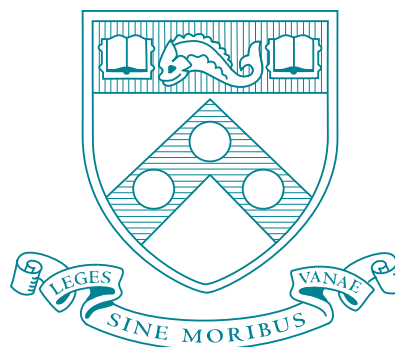


Civility in the House of Representatives: the 105th Congress

This Report was prepared by Kathleen Hall Jamieson, Dean of the Annenberg School for Communication of the University of Pennsylvania and Director of the Annenberg Public Policy Center, and Annenberg doctoral student Erika Falk. The work was funded by a grant from The Pew Charitable Trusts.

March 1999



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FOREWORD

The Annenberg Public Policy Center was established by publisher and philanthropist Walter Annenberg in 1994 to create a community of scholars within the University of Pennsylvania which would address public policy issues at the local, state and federal levels. Consistent with the mission of the Annenberg School for Communication, the Center has four ongoing foci: Information and Society; Media and the Developing Mind; Media and the Dialogue of Democracy; and Health Communication. Each year, as well, a special area of scholarly and social interest is addressed. The Center supports research and sponsors lectures and conferences in these areas. This series of publications disseminates the work of the Center.

Kathleen Hall Jamieson
Director

This report was prepared by Kathleen Hall Jamieson, Dean of the Annenberg School for Communication and Director of the Annenberg Public Policy Center of the University of Pennsylvania. The word-based indices were developed by Annenberg doctoral student Erika Falk. Ms. Falk also supervised the process of collecting and analyzing the quantitative data. Staff support was provided by Deborah Stinnett and Richard Cardona. The views expressed in the report are those of the authors.

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In Congress, comity is based on the norm of reciprocal courtesy and presupposes that the differences between Members and parties are philosophical not personal, that parties to a debate are entitled to the presumption that their views are legitimate even if not correct, and that those on all sides are persons of good will and integrity motivated by conviction.

This report is predicated on the assumption that strong partisanship and civility are not mutually exclusive. Pleas for civility are not calls for blurring partisan differences. As a result, a measure of partisanship is separated from measures of incivility.

The value of comity is evident in the fact that members praise the civility of those they honor:

“Lee [Hamilton], your departure will create an enormous need in this House to replace the kind of civility, wise balance, and professionalism with which your presence has always been marked.”

“Mr. Speaker, on May 8 this year, the nation lost a great man, a former U.S. Senator, a beloved West Virginian, a great orator, a man of civility and courtesy, a master of legislative compromise, a builder of concrete, asphalt and stone, and builder of character named Jennings Randolph, who died at the grand old age of 96.”

BACKGROUND

From March 7-9, 1997 (during the first session of the 105th), 200 Members of the House of Representatives, 165 spouses and 100 of their children attended a bipartisan retreat in Hershey, Pennsylvania coordinated by The Aspen Institute and funded by a grant from The Pew Charitable Trusts. The retreat was organized by the Bipartisan Congressional Planning Committee, co-chaired by Representatives David Skaggs (CO) and Ray LaHood (IL). The committee included: Rep. Eva Clayton (NC), Rep. David Dreier (CA), Rep. Jo Ann Emerson (MO), Rep. Tillie Fowler (FL), Rep. Ruben Hinojosa (TX), Rep. Amo Houghton (NY), Rep. Tom Sawyer (OH), and Rep. Charlie Stenholm (TX).

According to its organizers, the retreat was designed, “[t]o seek a greater degree of civility, mutual respect and, when possible, bipartisanship among Members of the House of Representatives in order to foster an environment in which vigorous debate and mutual respect can coexist.”

The Annenberg Public Policy Center of the University of Pennsylvania prepared a background report for use at the first retreat. [The Executive Summary of Civility in the House of Representatives, March 1997, can be found on the Annenberg Public Policy Center home page at: <http://www.appcpenn.org/pubs.htm>] That report charted words taken down and requests to take words down from 1935-1996 and mapped calls for a Member to suspend and for the House to be in order from the 99th through the 104th Congress. It also reported uses of vulgarity for the past six Congresses.

In general, the first report found a rise in incivility in the first session of the 104th with a drop to historical averages in the second session of that Congress. Jamieson attributed the spike in incivility to the Republicans’ inexperience as the majority party and the Democrats’ inexperience as the minority. In the second session of the 104th, the level of civility rose as did the legislative productivity of the Congress. Here we update those findings to include the 105th and also include data drawn from a number of additional indices.

