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Chapter CCVI.[1]

THE JOURNAL AND ITS APPROVAL.

1. **Reading and approval. Sections 623–628.**
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3. **Motions to amend, especially as to records of votes. Sections 631–633.**
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623. During the interim preceding the election of Speaker and adoption of rules the Journal of the proceedings is read and approved daily.

Before the completion of the organization of the House in 1923 the Clerk decided questions of order and enforced, in as far as applicable, the rules of the preceding Congress.

Members may not approach the desk during the call of the roll or the counting of ballots.

On December 4, 1923[2] during the organization of the House and before the election of Speaker or adoption of rules, the Clerk directed the reading of the Journal of the proceedings of the previous day, when Mr. Finis J. Garrett, of Tennessee, inquired if the reading of the Journal prior to the organization of the House was in accordance with the precedents.

The Clerk[3] said:

The Clerk will state to the gentleman from Tennessee that the precedent seems to have been established in the Fifty-second Congress when upon the opening day the House did not organize and on the day subsequently the Journal was read and approved. It was approved before the organization on the second day just preceding the vote being taken upon the election of a Speaker. And the Clerk will also state that such was the case before organization in the Thirty-fourth Congress. The question recurs upon the election of a Speaker, and the tellers will please come forward and take their places.

The Clerk[3] thereupon caused clause 7 of Rule XIV to be read and said:

Before the roll is called the Clerk asks the indulgence of the House while he reads a portion of clause 7, Rule XIV, of the rules of the last House:

"While the Speaker is putting a question or addressing the House no Member shall walk out of or across the Hall, nor, when a Member is speaking, pass between him and the Chair; and during the session of the House no Member shall wear his hat or remain by the Clerk's desk during the call of the roll or the counting of ballots, etc."

While this rule is persuasive only under the present circumstances, yet the Clerk invokes its spirit and requests the cooperation of the Members and employees in its application.

The Clerk requests all persons not officially connected with the taking of the vote to remain away from the Clerk's desk, and would suggest, respectfully, to the Members that when they desire to know whether or how they have been recorded their requests be made known in an audible tone from their accustomed places on the floor, to which the Clerk will respond. Thus

[1] Supplementary to Chapter LXXXIII.

[2] First session, Sixty-eighth Congress, Journal, p. 7; Record, p. 11.

[3] William Tyler Page of Maryland, Clerk.

Members' rights will be safeguarded, and such procedure will make for decorum and for accuracy in the taking of the vote. The Clerk will call the roll.

624. The reading of the Journal may be interrupted by a parliamentary inquiry.

The point of no quorum may be made while the Journal is being read.

A quorum is always presumed to be present unless otherwise disclosed.

It is not the duty of the Speaker to take cognizance of the absence of a quorum unless disclosed by a yea-and-nay vote or questioned by a point of order.

On April 6, 1910,[1] while the Journal of the proceedings of the previous day was being read by the Clerk, Mr. Robert L. Henry, of Texas, rose and interrupted the reading to submit a parliamentary inquiry.

Having been recognized by the Speaker for that purpose, Mr. Henry inquired if it was not mandatory upon the Speaker, under the rule, to ascertain the presence of a quorum before the reading and approval of the Journal.

The Speaker[2] said:

It is within the power of any Member, including the Speaker, being a Member of the House, to make the point that no quorum is present, whether there is in fact a quorum present or not. Under the practice of the House, under all Speakers, it has always been the usage, as is now well known, that a quorum is presumed to be present unless a point of order is made by some Member, or unless a record vote by yeas and nays fails to disclose the presence of a quorum; and, so far as the Chair recollects, no Speaker has ever felt called upon to make the point of no quorum, looking into the faces of many Members who are quite as responsible for the business of the House as is the Speaker, unless in case wherein a record vote discloses the absence of a quorum. Does the gentleman make the point that no quorum is present?

The Clerk proceeded with the reading of the Journal, when Mr. Henry again addressed the Chair and made the point of order that a quorum was not present.

A quorum not being present, a call of the House was ordered, and the roll was called.

The Speaker announced that 276 Members had answered to their names, a quorum, and the reading of the Journal was resumed and completed.

625. If a question as to a quorum is raised before the reading of the Journal, a quorum should be ascertained to be present before the reading begins.

The reading of the Journal may be dispensed with by unanimous consent.

