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PAPERS

"Papers" read in the Senate include both official and unofficial papers. Those read at the desk include public documents (messages from the President of the United States and the House of Representatives, all bills and resolutions—Senate and House—presented to the Senate, amendments to bills and resolutions, and petitions and memorials laid before the Senate, etc.), and any matter ordered read by the Senate.

Senators in debate may read any kind of papers if they are not of such nature as to conflict with Rule XIX as "refer offensively to any State of the Union," "transgression of rules," or reflect unduly on any Senator, and any such matter read by a Senator in debate will be printed in the *Congressional Record.*

Rule XI

[Papers—Withdrawal, Printing, Reading of, and Reference]

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate.

2. The Secretary of the Senate shall obtain at the close of each Congress all the noncurrent records of the Senate and of each Senate committee and transfer them to the National Archives and *Records* Administration for preservation, subject to the orders of the Senate.

3. When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

4. Every motion or resolution to print documents, reports, and other matter transmitted by the executive departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, shall, unless the Senate otherwise order, be referred to the Committee on Rules and Administration. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

5. Motions or resolutions to print additional numbers shall also be referred to the Committee on Rules and Administration; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum established by law, the concurrence of the House of Representatives shall be necessary for an order to print the same.

6. Every bill and joint resolution introduced or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed,

unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

Reading by a Senator:

A Senator, in debate, may read newspaper articles as a part of his remarks; [1] from a paper of which he is not the author; [2] from the speech of another Senator previously delivered in the Senate; [3] from the prepared remarks of another Senator, who is absent from the city in favor of an amendment previously submitted by him; [4] from a document,[5] from a book,[6] from any matter to which he refers in debate,[7] or a committee report into the *Congressional Record* over objection.[8]

A Senator may read any matter to which he refers in debate, and permission to have it read from the desk is not required,[9] although an objection could be made against the reading by the Clerk from such document.[10]

A Senator has a right to have read, or he may read, a resolution submitted by him, but any Senator if he deems the matter one requiring secrecy, may, under the rule, interrupt such reading to move that the doors be closed.[11]

A Senator may read a speech of an absent Senator, at the latter's request,[12] or he may read a tribute to an individual prepared by his colleague who was absent on account of illness.[13]

A Senator may read an extract from a speech delivered in the Senate by another Senator without being out of order; [14] or a Senator, who is present but in ill health may ask to have a speech prepared by him read by another Senator.[15]

On one occasion the remarks of a Senator who was scheduled to deliver an address on the occasion of eulogies

[1] Apr. 30, 1894, 53-2, *Record*, p. 4250.
[2] Mar. 3, 1927, 69-2, *Record*, p. 5465.
[3] Mar. 2, 1927, 69-2, *Journal*, p. 265.
[4] May 13, 1908, 60-1, *Record*, p. 6190.
[5] June 9, 1919, 66-1, *Journal*, p. 60, *Record*, p. 800.
[6] Feb. 27, 1929, 70-2, *Record*, p. 4568.
[7] May 8, 1941, 77-1, *Record*, p. 3773.
[8] July 30, 1886, 49-1, *Record*, p. 7742.
[9] May 8, 1941, 77-1, *Record*, p. 3773.
[10] July 3, 1926, 69-1, *Record*, p. 13004.
[11] Mar. 17, 1905, 59-Special Session, *Record*, p. 19.
[12] Oct. 14, 1949, 81-1, *Record*, p. 14490.
[13] Apr. 20, 1950, 81-2, *Record*, p. 5414.
[14] Mar. 2, 1927, 69-2, *Journal*, p. 265, *Record*, p. 5360.
[15] Jan. 29, 1915, 63-3, *Record*, p. 2651.

to a deceased Senator, but who was unavoidably absent, were read by another Senator.[16] Another time, the remarks of a Senator prepared for delivery on a certain occasion, but which he was prevented from delivering because of illness, were read to the Senate by his colleague.[17]

Reading of Papers:

See also "Debate," pp. 716–797.