FINDINGS

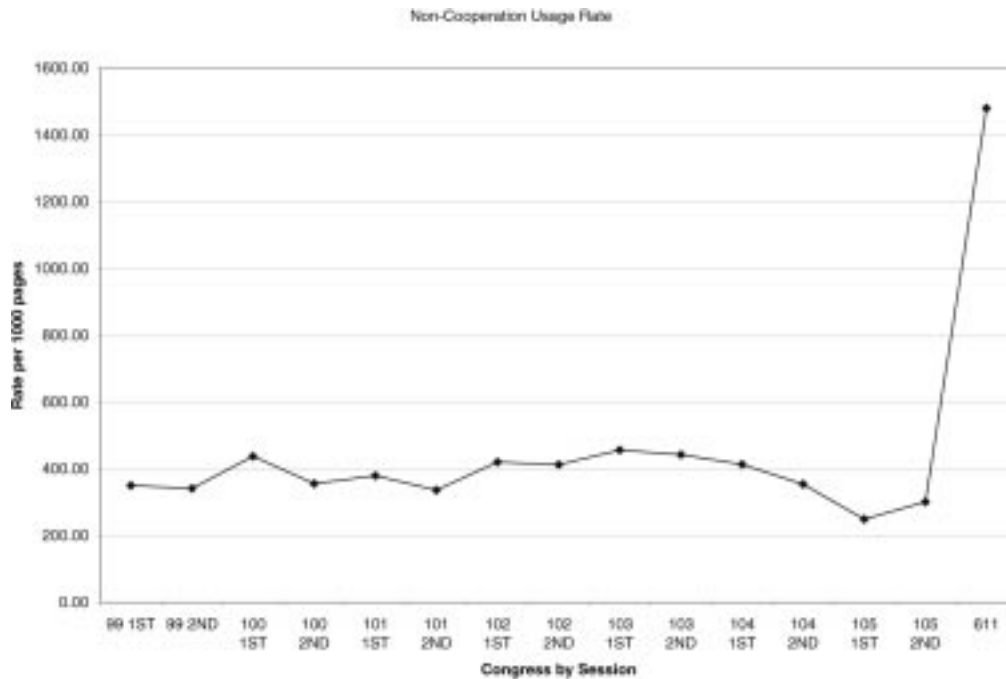
This report compares the 105th Congress to those that preceded it. Since no comparable debate occurred in the earlier sessions that we studied, we have separated the impeachment debate of December 17-19, 1998 from the rest of the second session of the 105th. On charts, that debate is identified by the number of the resolution being debated, 611.

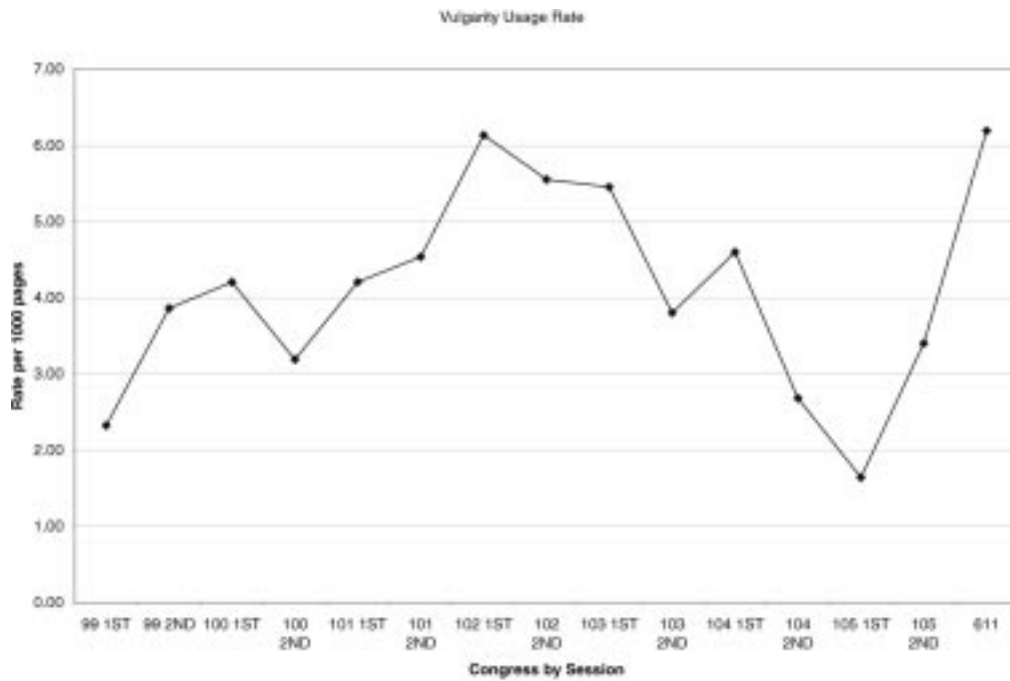
NON-PROCEDURAL (WORD USE) MEASURES:

1. Until the debate on Res. 611, the 105th Congress had been more civil than the first session of the 104th.

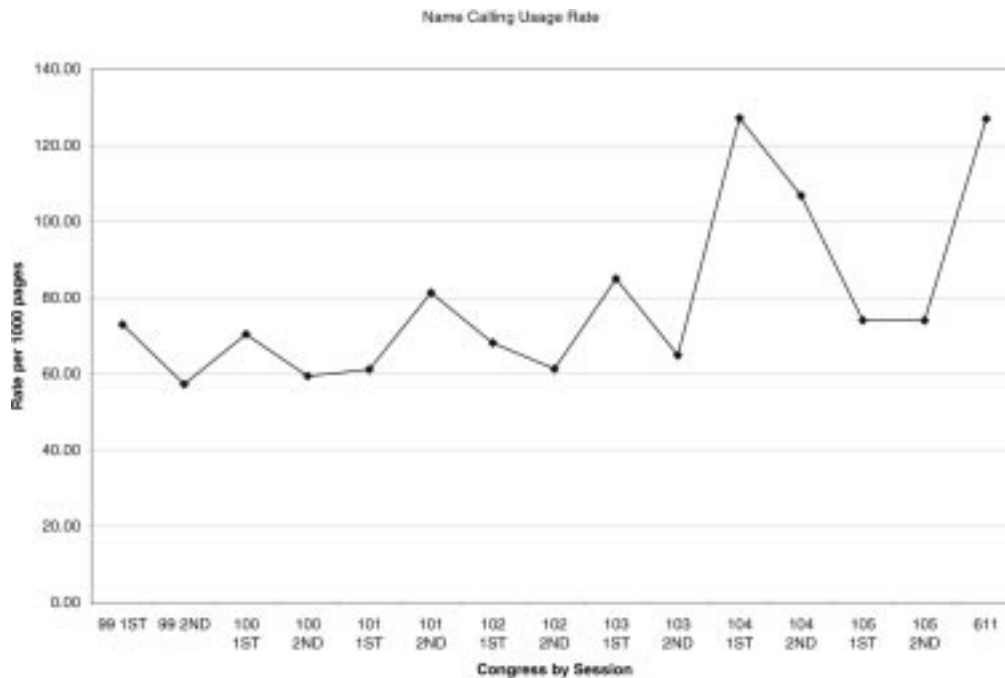
The Dec 17-19 debate on impeachment:

pushed our measure of partisanship (i.e., non-cooperation) significantly above the rates for all of the earlier sessions that we studied;

