

## Chapter CCLXVIII.<sup>1</sup>

### MESSAGES AND COMMUNICATIONS.

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1. Ceremony of receiving message of President. Sections 3333-3337.
  2. Reception of messages in relation to pending business. Sections 3338-3341.
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**3333. In 1913 President Wilson resumed the custom of delivering messages in the form of an address before the joint session of the two Houses. Ceremonies at the delivery of a speech of the President of the United States to Congress.**

**At joint sessions of the two Houses the presiding officer of the House extending the invitation occupies the Chair.**

On April 7, 1913,<sup>2</sup> Mr. Oscar W. Underwood, of Alabama, from the committee appointed on the part of the House to wait on the President of the United States and inform him that the House was organized and ask him whether he desired to communicate to the House, reported that the committee, accompanied by a like committee from the Senate, had performed that duty, and that the President desired the committee to report to the House that we would be glad to deliver his message in person on the following day.

Accordingly, Mr. Underwood asked unanimous consent for the consideration of the following concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 8th day of April, 1913, at 12.30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The resolution was agreed to without debate or division.

On April 8, 1913,<sup>3</sup> a message was received from the Senate announcing that the Senate had passed the concurrent resolution without amendment.

Immediately, the Speaker<sup>4</sup> announced:

The Chair desires to make an announcement. During the joint session of the Senate and House about to be held 110 seats in front will be reserved for the Senate and the officers thereof.

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<sup>1</sup>Supplementary to Chapter CXXXVIII.

<sup>2</sup>First session Sixty-third Congress, Record, p. 73.

<sup>3</sup>Record, p. 131.

<sup>4</sup>Champ Clark, of Missouri, Speaker.

The Chair will appoint a committee of three to wait on the President in the Speaker's room and escort him into the House. They will come in at this door on the left.

At joint meetings of the Senate and House the Vice President sits on the right of the Speaker. In this joint meeting the Speaker presides, because it is our invitation to the Senate.

The Chair desires to admonish the occupants of the galleries that they are here by the courtesy of the House, and as far as it is possible under the circumstances, during the proceedings, after the President comes in, the Chair expresses the desire that the occupants of the galleries refrain from conversation.

The Clerk appoints the gentleman from Alabama, Mr. Underwood; the gentleman from Pennsylvania, Mr. Palmer; and the gentleman from Illinois, Mr. Mann, as the committee on the part of the House to escort the President into the Hall of the House.

Whereupon, on motion of Mr. Henry D. Clayton, of Alabama, at 12 o'clock and 18 minutes p.m., the House stood in recess until 12.25 p.m.

At the expiration of the recess the House resumed its session.

At 12 o'clock and 51 minutes p.m. the Doorkeeper announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Hall.

The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The Vice President<sup>1</sup> announced the appointment of Mr. John W. Kern, of Indiana, Mr. Augustus O. Bacon, of Georgia, and Mr. Jacob H. Gallinger, of New Hampshire, as a committee on the part of the Senate to join with the committee on the part of the House and escort the President to the Hall of the House.

At 12 o'clock and 57 minutes p.m. the President of the United States,<sup>2</sup> escorted by the joint committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk, the joint session rising and standing until seated by the gavel.

The Speaker said:

Senators and Representatives, I have the distinguished honor of presenting the President of the United States.

The President delivered his message, and at its conclusion, at 1 o'clock and 6 minutes p.m., accompanied by the committees on the part of the Senate and the House, retired from the Hall of the House.

The Speaker declared the joint session adjourned.

The Vice President and the Members of the Senate returned to their Chamber.

The House resumed its session.

This was the first occasion on which the President of the United States had delivered a message in person since the discontinuation of the practice by President Jefferson in 1801.

Under the administrations of Washington and Adams it was the practice of the President to deliver the annual message in person in the Hall of the House. Other messages in writing were transmitted by messengers of the President and read by the

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<sup>1</sup>Thomas R. Marshall, of Indiana, Vice President.

<sup>2</sup>Woodrow Wilson, of New Jersey, President.

clerks of the respective Houses at their desks. But during President Wilson's administration various messages<sup>1</sup> of special import were delivered in person.