Application of Rule XI:

Rule XI, relative to the reading of papers, applies to papers in the nature of public documents only, or any paper proposed to be read at the desk, and is not restricted to a paper that has come into the possession of the Senate under its rules,[18] but is not applicable in the case of Senators who read from papers in connection with their arguments on the floor,[19] even over an objection;[20] it has reference to public documents, and not to newspaper articles, books,[21] or in the case of a Senator reading a document in the course of debate.[22]

Congressional Record, Papers Printed in:

See "Congressional Record," pp. 643–654.

Printing of Papers:

See Rule XI, pp. 971–972.

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[16] Dec. 9, 1920, 66–3, *Record*, p. 117.

[17] Jan. 17, 1910, 61–2, *Record*, p. 684.

[18] Feb. 3, 1886, 49–1, *Record*, p. 1082; Jan. 11, 1933, 72–2, *Journal*, p. 86; Jan. 18, 1933, 72–2, *Journal*, p. 113; July 26, 1947, 80–1, *Record*, pp. 10421–31; July 24, 1947, 80–1, *Record*, pp. 10012–13; Nov. 18, 1937, 75–3, *Record*, pp. 126–27; for decisions that the rule applied only to public documents *see* Oct. 13, 1893, 53–1, *Journal*, pp. 71, 72, *Record*, pp. 2469–79; Dec. 18, 1893, 53–2, *Record*, p. 313.

[19] June 5, 1929, 71–1, *Journal*, p. 95, *Record*, pp. 2400, 2401; July 14, 1870, 41–2, *Journal*, pp. 1072–73; in two rulings the Chair held contrariwise; Mar. 21, 1914, 63–2, *Record*, p. 5211; during morning business; Mar. 3, 1923, 67–4, *Journal*, p. 231, *Record*, pp. 5349–51.

[20] Feb. 27, 1929, 70–2, *Record*, p. 4568.

[21] Oct. 13, 1893, 53–1, *Journal*, pp. 71, 72, *Record*, pp. 2469–79.

[22] June 9, 1919, 66–1, *Journal*, p. 60, *Record*, p. 800.

Reading on Motion—By Unanimous Consent:

When the reading of a paper by the Clerk is called for and objected to, the question shall be submitted to and determined by a vote of the Senate without debate.[23]

Where the Senate has ordered the reading of a paper or article, over an objection, it must be read by the Clerk, and not by a Senator.[24]

By unanimous consent, an address prepared by a blind Senator was read by the Chief Clerk of the Senate,[25] and on motion another was read by the Clerk; [26] speeches by Senators, for one reason or another, have been read at the desk by unanimous consent.[27]

Pending a resolution providing for the consideration of executive nominations in open session, the remarks previously prepared by a Senator, who, in consequence of illness was unable to be present, were read by leave of the Senate.[28]

After a resolution has been submitted and read, it is too late to object under Rule XI to its reading.[29]

Reading on Motion—Dispensed With:

During the reading of a telegram, statement, or paper, ordered by the Senate on motion, a motion to dispense with the further reading of such a matter and to print the remainder in the *Congressional Record* is in order,[30] and not debatable.[31]

An objection having been made to the further reading of a paper, for which unanimous consent had been given, the question of continuing the reading was submitted to the Senate and decided in the affirmative.[32]

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[23] May 14, 1913, 63-1, *Record*, p. 1514; May 19, 1913, 63-1, *Record*, p. 1634; Jan. 11, 1933, 72-2, *Journal*, p. 86, *Record*, p. 1579; July 26, 1947, 80-1, *Record*, pp. 10421-31; July 24, 1947, 80-1, *Record*, pp. 10012-13; Nov. 18, 1937, 75-2, *Journal*, pp. 13-14, *Record*, pp. 126-27; Jan. 18, 1933, 72-2, *Journal*, p. 113, *Record*, p. 2005; May 20, 1932, 72-1, *Journal*, p. 494, *Record*, p. 10758; Mar. 10, 1926, 69-1, *Record*, pp. 5309-10; June 9, 1919, 66-1, *Journal*, p. 59, *Record*, pp. 781-789, 799-802; June 18, 1959, 86-1, *Record*, pp. 11193-94; Jan. 9, 1861, 36-2, *Journal*, pp. 83-84.

[24] Mar. 10, 1926, 69-1, *Journal*, p. 218, *Record*, pp. 5309-10.

[25] Feb. 1, 1956, 84-2, *Record*, p. 1789; June 16, 1934, 73-2, *Record*, pp. 12034, 12036.