The granting by the House of unanimous consent to dispense with the reading of the Journal implies unanimous consent to its approval.

On March 2, 1915,[3] the Speaker[4] directed the Clerk to read the Journal of the previous day, when Mr. James R. Mann, of Illinois, made the point of order that no quorum was present.

The Speaker having ascertained that a quorum was not present, a call of the House was made. A quorum having appeared, Mr. Oscar W. Underwood, of

[1] Second session, Sixty-first Congress, Record, p. 4325.

[2] Joseph G. Cannon, of Illinois, Speaker.

[3] Third session, Sixty-third Congress, Record, p. 5177.

[4] Champ Clark, of Missouri, Speaker.

Alabama, asked unanimous consent that the reading of the Journal be dispensed with. There was no objection.

An inquiry by Mr. Mann if the action of the House in dispensing with the reading of the Journal implied its approval, was answered in the affirmative.

626. While the Journal must be read in full on the demand of any Member such demand comes too late after the Journal has been approved.

The duty of preliminary approval of the Journal, the reference of bills to committees and calendars, and similar matters of clerical routine are largely delegated by the Speaker to the Clerk at the Speaker's table.

On February 21, 1910,[1] following the reading and approval of the Journal, in response to a parliamentary inquiry by Mr. Victor Murdock, of Kansas, the Speaker[2] said:

The Chair will reply, in answer not strictly to a parliamentary inquiry, but as to a question of fact. The rules of the House require the Speaker to refer to the various committees bills which are introduced under the rules. There have already been introduced in this House over 20,000 bills. The rules require the Speaker to examine the Journal and to refer reports to the calendars. Now, with the duties of the Speaker it would be a matter of impossibility that he should read every particular bill; that he should watch the Journal; but the House in its wisdom has given a Journal clerk, reading clerks, an assistant to the Journal clerk, a clerk to the Speaker's table, an assistant to the Speaker, and, in addition, it has commissioned 391 Representatives whose duty and privilege it is to be as vigilant as the Speaker is required to be under the rule.

The Journal is brought to the Speaker for a preliminary approval, as the Chair is reminded by the Clerk to the Speaker's table. This gentleman has been for many years Clerk to the Speaker's table, known to the membership as being far more competent as to the procedure under the rules than the Speaker, or any Speaker, I will say, with whom I have served. The Journal is brought by the Journal clerk to the Speaker's room every morning, inspected by the clerk to the Speaker's table, and if any question of doubt arises it is referred to the Speaker. That was done this morning.

The Journal gives the names of the absentees when the Committee of the Whole reports as it did Saturday, and the Journal just approved has that list of absentees. But in the practice of the House ordinarily there is not a demand made that the names should be read when the Journal is read for approval. At any rate, it is too late now, because the Journal has been approved. If the gentleman was anxious to have the names read, he makes his inquiry too late. He sat in his seat until the Journal was approved, and under a parliamentary inquiry the colloquy between him and the Chair has occurred.

627. On the demand of any Member, the reading of the Journal must be in full.

On January 23, 1913,[3] while the Journal was being read, Mr. James R. Mann, of Illinois, called attention to the fact that the Clerk was not reading the proceedings of the previous day in full, and was omitting that portion of the Journal relating to the introduction of bills and petitions.

By direction of the Speaker[4] the Journal was read in full.

628. The reading of the Journal must be in full when demanded by a Member.

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[1] Second session Sixty-first Congress, Record, p. 2169.

[2] Joseph G. Cannon, of Illinois, Speaker.

[3] Third session Sixty-second Congress, Record, pp. 1921, 1922.

[4] Champ Clark, of Missouri, Speaker.

The Speaker declined to entertain a motion to approve the Journal without reading in full.

On May 28, 1920,[1] during the reading of the Journal of the previous day's proceedings, the Clerk omitted, as customary, the reading in full of resolutions and roll calls, when Mr. Frank Murphy, of Ohio, demanded that the Journal be read in full.

The Clerk proceeded to read the Journal in full, when Mr. Frank W. Mondell, of Wyoming, moved that the Journal stand approved without further reading.

The Speaker[2] held that the motion was not in order.

629. The transaction of business is not in order before the reading and approval of the Journal.

The Journal may not be approved until a quorum has appeared.

On September 30, 1918,[3] after the reading of the Journal and pending its approval, Mr. Thetus W. Sims, of Tennessee, submitted a request to take from the Speaker's table, for the purpose of sending to conference, the water-power bill with Senate amendments.