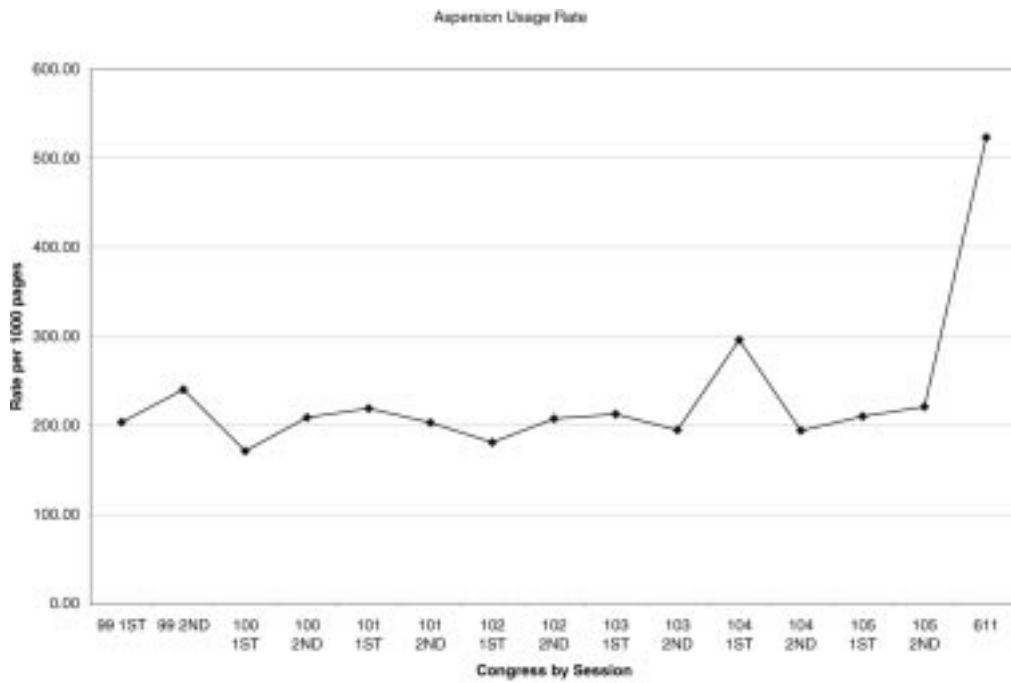




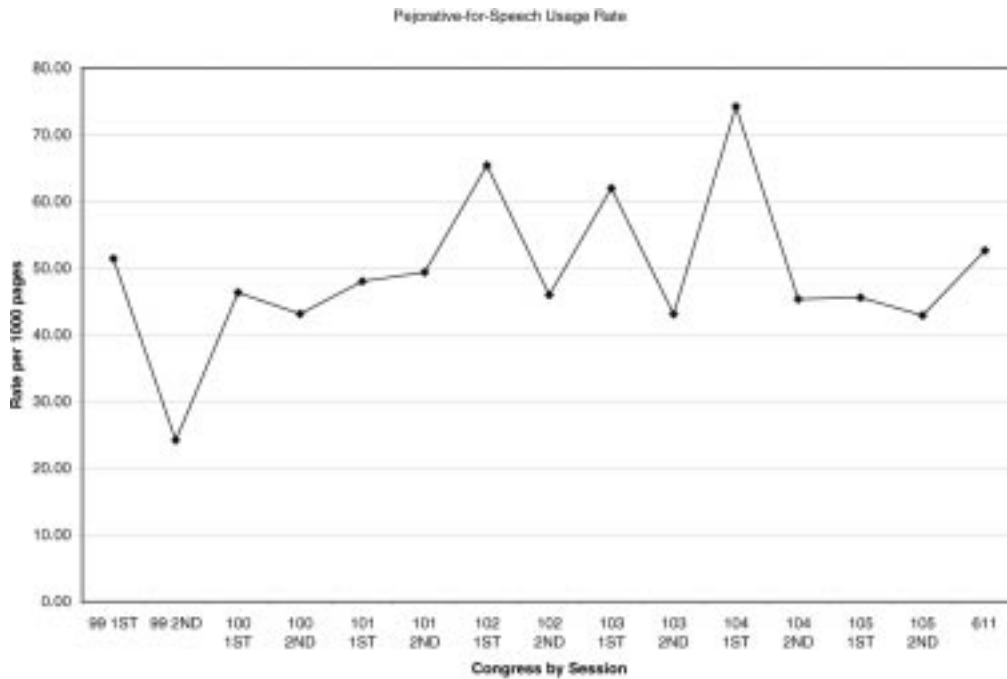
raised the level of name calling and vulgarity to the level of the first session of the 104th;