The custom<sup>2</sup> was followed during President Harding's administration and during the first year of President Coolidge's term,<sup>3</sup> but was discontinued by President Coolidge on December 8, 1925,<sup>4</sup> when he transmitted his annual message by messenger, and was not resumed by President Hoover.

President Franklin D. Roosevelt's messages to the first session of the Seventy-third Congress were delivered by messenger but on January 3, 1934,<sup>5</sup> he appeared in the Hall of the House and delivered his annual message in person.

**3334.** On December 5, 1921,<sup>6</sup> Mr. Frank W. Mondell, of Wyoming, offered as privileged the following:

*Resolved by the House of Representatives (the Senate concurring).* That the two houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 6th day of December, 1921, at 12:30 o'clock in the afternoon for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to and messaged to the Senate, which on the same day returned it to the House with notification of its approval.

On December 6,<sup>7</sup> following the reading and approval of the Journal, on motion of Mr. Mondell, by unanimous consent, it was ordered that the House stand in recess subject to call of the Speaker.<sup>8</sup>

Accordingly, at 12 o'clock and 9 minutes p. m., the House stood in recess.

At 12 o'clock and 15 minutes p. m. the members of the President's Cabinet entered the Hall and took seats at the left of the Speaker's rostrum.

At 12 o'clock and 19 minutes p. m. the members of the Conference on the Limitation of Armament entered the Hall and took the seats reserved for them fronting the Speaker's rostrum.

After Recess, at 12 o'clock and 20 minutes p. m., the House was called to order by the Speaker.

At 12 o'clock and 22 minutes p. m. the Doorkeeper announced the President pro tempore<sup>9</sup> of the Senate of the United States and the Members of the United States Senate.

The Members of the House arose. The Senate, preceded by the President pro tempore and by their Secretary and Sergeant at Arms, entered the Chamber.

<sup>1</sup>First session Sixty-third Congress, Record, pp. 2142, 3825; Second session Sixty-Third Congress, Record pp. 4346, 6911, 14738; First session Sixty-fourth Congress, Record, pp. 95, 6448, 13361; Second session Sixty-fourth Congress, Record, pp. 31, 2578, 4326; Second session Sixty-fifth Congress, Record, pp. 21, 690, 1950, 7127, 11539; and First session Sixty-sixth Congress, Record, p. 3728.

<sup>2</sup>First session Sixty-seventh Congress, Record, p. 169; Second session Sixty-seventh Congress, Record, p. 52; and Fourth session Sixty-seventh Congress, Record, p. 212.

<sup>3</sup>First session Sixty-eighth Congress, Record, p. 96.

<sup>4</sup>First session Sixty-ninth Congress, Record, p. 457.

<sup>5</sup>Second session Seventy-third Congress, Record, p. 8.

<sup>6</sup>Second session Sixty-seventh Congress, Record, p. 11.

<sup>7</sup>Record, p. 51.

<sup>8</sup>Frederick H. Gillett, of Massachusetts, Speaker.

<sup>9</sup>Albert B. Cummins, of Iowa, President pro tempore.

The President pro tempore took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The Speaker appointed Mr. Mondell, Mr. Joseph G. Cannon, of Illinois; Mr. Phillip P. Campbell, of Kansas; Mr. Finis J. Garrett, of Tennessee; and Mr. Edward W. Pou, of North Carolina, as the Committee on the part of the House to wait on the President and conduct him to the Hall.

The President pro tempore appointed Mr. Henry Cabot Lodge, of Massachusetts; Mr. Gilbert M. Hitchcock, of Nebraska; Mr. Knute Nelson, of Minnesota; Mr. Furnifold M. Simmons, of North Carolina; and Mr. Reed Smoot, of Utah, as a similar committee on the part of the Senate.

At 12 o'clock and 30 minutes p. m. the President, escorted by the committee of Senators and Representatives, entered the Hall of the House, was announced by the Doorkeeper, and stood at the Clerk's desk, amid applause on the floor and in the galleries.

The Speaker said:

Gentlemen of the Senate and of the House, the President of the United States.