Mr. Finis J. Garrett, of Tennessee, inquired if business could be transacted before the approval of the Journal.

The Speaker[4] pro tempore said:

> The Chair would like to state that in his opinion the first order of business is the approval of the Journal.

Mr. Joseph Walsh, of Massachusetts, made the point of order that a quorum was not present.

The Speaker pro tempore, having ascertained the absence of a quorum, the approval of the Journal was deferred pending a call of the House.

630. The transaction of business, however highly privileged, is not in order before the reading and approval of the Journal.

On January 23, 1913,[5] immediately after prayer by the Chaplain and before the Journal had been read, Mr. James R. Mann, of Illinois, made the point of order that a quorum was not present. A call of the House was ordered, and a quorum having appeared, Mr. Augustus P. Gardner, of Massachusetts, proposed to present a conference report.

The Speaker[6] ruled that no business was in order until the Journal had been read and approved.

631. While correction of the Record to conform with actual facts is by right, such correction of the journal is by motion or unanimous consent.

On March 22, 1910,[7] Mr. Frank Plumley, of Vermont, rising to a question of personal privilege, called attention to an error in the record of his vote on the preceding Saturday, and asked unanimous consent that the Record and the Journal be corrected to conform to the actual facts.

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[1] Second session Sixty-sixth Congress, Record, p. 7805.

[2] Frederick H. Gillett, of Massachusetts, Speaker.

[3] Second session Sixty-fifth Congress, Journal, p. 585; Record, p. 10954.

[4] Martin D. Foster, of Illinois, Speaker pro tempore.

[5] Third session Sixty-second Congress, Record, p. 1921.

[6] Champ Clark, of Missouri, Speaker.

[7] Second session Sixty-first Congress, Record, p. 3549.

The Speaker[1] announced that correction of the Record was a matter of right and consent was not required, but that correction of the Journal was made on motion or by unanimous consent. The Speaker then submitted Mr. Plumley's request for the correction of the Journal.

632. After the Journal had been printed it was held to be too late to amend it.

On December 9, 1920,[2] Mr. Philip P. Campbell, of Kansas, asked unanimous consent that the Journal be amended to record, nunc pro tunc, the adoption of an amendment to section 7 of Rule I proposed by Mr. Finis J. Garrett, of Tennessee, during the previous session of Congress and inadvertently omitted in the preparation and approval of the Journal for that day.

The Speaker[3] held that as the Journal for the preceding session had been printed it was not subject to amendment.

633. The motion to amend the Journal takes precedence of the motion to approve it, but the motion to amend is not admitted after the previous question has been demanded on the motion to approve.

On January 23, 1913,[4] when the reading of the Journal of the previous day's proceedings had been concluded, Mr. John J. Fitzgerald, of New York, moved that the Journal be approved, and on that motion demanded the previous question.

Mr. James R. Mann, of Illinois, offered, as preferential, a motion to amend the Journal.

The Speaker[5] held that while the motion to amend the Journal was preferential and took precedence over the motion to approve it, the previous question having been demanded, no motion to amend was in order.

634. In amending the Journal the House may decide as to what are proceedings, even to the extent of omitting things actually done or of recording things not done.

On August 16, 1912,[6] Mr. James R. Mann, of Illinois, having been recognized for a parliamentary inquiry, called attention to the fact that while the special order, reported by the Committee on Rules the previous day making in order a motion to send to conference the post office appropriation bill, had been agreed to, the formality of making the motion thus provided for had not been observed and the bill had been sent to conference without authorization.

The Speaker[5] said:

> There are two ways out of it. The Journal can be corrected by common consent to make it show that the actual thing was done, or the Chair can again put the question.

Mr. Mann objected that the Journal could not be corrected to record proceedings which had not actually taken place

The Speaker said:

> Mr. Speaker Cannon ruled a number of times that by unanimous consent anything can be done, and the Chair thinks he was right.

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[1] Joseph G. Cannon, of Illinois, Speaker.

[2] Third session Sixty-sixth Congress, Record, p. 145.

[3] Frederick H. Gillett, of Massachusetts, Speaker.

[4] Third session Sixty-second Congress, Journal. p. 160; Record. p. 1922.

[5] Champ Clark, of Missouri, Speaker.

[6] Second session Sixty-second Congress, Record, p. 11085.