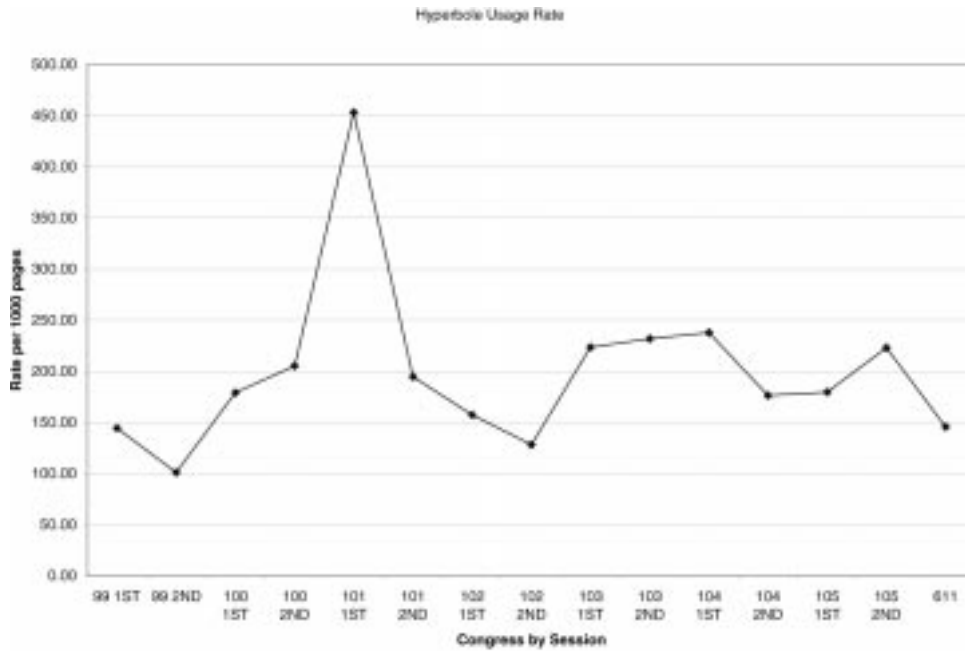
moved our measure of aspersion to its high point in our study, (Since this index includes such words as “reckless,” one might argue that the increase was driven in part by widely shared characterizations of the President’s behavior.);



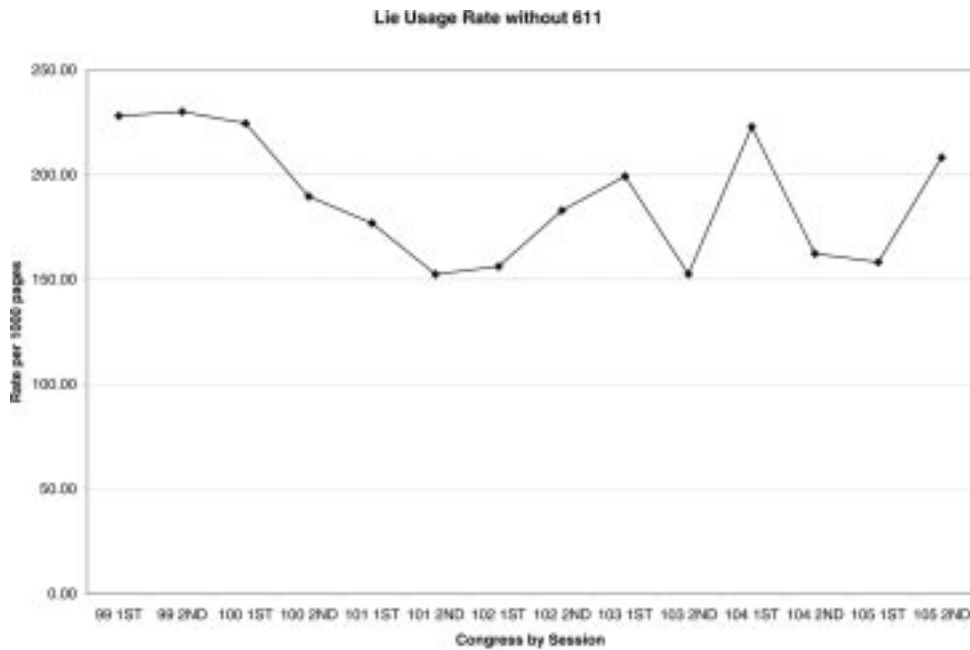
and increased the use of pejoratives for speech but not to the level of the first session of the 104th.



The hyperbole rate dropped during the impeachment debate.



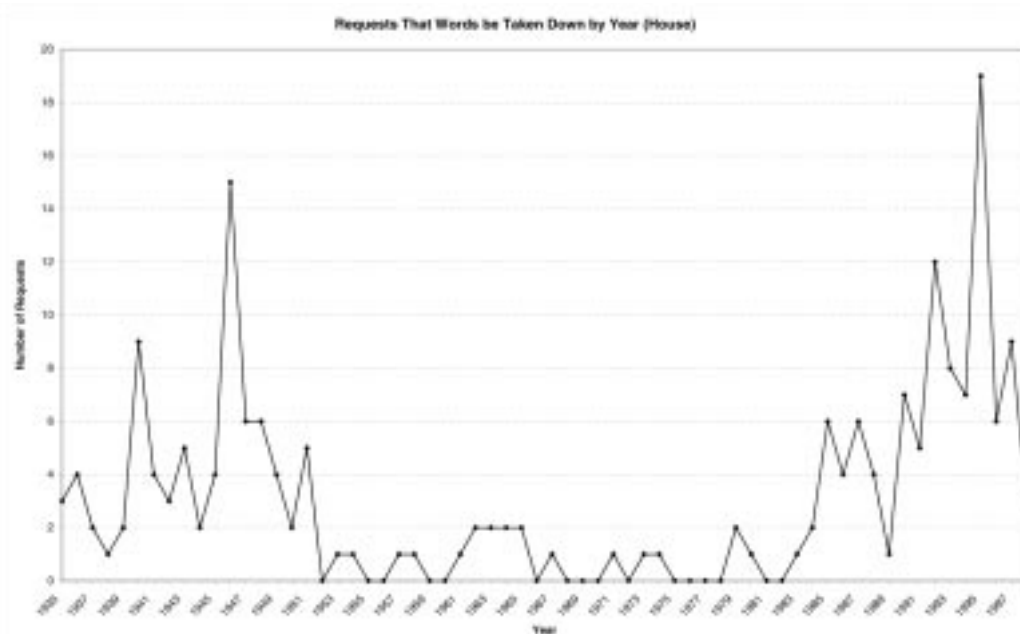
Since the impeachment debate focused in part on whether the president had lied under oath, we have not calculated synonyms for lie or lying for the impeachment debate.