The President delivered his address.

At 1 o'clock and 20 minutes p. m. the President and the members of his Cabinet retired from the Hall of the House.

Thereupon, the President pro tempore and the members of the Senate returned to their Chamber.

The Speaker announced:

The joint session of the two Houses is now adjourned.

The House having resumed its session, on motion of Mr. Mondell, the message of the President was referred to the Committee of the Whole on the state of the Union and ordered to be printed.

**3335. A concurrent resolution providing for a joint session to receive the President's message was held to be of the highest privilege.**

On April 7, 1913,<sup>1</sup> the Vice President laid before the Senate the concurrent resolution (H. Con. Res. 1) providing for a joint session of the two Houses for the purpose or receiving such communications as the President of the United States should be pleased to make them.

Mr. Augustus O. Bacon, of Georgia, moved that the Senate concur in the resolution.

Mr. William J. Stone, of Missouri, raised a question of order and quoted the rule requiring the retention of all resolutions over one day for consideration unless otherwise ordered by unanimous consent.

The Vice President<sup>2</sup> ruled:

It is a question of the highest privilege, involving the right of this body to attend a joint session of Congress in the Hall of the House of Representatives, and that the resolution is in order.

The Chair rules that this is a question of the highest privilege, to which rule the does not apply.

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<sup>1</sup>First session Sixty-third Congress, Record, p. 58.

<sup>2</sup>Thomas R. Marshall, of Indiana, Vice President.

**3336. Instance wherein a concurrent resolution was passed on the last day of one session providing for a joint meeting of the two Houses on the second day of the next session of the same Congress.**

**Dicta to the effect that one House may not prescribe orders for its successor.**

On November 29, 1913,<sup>1</sup> the last day of the session, Mr. Oscar W. Underwood, of Alabama, offered the following concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring,* That the two houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 2d day of December, 1913, at 1 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

Mr. James R. Mann, of Illinois, raised the point of order that one session of Congress could not provide a joint meeting of the two Houses in the next session prior to the ascertainment of the presence of a quorum in each House.

After debate, the Speaker<sup>2</sup> held:

The Chair holds that the resolution is in order. If it were the last days of a Congress and a new Congress came in on next Monday, that would be different. The Chair does not believe that the House should pass a resolution affecting business in the next Congress. But this resolution is on order on the ground of convenience, if for nothing else, and that is to give a proper notification of the proceeding.

**3337. A Member rising to interrogate the President during the delivery of a message before a joint session of the two Houses would address the President and not the Speaker.**

On January 13, 1915,<sup>3</sup> Mr. Samuel W. Smith, of Michigan, rising to a parliamentary inquiry, asked what would be the proper procedure if a Member or a Senator desired to interrogate the President of the United States when he appeared before a joint session of the House and Senate to deliver a message.

The Speaker<sup>2</sup> replied:

The Chair investigated that once, and nothing of the sort has happened in Congress since Thomas Jefferson was sworn in as President the first time, because no President since that time has read a speech before Congress except President Wilson. But before that it does seem that they interrogated the President—not very frequently, but it was done. The opinion of the present incumbent of the Chair is that the President would have the right to refuse to be interrogated.

In the opinion of the Chair, the Speaker has nothing to do with it and a Member or Senator should address the President direct. It might be in order, but it would be exercising wretched taste.

**3338. Whereas it was formerly the custom to transmit messages only when both Houses were sitting, the present practice permits the reception of messages regardless of whether the other House is in session.**

On June 13, 1911,<sup>4</sup> a clerk of the Senate presented himself in the House and, being recognized by the Speaker, announced certain messages from the Senate.

<sup>1</sup>First session Sixty-third Congress, Record, p. 6946.

<sup>2</sup>Champ Clark, of Missouri, Speaker.

<sup>3</sup>Third session Sixty-third Congress, Record, p. 1514.

<sup>4</sup>First session Sixty-second Congress, Record, p. 1968.

Mr. Charles L. Bartlett, of Georgia, objected that the Senate was not in session and it was in order to receive a message only when both Houses were sitting.