[26] June 12, 1935, 74-1, *Journal*, p. 435, *Record*, p. 9176.

[27] Aug. 6 and 8, 1958, 85-2, *Record*, pp. 16309, 16317, 16625.

[28] June 29 and 30, 1886, 49-1, *Record*, pp. 6258, 6308.

[29] June 17, 1929, 71-1, *Journal*, p. 118, *Record*, pp. 2946-47.

[30] Jan. 18, 1933, 72-2, *Journal*, p. 113, *Record*, pp. 2012-13; July 26, 1947, 80-1, *Record*, pp. 10421-31.

[31] Apr. 19, 1928, 70-1, *Record*, p. 6740.

[32] Feb. 7, 1930, 71-2, *Journal*, p. 131.

The reading of a document by unanimous consent cannot be interrupted unless some statement appears which violates the rules of the Senate with reference to documents that may be presented to the Senate; in such an event, the question as to the further reading of the document should be submitted to the Senate for determination.[33]

Record, Printing Papers in:

See "Congressional Record," pp. 643-654.

Resolution To Print Paper as a Document or in Record:

In 1900, the Chair sustained a point of order that a resolution embodying in full the contents of a paper submitted on the previous day, which the Secretary had proceeded to read, was a clear and palpable evasion of the Senate rules, by undertaking, by that method, to have inserted in the *Record* a long paper which the Senate had objected to on the preceding day, should go over under the rule and then to the Committee on Printing.[34]

Return of Papers:

See also "Papers Filed as Evidence Returned to District Court," p. 878.

From time to time the Senate authorizes the Secretary of the Senate to request the House of Representatives to return papers to the Senate through the use of a unanimous consent agreement.[35]

In 1930, certain papers accompanying a bill adversely reported were by unanimous consent ordered returned to the person by whom furnished.[36] In 1953, in 1954, and in 1955, papers presented to a committee by a person in response to a subpoena *duces tecum*, on orders of the Senate were returned to him.[37]

In 1933, certain original papers in the files of the Senate relating to statehood for Michigan, were ordered to be

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[33] Apr. 29, 1914, 63-2, *Record*, pp. 7408-10.
[34] Jan. 30 and 31, 1900, 56-1, *Journal*, pp. 107, 111, *Record*, pp. 1295, 1328.
[35] Nov. 17, 1983, 98-1, *Record*, p. 33926.
[36] June 25, 1930, 71-2, *Record*, p. 11649.
[37] July 21, 1953, 83-1, *Record*, pp. 9345-46; Dec. 1, 1954, 83-2, *Record*, pp. 16245-46; Apr. 28, 1955, 84-1, *Record*, p. 5204.

transmitted, after photostatic copies had been made, to the Michigan State Library at Lansing, Michigan,[38] and, in 1949, old historical documents of the Senate were, by order of the body, transferred to the institutions to which the documents related, and photostatic copies substituted therefor.[39]

Withdrawal of Papers:

Rule XI, paragraph 1, prohibits the withdrawal of papers from its files "except by order of the Senate." Example of an order to withdraw certain papers was adopted on June 7, 1974, as follows:

> Whereas Special Prosecutor Leon Jaworski has requested that certain matters relating to a hearing before a subcommittee of the Committee on Appropriations be transmitted to him: Now, therefore, be it
>
> *Resolved*, That the President pro tempore of the Senate is authorized to transmit to Special Prosecutor Leon Jaworski, under the seal of the United States Senate and applicable national security classification procedures, a copy of the transcript of the hearings, and related materials, of the Subcommittee on Intelligence Operations, Committee on Appropriations, which began on May 9, 1973, with respect to its inquiry into the purported role of the Central Intelligence Agency in the Pentagon Papers Case and the Watergate Affair.[40]

Withdraw Printing From Record:

A paper which has been read into the *Record* by unanimous consent cannot be withdrawn by the Member making the request except by unanimous consent.[41]

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[38] Feb. 9, 1933, 72-2, *Journal*, p. 181, *Record*, p. 3665.
[39] Apr. 14, 1949, 81-1, *Record*, p. 4572.
[40] June 7, 1974, 93-2, *Record*, p. 18319.
[41] *See* July 18, 1913, 63-1, *Record*, pp. 2464-65.