2. In general our non-procedural indices (i.e., name calling, vulgarity, aspersion, pejoratives for speech, hyperbole, synonyms for lying) suggest that, contrary to the norm of past Congresses, the second session of the 105th was less civil than the first. Our non-cooperation index suggests that the second session was more partisan, as well.

PROCEDURAL MEASURES:

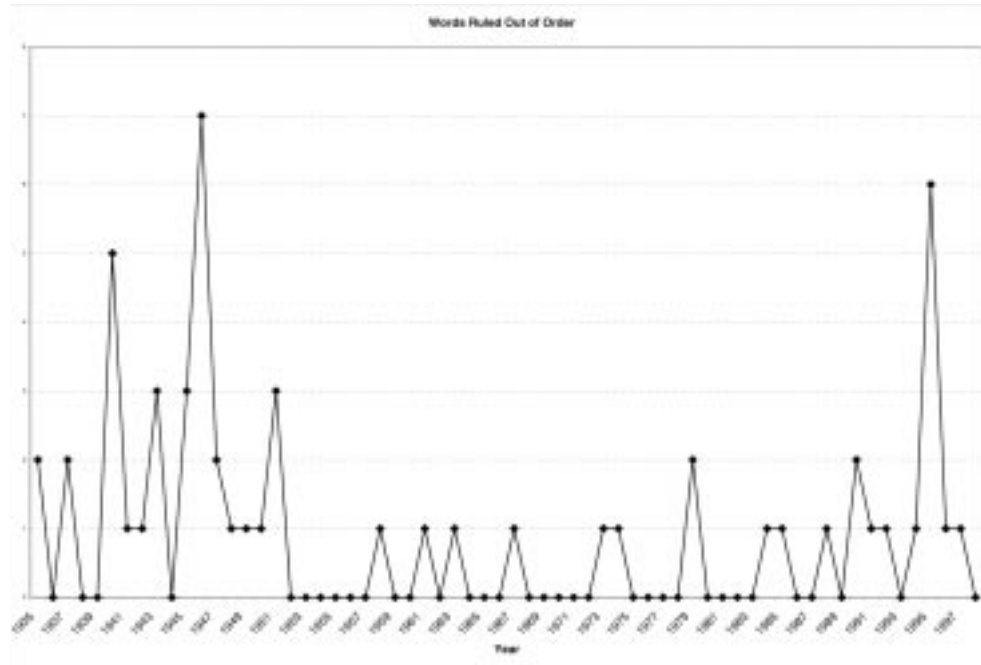
3. However, by our procedural measures (i.e., requests to take down, words taken down, words taken down that go to a ruling by the chair) the second session of the 105th was more civil than the first.
 - There were fewer requests to take down words in the second session of the 105th than in the first. In the second session there were 3 requests compared to 9 in the first. This is a substantial improvement over the first session of the 104th Congress in which there were 19 requests. The average number of requests for the years in our study is 3 per year.



Requests That Words be Taken Down by Year (House)

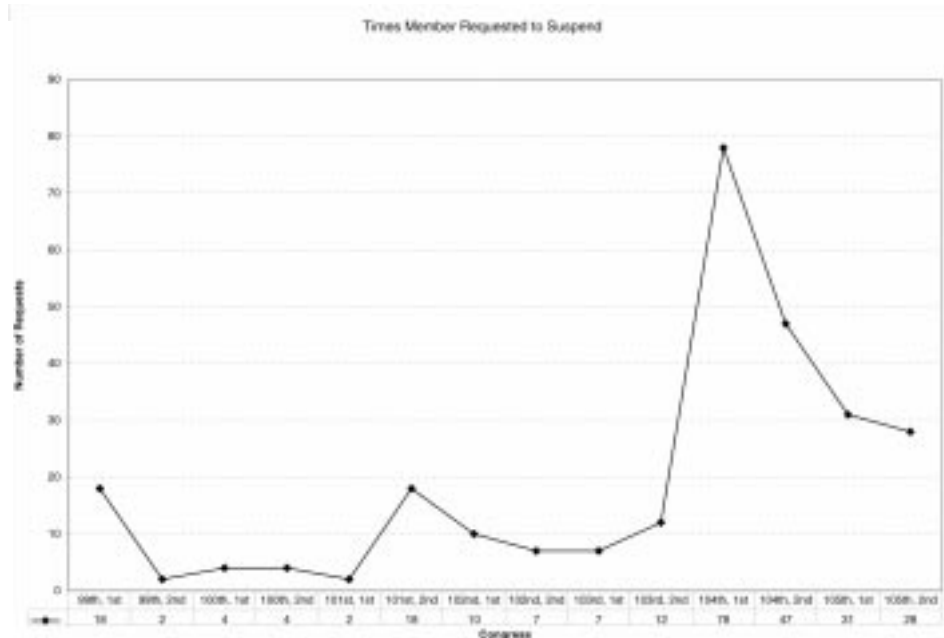
Year	Requests	Year	Requests	Year	Requests	Year	Requests	Year	Requests	Year	Requests
1935	3	1946	15	1957	1	1968	0	1979	2	1990	7
1936	4	1947	6	1958	1	1969	0	1980	1	1991	5
1937	2	1948	6	1959	0	1970	0	1981	0	1992	12
1938	1	1949	4	1960	0	1971	1	1982	0	1993	8
1939	2	1950	2	1961	1	1972	0	1983	1	1994	7
1940	9	1951	5	1962	2	1973	1	1984	2	1995	19
1941	4	1952	0	1963	2	1974	1	1985	6	1996	6
1942	3	1953	1	1964	2	1975	0	1986	4	1997	9
1943	5	1954	1	1965	2	1976	0	1987	6	1998	3
1944	2	1955	0	1966	0	1977	0	1988	4		
1945	4	1956	0	1967	1	1978	0	1989	1		

- There were also fewer words ruled out of order in the second session of the 105th. In the second session no words were ruled out of order, compared to one in the first, and six in the first session of the 104th. The mean for the years in our study is about 1 occasion/year.