Mr. James R. Mann, of Illinois, said:

The former rulings were that neither House could receive a message from the other while the House sending the message was not in session; that the House could not receive a message from the Senate unless the Senate was in session; but the uniform practice of both Houses for many years has been to receive messages, regardless of whether the House that sent the message was in session at the time or not. It seems to me that uniform practice has acquired the force and dignity of a rule and a ruling on the subject.

The Speaker ruled:<sup>1</sup>

The parliamentary rulings on this point are as follows: Jefferson's Manual declares that both Houses have to be sitting in order that one may receive a message from the other. Speaker Crisp overruled that proposition. Speaker Reed subsequently sustained it. The reason in the matter is with Speaker Crisp's ruling; otherwise it would compel the Speaker, or whoever happened to be occupying the chair, to convert himself into a committee of inquiry every time a message came over here to see whether the Senate was actually in session. In addition to this, during my 17 years' service here I have never once heard the point raised. Messages from the Senate have been uniformly received and no questions asked as to whether the Senate was in session. Usage has made it a rule to receive Senate messages when presented to the House. The Chair therefore overrules the point of order.

**3339. The reception of a message from the President or the other House is not the transaction of business and does not require the presence of a quorum.**

On December 22, 1916,<sup>2</sup> the Senate resumed consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list."

During consideration of the bill Mr. Thomas P. Gore, of Oklahoma moved that the Senate adjourn. The question being taken, and the yeas and nays being ordered, the yeas were 14, the nays were 33, not voting 49, and the Presiding Officer<sup>3</sup> announced a quorum was not present.

Here, one of the secretaries of the President of the United States appeared and the Presiding Officer said:

The Senate will receive a message from the President of the United States.

Mr. Jacob Gallinger, of New Hampshire, objected that it was not in order to receive a message from the President in the absence of a quorum.

The Presiding Officer overruled the point of order and held:

The Chair thinks it is in order to receive a message from the President. It is found in Precedents, Decisions on Points of Order, with Phraseology, in the United States, compiled by Henry H. Gilfry, page 473, under the head of "President's message—reception of, without a quorum."

The ruling was made August 5, 1886. The President pro tempore, Mr. Sherman, decided that "less than a quorum could not take a recess," and "at the same time decided that less than a quorum could receive a message from the President of the United States."

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Second session Sixty-fourth Congress, Record, p. 676.

<sup>3</sup> Duncan U. Fletcher, of Florida, Presiding Officer.

This is the only precedent before the Chair, and, so far as the Chair knows, it is the only one. The ruling was held by the President pro tempore, Mr. Sherman:

“An appeal was taken, but because of a want of a quorum it was not entertained by the President pro tempore.”

That seems to be the only precedent on the subject, and the Chair will receive the message.

Whereupon, the messenger said:

The President of the United States directs me to deliver to the Senate a message in writing.

The message having been delivered, Mr. Gallinger presented a request to have the biographies of the members of the United States Shipping Board printed in the Record.

The Presiding Officer declined to entertain the request on the ground that it was not in order to transact business when a quorum was not present.

Mr. William J. Stone, of Missouri, addressed the Chair and was proceeding in debate when Mr. Gallinger made the point of order that debate was not in order in the absence of a quorum.

The Presiding Officer held the point of order to be well taken.

**3340. The reception of a message when the Committee of the Whole rises informally for that purpose is not such business as to admit the point of order that a quorum of the House is not present.** On May 31, 1924,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill H. R. 9033, the farm relief bill, when the Chairman announced that the committee would rise informally to receive a message from the Senate.

Mr. James T. Begg, of Ohio, having taken the chair as Speaker pro tempore, Mr. Thomas L. Blanton, of Texas, made the point of order that there was not a quorum present to receive the message.

The Speaker pro tempore declined to entertain the point of order and recognized the Clerk of the Senate to deliver the message.

**3341. Messages from the President are laid before the House on the day on which received at a convenient time within the discretion of the Speaker.**

On January 4, 1932,<sup>2</sup> a message in writing from the President was communicated to the House by one of his secretaries.

