make personal attacks against the President’s character.

I hope this letter sheds light on the Rules governing this Committee’s proceedings—Rules you are obligated to enforce. Should you choose to forego your obligation to enforce the Rules and ensure the Committee conducts itself in a dignified manner, please know those transgressions will not go unnoticed or unremarked upon by Republican Members.

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18 Jefferson’s Manual at 189. (Holding out of order accusations that the President has committed a crime, or even that the President has done something illegal. The statement of Hon. Hank Johnson implies crimes on behalf of the President.).
20 Jefferson’s Manual at 189 (As pointed out in the parliamentary notes accompanying Jefferson’s Manual, it has been held out of order for a Member, during debate, to accuse the President of committing a crime, or even that the President had done something illegal.) See also Jefferson’s Manual at 191 (Unless impeachment is the pending business on the floor, it is out of order for Members to refer to “evidence of alleged impeachable offenses by the President contained in a communication from an independent counsel pending before a House committee.”).
Sincerely,

Doug Collins
Ranking Member

cc: The Honorable Nancy Pelosi, Speaker
    The Honorable Steny Hoyer, Majority Leader
    The Honorable Kevin McCarthy, Minority Leader
    The Honorable Steve Scalise, Minority Whip