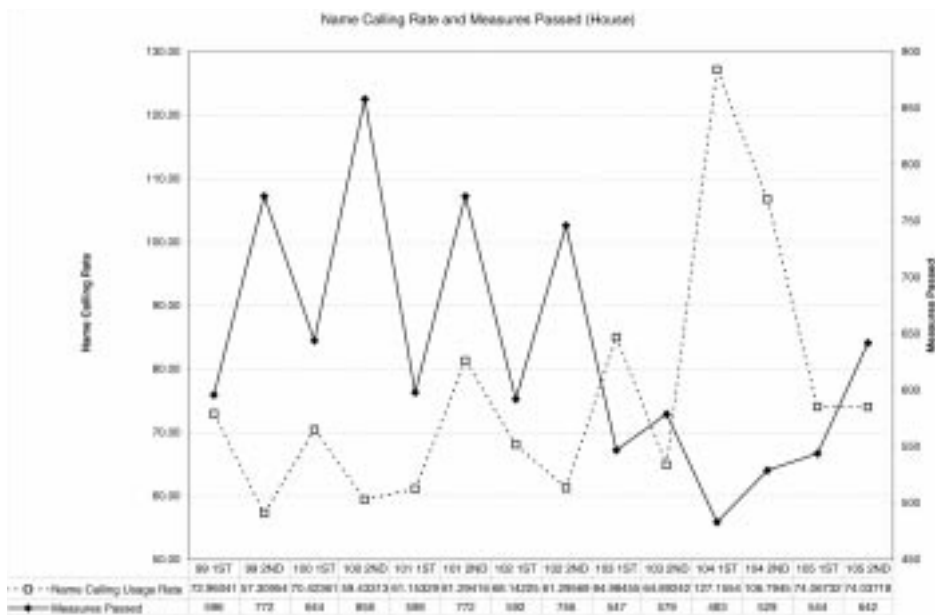
Words	Year	Words	Year	Words	Year	Words	Year	Words	Year	Words	Year
1935	2	1946	7	1957	0	1968	0	1979	2	1990	2
1936	0	1947	2	1958	1	1969	0	1980	0	1991	1
1937	2	1948	1	1959	0	1970	0	1981	0	1992	1
1938	0	1949	1	1960	0	1971	0	1982	0	1993	0
1939	0	1950	1	1961	1	1972	0	1983	0	1994	1
1940	5	1951	3	1962	0	1973	1	1984	1	1995	6
1941	1	1952	0	1963	1	1974	1	1985	1	1996	1
1942	1	1953	0	1964	0	1975	0	1986	0	1997	1
1943	3	1954	0	1965	0	1976	0	1987	0	1998	0
1944	0	1955	0	1966	0	1977	0	1988	1		
1945	3	1956	0	1967	1	1978	0	1989	0		

- Requests for the Member to suspend also continued to drop in the 105th Congress 2nd session. In the second session there were 28 requests compared to 31 in the first and 78 in the first session of the 104th. Although the number of times a Member has been asked to suspend has dropped since the first session of the 104th, the number remains higher than the historical norm. The median number of requests for the years studied is 11.

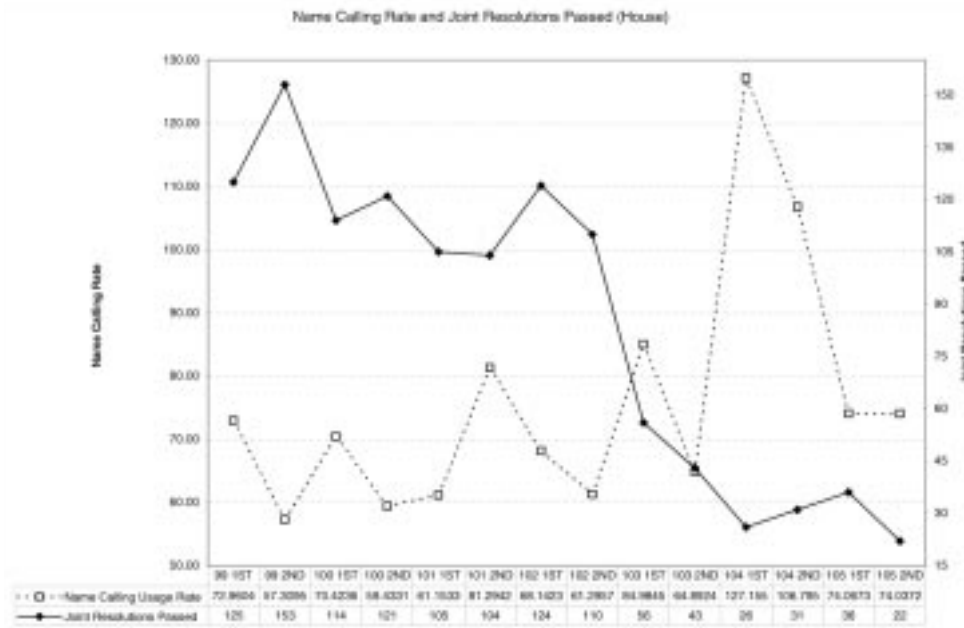


PRODUCTIVITY AND CIVILITY GO HAND-IN-HAND:

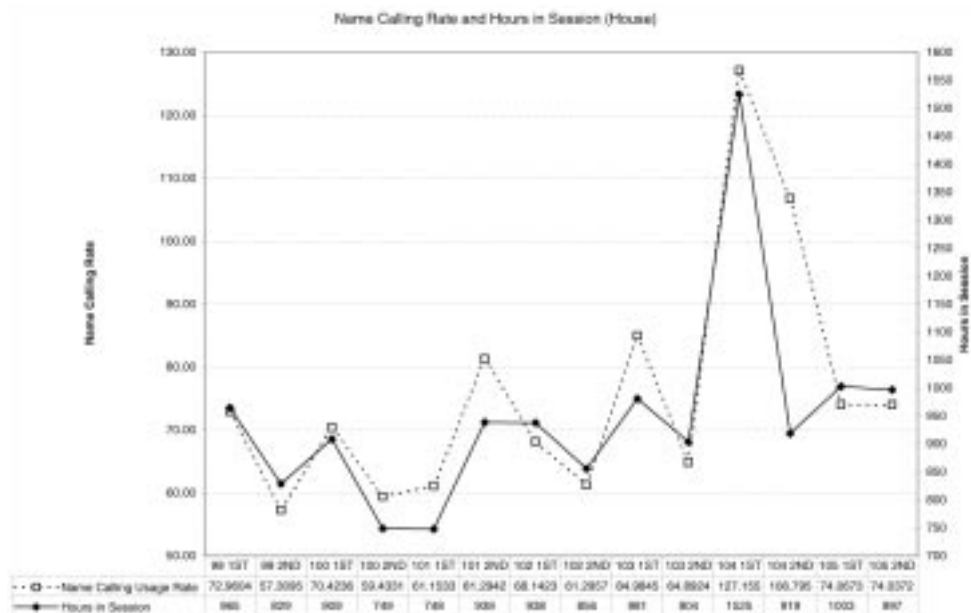
4. As name calling rises, productivity falls. The Name Calling rate correlates inversely with the passage of measures ($r=-.62$).



5. Name calling also correlates inversely with the number of joint resolutions passed. Over the last seven Congresses more name calling corresponded with fewer joint resolutions. The two measures were correlated at ($r=.63$).



6. Name calling goes up with increased hours in session ($r=.83$). Fatigue is a possible explanation. Alternatively the long hours may reflect an inability to find consensus. Or, less civility may necessitate longer hours to get work done.



SIGNS OF COMITY NOT CAPTURED BY OUR NUMERICAL MEASURES

Where in the first session of the 104th, Members were quick to move to the taking down process, in the 105th the initiation of that process was more likely to de-escalate than escalate tension. Note the references to the spirit of civility and to the Hershey retreat.

- X: “Mr. Speaker, I regret to ask that the gentlewoman’s words be taken down. She just issued a false statement.”
- Y: “Mr. Speaker, I will be happy to withdraw the request in the spirit of civility.”
- X: “I ask that the gentleman’s words be taken down...”
- Y: “I ask unanimous consent to withdraw my words about specifically mentioning the President....”
- X: “Mr. Speaker, I thank the gentleman for making the correction and that saves us a trip back to Hershey.”

On a number of instances in the 105th, Members found a means short of procedural intervention to modulate the debate:

- X: “I rise to a point of order.”
- Speaker: “The gentleman will state his point of order.”
- X: “Mr. Speaker, I would inquire of the Chair whether an accusation of obstruction of justice is permitted on the House floor.”
- Speaker: “The reference to obstruction of justice should not be made with respect to specific or certain Members of the House of Representatives.”
- X: “Mr. Speaker, with the permission of the gentleman, I will withdraw the remark, to the extent that it conveys violation of stature. I do not mean to suggest that. What I mean to suggest very explicitly is that the minority is obstructing what the Justice Department itself wishes to do.”

THE FIRST SESSION

Comparing the discourse surrounding controversial events in the first session of the 105th with parallel events in past Congresses suggests that Members of both parties showed restraint in the 105th.

1. The discourse surrounding ethics charges against Speaker Gingrich in the first session of the 105th was more civil than that surrounding ethics charges against Speaker Wright.

2. The discussion about determination of the victor in the California's 46th Congressional District in the first session of the 105th was more civil than that surrounding the decision involving the seating of Democrat Frank McCloskey rather than Republican Richard McIntyre in a close and disputed election in the 8th Congressional District of Indiana in 1984.

The process of banning a former member from the floor was handled with diplomacy and decorum

The resolution banning a former Member from the Chamber after an uncivil outburst was supported by the leadership of the party to which he belonged. Two hundred eighty nine Members voted to bar that Member from the Capitol sanctuary until his challenge to the outcome of the election in his district was resolved. One hundred eleven of those were Members of the offending former Member's party. That session was chaired by the Speaker of the House — also a Member of the former Member's party. The process took place without eliciting the sorts of rancorous exchanges that had characterized tense moments in the first session of the 104th.

THE SECOND SESSION

Both Republicans and Democrats mourned the deaths of officers Chestnut and Gibson. In his eulogy of Officer Chestnut, Pastor Marcom noted the change the tragedy had produced in the relations among Members in the House. He also said that he suspected that the change would be short-lived. When that prophesy proved accurate, a Member noted that:

“In the aftermath of this tragedy and the heartfelt sympathy of the American people, we in this body were briefly changed. We came together as one family to pay our respects, to reflect on the almost surreal tragedy of that July afternoon and, for a time, respect, civility and comity ruled the day...we are too much like a caricature of ourselves and too little like Officers Jacob Chestnut and John Gibson. We are too much like adversaries and too little like we were in the days after the gun fire erupted in the Capitol.”

THE DEBATE ON HOUSE RESOLUTION 611

The impeachment debate in the House created the most tense and most partisan moments of the 105th Congress. As we noted earlier, the partisanship of that debate is reflected in a spike in our measure of the language of non-cooperation. An increase in incivility is captured most clearly in our measure of name calling.