Mr. Charles L. Underhill, of Massachusetts, raised the question that the custom of the House required that the messages from the President be laid before the House when received.

The Speaker<sup>3</sup> said:

Permit the Chair to say to the gentleman from Massachusetts that the custom has been to investigate these messages before they are laid before the House in order that the Chair may determine what reference shall be made of them and whether the documents appended to the message shall be printed. That investigation is being made at the present time. Whether it is laid before the House now or later this afternoon can make but little difference.

<sup>1</sup> First session Sixty-eighth Congress, Record, p. 10039.

<sup>2</sup> First session Seventy-second Congress, Record, p. 1224.

<sup>3</sup> John N. Garner, of Texas, Speaker.

**3342. Messages constitute the sole source of official information as to action taken by the other House and may not be supplemented or questioned.**

On September 10, 1919,<sup>1</sup> when the Journal was read, Mr. Warren Gard, of Ohio, objected to its approval on the ground that it recorded the House as having asked conference with the Senate on the bill (H. R. 6810), the Volstead act, when the Record indicated that the Senate had previously asked conference.

Mr. Frank W. Mondell, of Wyoming, explained:

The gentleman from Ohio having mentioned the matter, I think it is perhaps as well to say that the Senate in passing the prohibition enforcement bill agreed to a motion which was made that the Senate insist upon its amendments and ask for a conference; but in messaging the bill over no reference was made to that action of the Senate, and the House acted in accordance with the record which it had before it; and as the record did not indicate that the Senate had asked for a conference the gentleman from Minnesota, Mr. Volstead, in making his final request, asked for a conference. I assume that when the bill reaches the Senate, the Senate, without regard to its former action, will agree to the conference requested by the House.

The only notice that the House had officially, of course, was the notice carried in the message, and the announcement made by the messenger from the Senate, and the House acted properly in view of the information that it had in the notice that was given it.

That action is sometimes taken by both the House and the Senate. Whether it was unusual or nor, we are not assumed to know any thing about the action of the Senate except what is conveyed in the papers that are delivered to us. It remains for the Senate to take whatever action, if any, they may deem necessary to correct the mistake of the officer of the Senate who transmitted the papers. I assume the Senate may now simply agree to the conference the House has asked.

Thereupon, the Speaker<sup>2</sup> put the question on the approval of the Journal, and it was decided in the affirmative without division.

**3343. On February 14, 1925,<sup>3</sup> Mr. Bertrand H. Snell, of New York, called up a resolution reported by the Committee on Rules providing for the consideration of the bill (S. 2287) authorizing the sale by the Government of the Hoboken Shore Line.**

Mr. John J. Eagan, of New Jersey, made the point of order that the bill so provided for had not been messaged to the House in the form in which it passed the Senate.

The Speaker<sup>4</sup> said:

The gentleman from New Jersey was courteous enough to notify the Chair in advance of the point of order and the Chair has considered it. It seems to the Chair that the only basis on which the Chair or the House can determine the accuracy is the record which is sent to us by the Senate. It seems to the Chair we are bound by the formal interchange of documents between the two bodies. If it should prove that there is a discrepancy, as the gentleman states the record will disclose, between the Congressional Record and the bill, that occurring in the Senate, it seems to the Chair it is for the Senate to determine, and the House can only look at the record as forwarded to it by the Senate, and therefore the Chair overrules the point of order.

**3344. The Senate having failed to transmit a proper message, the Speaker directed that the attention of the Secretary of the Senate be called to the omission.**

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<sup>1</sup>First session Sixty-sixth Congress, Record, p. 5177.

<sup>2</sup>Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup>Second session Sixty-eighth Congress, Journal, p. 410; Record, p. 3757.

<sup>4</sup>Frederick H. Gillett, of Massachusetts, Speaker.

On May 2, 1914,<sup>1</sup> Mr. Asbury F. Lever, of South Carolina, rising to a parliamentary inquiry, stated that a message received from the Senate relative to the return to the House of the bill (H. R. 7951) the agricultural extension bill, did not comport with the account of the proceedings as reported by the Record.

The Speaker<sup>2</sup> said:

The Chair understands that what happened was this: That the Secretary of the Senate, or one of the clerks of the Senate, brought over sundry bills and recited that the Senate had done this, that, and the other with those bills, and then he announced that he returned to the House the bill to which the gentleman refers. Now, he had no right to return a bill to the House.

What took place was that the Senate sent a message to the House stating that the Senate had agreed to the conference report. The they sent a message requesting the House to return the papers and the message.

That was granted, and both the papers and the message were returned to the Senate. Now in order to make the Record complete we must have a message from the Senate as to whether they have agreed to the conference report. They way to do is to have some one telephone to the office of the Secretary of the Senate and call attention to the fact that a proper message has not been sent over here.

Later in the day, Mr. Lever addressed the Speaker and informed the House that the bill had been properly messaged from the Senate.

**3345. A clause stricken out on a point of order but inadvertently retained in the bill when messaged to the Senate, was held to be a part of the text when the bill is taken from the Speaker's table with Senate amendments.**

On June 23, 1919,<sup>3</sup> Mr. Charles R. Davis, of Minnesota, asked unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, disagree to the amendments of the Senate, and agree to the conference requested by the Senate.

Under reservation of the right to object, Mr. Ben Johnson, of Kentucky, made the point of order that the bill contained a paragraph stricken out in the House on a point of order but inadvertently retained in the bill when engrossed by the enrolling clerk and messaged to the Senate.

It was conceded in debate that the paragraph after being ordered stricken out in the House had been included in the bill as messaged to the Senate and that the Senate had returned it to the House with an amendment striking it out.

The Speaker<sup>4</sup> said:

The Chair will state the parliamentary situation. The gentleman from Minnesota, Mr. Davis, asks unanimous consent that the conference report be taken from the Speaker's table and that the Senate amendments be disagreed to. Now, until that consent is granted no motion can be made to concur in any Senate amendment, because the report is not yet before the House, But as soon as it is before the House it will be in order, and it will be in order for any gentleman to move to concur in the Senate amendment, which would at once relieve the entire embarrassment on account of the mistake that was made. The first thing is to give unanimous consent to have the bill taken from the Speaker's table. Is there objection?

**3346. Special messages from the President touching on one subject only are referred ordinarily by the Speaker without motion from the floor.**

<sup>1</sup> Second session Sixty-third Congress, Record, p. 7623.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

<sup>3</sup> First session Sixty-sixth Congress, Record, p. 1604.

<sup>4</sup> Frederick H. Gillett, of Massachusetts, Speaker.

On April 28, 1908,<sup>1</sup> the Speaker laid before the House a message from the President of the United States dealing with the need of antitrust legislation.

At the conclusion of the reading of the message, the Speaker announced that it was referred to the Committee on the Judiciary and ordered printed.

Mr. John Sharp Williams, of Mississippi, raised a question as to the reference of the message and suggested that it should have been sent to the Committee of the Whole House on the state of the Union to determine its ultimate reference.

The Speaker<sup>2</sup> said:

We get messages from the President about many matters almost daily in the ordinary transaction of business, and under the practice of the House they are referred by the Speaker to the appropriate committee.

**3347. Messages of the President when not referred on motion from the floor are referred to the appropriate committee by the Speaker.**

On January 8, 1918,<sup>3</sup> the President of the United States appeared before a joint session of the Senate and House and delivered a message outlining 14 tentative provisions as a prospective program for world peace.

The address having been concluded and the Speaker having resumed the Chair, Mr. Claude Kitchin, of North Carolina, moved that the message be referred to the Committee on Foreign Affairs.

The motion being agreed to, the Speaker called attention to the failure, through inadvertence, to refer the message delivered by the President on January 4, on the railroad situation, and asked if recognition was desired to move reference of the message.

Mr. Kitchin replied that as it was a special message he had not supposed a motion was required.

Whereupon, the Speaker<sup>4</sup> referred the message to the Committee on Interstate and Foreign Commerce.