At the opening of the debate, the speaker read an announcement that reiterated points made “with the concurrence of the minority leader on September 10, 1998 during the pendency of proceedings in the impeachment...” The announcement cited precedents for the conclusion that “While a wide range of discussion is permitted during debate, Clause 1 of Rule 14 still prohibits the use of language which is personally abusive...” The announcement concluded with the reminder that “While the impeachment matter is pending on the floor, the chair would remind Members that although the personal conduct of the president is at issue, the rules prohibit Members from engaging in generally personal, abusive language toward the President and also from engaging in comparisons to personal conduct of sitting members of either House of Congress.” (The comment about “comparisons to personal conduct of sitting members” elicited groans from some in the Chamber.) Throughout the House debate, the Speaker pro tempore maintained a disinterested nonpartisan tone. His handling of the role was widely praised.

Moreover, one of the more volatile moments in the debate, the exchanges on the move by Democrats to secure a vote on censure, was civil. When Democrats attempted to secure the option to censure, the subsequent debate over the point of order on the motion to recommit was carefully reasoned, thoughtfully documented, and free of vitriol. A moment that could have marked the low point of the debate instead became a high point. The ruling of the chair, which had been anticipated by Democrats, was accepted without rhetorical bloodshed.

Instead of initiating requests to take down during rancorous moments, members instead used less confrontational parliamentary alternatives. For example, one member asked, “Mr. Speaker, is the word hypocrisy in order on this floor?” Instead of initiating parliamentary intervention, another noted “I must say I am very saddened to report, Mr. Speaker, I have been listening to several speakers, and that I have seen frankly quite caustic and harsh characterizations of the motives of the Members...[W]ould it be appropriate, Mr. Speaker, for me to ask on behalf of the dignity of the Chamber to exercise the authority of the Chair to remind Members of these protocols and respects, and perhaps if necessary enforce them so that we on this side may not find ourselves compelled to raise it as a point on the floor during the debate...”

METHODOLOGY

This section explains how we arrived at our conclusions.

REQUESTS AND RULINGS THAT WORDS BE TAKEN DOWN:

For the years 1935 — 1984 requests that words be taken down were calculated by copying the reports on words taken down from the House Journal appendices and checking them against reports by Ilona Nickels for the Congressional Research Service, and by Republican leader Bob Michel. For the years 1984 — 1998 requests that words be taken down were calculated by searching an electronic database of the Congressional Record for “take” in the same sentence as “down.” A researcher then examined each case to verify its relevance. The counts for the years before 1985 only include requests that resulted in a ruling and not times when the words were withdrawn, the demand was withdrawn, the demand was too late, or a caution was given by the chair.

THE MEMBER WILL SUSPEND:

For the 1985-1998 period, we searched the Record for indications that debate had been disrupted. The indicator we chose was uses of “The gentle/man/lady/member will suspend.” This measure captures the dispute over Democratic use of the front page of the New York Daily News as a chart. In that exchange, the Chair asks that the gentleman suspend a total of nine times. Although not an invariable predictor of hostile exchanges, requests to suspend were exceeded in reliability only by demands to take down words. For example, the search permitted us to locate such exchanges as:

- X: “I just want to make sure the gentleman sticks to the facts.”
- Y: “The gentleman will not impugn my remarks in that way at all. The gentleman from ...does not have the time, and he has no right to do that to this Member.”
- Speaker pro tempore: “The gentleman (Y) from...will suspend.”
- Y: “Mr. Speaker, that should not be done.”
- Speaker pro tempore: “The Chair advises the gentleman (Y) from ...that the gentleman will suspend.”
- Y: “Let the gentleman (X) from ... have his own time. The gentleman from... wants to take cheap shots, and he can take them on his own time. The gentleman knows exactly what he did.”
- Speaker pro tempore: “The gentleman (X) from... will suspend. Gentlemen, all Members need to keep their statements to the Record and focused on the issue at hand.”

For the years 1985 — 1998 we searched an electronic database of the Congressional Record for the word “member” or “gentle” in the same sentence as “will suspend” or “will please suspend” or “will now suspend” or “shall suspend” or “will just suspend.” The recorded instances do not include requests that the “member will be in order.”

WORD RATES:

Because the length of congressional sessions varies, all word counts are reported in rates (i.e., the number of times the words appear per 1000 pages in the Congressional Record). Our word list was generated by coding words actually used in a session of Congress into two categories: uncivil and other. This process produced a list of over 400 words that might indicate incivility. These words were then sorted into several categories by four different coders. Only those categorized in the same way by at least three coders were used. This resulted in 294 words in seven categories. Six of these categories measure incivility. One (non-cooperation) is a measure of partisanship.

Incivility

1. Name Calling: 92 nouns — such as weirdo, traitor, crack pot, and bitch.
2. Aspersions: 71 words that insult but do not call names — such as irrational, reckless, and un-American.
3. Synonyms For Lie: 58 words for lying or a person who lies — such as hoax, farce, and prevaricate.
4. Hyperbole: 15 words that indicate exaggeration — such as outrageous, cataclysmic, and heinous.
5. Pejorative Words for Speech: 19 words used to derogate speech — such as bellyache, double speak, gibberish.
6. Vulgarity: 11 taboo words — such as, damn, shit, and hell.

Partisanship

7. Non-cooperation: 28 words indicating non-cooperation — such as polarized, filibuster, inflexible.

Each word was then searched in an electronic database. The totals were summed by index and session of Congress. The index total for each session was then divided by the number of pages in the Congressional Record for that session and multiplied by a factor of 1,000. This resulted in a word rate that measured the number of times the words in the each index were used per 1,000 pages of the Congressional Record.

Note:

Because they are decontextualized, the word counts tend to overestimate actual incidents of incivility. For example, “you are a liar” is counted the same as “you are not a liar.”

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