**3348. While the annual message of the President is customarily referred by the House, special messages usually are referred by the Speaker, but it has been held that any Member may object and offer a motion for a different reference.**

**A motion to refer a Presidential message is privileged.**

**A Presidential message may be divided for reference and portions relating to one topic referred to one committee while portions dealing with other subjects are referred to other committees.**

On January 20, 1914,<sup>5</sup> the President appeared before a joint session of the two Houses and delivered a message relating to the need for the establishment of an interstate trade commission and other subjects.

At the conclusion of the address, Mr. Oscar W. Underwood, of Alabama, moved that so much of the message as related to the establishment of an interstate trade

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<sup>1</sup> First session Sixtieth Congress, Record, p. 5392.

<sup>2</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup> Second session Sixty-fifth Congress, Record, p. 693.

<sup>4</sup> Champ Clark, of Missouri, Speaker.

<sup>5</sup> Second session Sixty-third Congress, Record, p. 1980.

commission be referred to the Committee on Interstate and Foreign Commerce and the remainder of the message be referred to the Committee on the Judiciary.

Mr. James R. Mann, of Illinois, objected on the ground that a motion for the disposition of the President's message was not in order and could only be made by unanimous consent.

The Speaker<sup>1</sup> held:

So far as the parliamentary point raised is concerned, the annual message of the President is referred by motion, and others are referred by the Speaker, and if the House does not like the Speaker's reference any Member can make a motion to have a change. In this particular case the Chair called the attention of the gentleman from Alabama to the matter and asked him to make the motion, because when the time came the Chair might have his attention otherwise directed. There is no question but that this motion is in order. The motion is to refer that part of the President's address touching interstate trade commissions and stocks and bonds to the Interstate and Foreign Commerce Committee, and the remainder of it to the Committee on the Judiciary.

**3349. A message from the President dealing with questions within the jurisdiction of several committees may be divided for reference and each subject referred to its appropriate committee.**

On December 12, 1925,<sup>2</sup> following the disposition of business on the Speaker's table, the Speaker<sup>3</sup> stated:

The Chair would ask the attention of the House for a moment. A day or two ago the Chair laid before the House two messages of the President of the United States relating to the subject of aviation, and the Chair referred them to three committees each—the Committee on Military Affairs, the Committee on Naval Affairs and the Committee on Interstate and Foreign Commerce. At that time the gentleman from Tennessee, the minority leader, questioned the advisability of that reference; and entertaining as he does the greatest respect for the judgment of the gentleman from Tennessee, the Chair postponed the reference to examine the precedents in such a case.

The Chair has been unable to find more than one precedent from what might be described a plural reference of a message from the President. On January 23, 1924, a message from the President was laid before the House dealing with the economic situation in certain wheat-growing sections of the Northwest. The Speaker referred that message to the Committees on Agriculture and Banking and Currency. However, it is almost the uniform procedure in cases of communications from governmental heads dealing with various subject matters to refer those communications to several committees.

The Chair thinks that in view of the great importance of aviation, covering as it does a large field, it would be wise in a case like to refer these messages to other than the Committee on Military Affairs, which has been the usual procedure. The Chair has consulted the gentleman from Tennessee and the gentleman from Georgia and other parliamentary authorities, and he thinks now that the reference was proper. He now refers these two messages to the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on Interstate and Foreign Commerce.

**3350. Formerly the annual message of the President was distributed by resolution to the committees having jurisdiction, but since the first session of the Sixty-fourth Congress the practice has been discontinued.**

On March 25, 1908,<sup>4</sup> the Speaker<sup>5</sup> laid before the House a special message from the President of the United States embodying recommendations on various subjects.

<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> First session Sixty-ninth Congress, Record, p. 731.

<sup>3</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>4</sup> First session Sixtieth Congress, Record, p. 3878.

<sup>5</sup> Joseph G. Cannon, of Illinois, Speaker.

The message being read, Mr. Sereno E. Payne, of New York, moved that the message be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

M. John J. Fitzgerald, of New York, objected that only annual messages were referred to the Committee of the Whole and submitted that the practice was to refer special messages direct to the committees having jurisdiction.

Mr. Payne said:

Mr. Speaker, I will explain the reason for that. The annual message deals with a great many topics with which different committees of the House have jurisdiction. The second message sent in by the President and this message deal with several topics of which several committees have jurisdiction. It is therefore necessary to refer it to the Committee of the Whole House on the state of the Union in order that hereafter it may be distributed.

The practice referred to, of distributing the annual message by resolution, was discontinued after the first session of the Sixty-fourth Congress,<sup>1</sup> and since that time it has been uniformly referred to the Committee of the Whole House on the state of the Union which has adopted no resolutions for its distribution.<sup>2</sup>

**3351. The reference of a message from the President to committees may be changed by unanimous consent.**

On July 18, 1919,<sup>3</sup> a message was received from the President of the United States, and being read, was referred by the Speaker to the Committee on Military Affairs.

Subsequently on the same day, the Speaker<sup>4</sup> addressing the House by consent, said:

The Chair would like to ask unanimous consent of the House to reconsider a reference which was made a few minutes ago, and refer that part of the President's message which refers to the Army to the Committee on Military Affairs, and that part which refers to the Navy to the Committee on Naval Affairs. Is there objection?

There was no objection.

**3552. While a rule formerly made the printing of documents accompanying messages from the President mandatory, the statute superseding the rule does not require it.**

On December 20, 1911,<sup>5</sup> the Speaker<sup>6</sup> laid before the House a message from the President of the United States making recommendations with regard to the tariff on wool.

The message having been read, Mr. Choice B. Randell, of Texas, moved that the message be referred to the Committee on Ways and Means, and be printed and that the accompanying documents be referred to the Committee on Ways and Means.

Mr. Sereno E. Payne, of New York, made the point of order that the practice of the House required the printing of documents accompanying presidential messages.

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<sup>1</sup> First session Sixty-fourth Congress, Record, p. 270.

<sup>2</sup> First session Sixty-fifth Congress, Record, p. 118; third session Sixty-fifth Congress, Record, p. 12.

<sup>3</sup> First session Sixty-sixth Congress, Record, p. 2854.

<sup>4</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>5</sup> Second session Sixty-second Congress, Record, p. 548.

<sup>6</sup> Champ Clark, of Missouri, Speaker.

The Speaker<sup>1</sup> said:

The Chair will suggest to the gentleman that some days ago the Secretary of War sent a letter to the Speaker, accompanied by a very large mass of papers, and the Chair was under the impression at that time that the rule was as the gentleman states it. On investigation of that statute the House rescinded the order to print the accompanying documents. The rule that was left out of this new compilation read as follows:

“First, all documents referred to committees or otherwise disposed of shall be printed unless otherwise specially ordered.”

**3353. The Senate declines to receive communications from any executive department except through the President unless in response to a resolution of the Senate or in accordance with law.**

On December 14, 1920,<sup>2</sup> in the Senate, following the reading and approval of the Journal, the Vice President<sup>3</sup> announced:

In order that the Senate may be informed as to certain action taken by the Vice President outside of the Senate I am making this statement. At the Sixtieth Congress the Senate passed the following resolution:

“*Resolved*, That no communication from heads of departments, commissioners, chiefs of bureaus or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate, unless such communication shall be transmitted to the Senate by the President.”

The present occupant of the chair has held that the Senate passed that resolution in conformity to the clause of the Constitution of the United States which provides that among other duties of the President—

“He shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.”

Certain solicitors of various departments of the Government have disagreed with the Vice President to the extent of saying that the resolution adopted in the Sixtieth Congress only applied to the Sixtieth Congress. Various departments and bureaus are constantly sending to the Vice President recommendations as to what the Congress should or should not do, without submitting the same to the President of the United States. I am holding that they have no right to do that, regardless of a resolution of the Senate of the United States; that the legislation of the United States of America originates in either the Senate or the House, and that recommendations with reference to such legislation must come either from or through the President of the United States.

I call attention to it so that if Senators think the Chair is in error, the Chair may be corrected and hereafter hand these communications down. I have been sending them back.

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Third session Sixty-sixth Congress, Record, p. 308.

<sup>3</sup> Thomas R. Marshall, of Indiana, Vice President.