

Chapter CCLXXIX.¹

MISCELLANEOUS.

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3630. A motion to go into executive session is in order when any Member shall inform the House that he has communications which he believes should be considered in confidence, and takes precedence of a motion to resolve into the Committee of the Whole for the consideration of an appropriation bill.—On February 7, 1919,² Mr. Lemuel P. Padgett, of Tennessee, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

Pending that motion, Mr. Benjamin G. Humphreys, of Mississippi, rising to a parliamentary inquiry, referred to statements that a communication had been received by the Committee on Naval Affairs which properly could not be made public, and asked if a motion to go into executive session would be in order.

The Speaker³ replied that the motion was in order if there was occasion for a secret session.

3631. Following revision of the rule relating to secrecy, the Senate practice of considering executive business in closed session has been largely discontinued.—On June 18, 1929,⁴ in the Senate, the long-established custom of

¹Supplementary to Chapter CXLVIII.

²Third session Sixty-fifth Congress, Record, p. 2898.

³Champ Clark, of Missouri, Speaker.

⁴First session Seventy-first Congress, record p. 3053.

considering executive business behind closed doors was discontinued by the adoption of an amendment to the rule relating¹ to secrecy under which amendment all Senate business is transacted in open session unless otherwise ordered by majority vote.

While the rule as amended provides for closed sessions on contingency, in practice the provision is seldom invoked.

3632. An exceptional instance in which the Hall of the House was used for other than legislative business.—On February 11, 1911,² Mr. Irving P. Wanger, of Pennsylvania, asked unanimous consent for the consideration of this resolution:

Resolved, That Members of the House of Representatives and their invited guests, and Senators, may assemble in the Hall of the House on Monday evening, February 13, 1911, at 8 o'clock, and that in said Hall of the House an address upon the construction of the Panama Canal be pronounced by Col. George W. Goethals, United States Army, chairman of the Isthmian Canal Commission and chief engineer of the commission.

Resolved, That the Superintendent of the Capitol and the Doorkeeper of the House be charged with the execution of the proper arrangements for the occasion.

There was no objection. During the debate on the resolution reference was made to the use of the House on the occasion of the memorial exercises in honor of President McKinley, and on the occasion of an address by Charles Edward Parnell, the English parliamentarian, also to the admission of the public to the floor to hear a speech by William Jennings Bryan in the course of the fifty-third Congress.

The resolution was agreed to largely on considerations expressed by Mr. James R. Mann, of Illinois, as follows:

We considered this very carefully. I felt very much indisposed at first blush to permit the Hall of the House to be used for any purpose of this sort. But here is the Panama Canal being constructed by us; Colonel Goethals is in charge of the construction; he is in this country from abroad by direction of the Government for the purpose of giving information to Members of Congress, and it hardly seems to the committee that it is setting any precedent which would be injurious to direct him, practically, to give the information directly to Members of the House in the Hall of the House instead of to the committee. Gentlemen understand that this comes up by unanimous consent, and anyone could object to it, and the committee does not think there is any danger of creating a precedent that would embarrass us in the future.

3633. The House has investigated the advantages of amplifying devices.

A resolution relating to the installation of accessories proposed to improve the acoustics of the Hall of the House was entertained as privileged.

On January 26, 1923,³ the Speaker recognized Mr. Guy E. Campbell, of Pennsylvania, from the Committee on Rules, to present as privileged the following resolution:

Resolved, That the Committee on Rules or a subcommittee thereof is hereby authorized and directed to make full inquiry into the matter of the permanent installation in the House wing of the Capitol Building and in the Hall of the House of Representatives of the apparatus or device, now experimentally in operation therein, designated as a "Public address or voice amplifying system." The committee shall report to the House at the earliest practicable date its recom-

¹ Paragraph 2 of Senate Rule XXXVIII.

² Third session Sixty-first Congress, Record, p. 2390.

³ Fourth session Sixty-seventh Congress, Record, p. 2543.

mendations as to the desirability and advisability of such system for use in the House of Representatives, together with detailed information covering the cost of installation, operation, and maintenance.

Under this authorization, amplifying applicants were installed by way of experiment but after trial were discarded. Radio facilities for broadcasting the proceedings of the House were also installed at this time and after brief tests were discontinued.¹

The installation of a similar system was also considered by the Senate.²

3634. The rules limit strictly the classes of persons having the privileges of the floor during sessions of the House.

The Speaker is forbidden to entertain a request for the suspension of the rule relating to the privilege of the floor.

The President and Vice President of the United States and their secretaries have the privilege of the floor.

The Justices of the Supreme Court have the privileges of the floor.

“Heads of Departments,” meaning members of the President’s cabinet, have the privilege of the floor.

Members of Congress, Members Elect, and, under certain conditions, ex-Members of the House and contestants in election cases have the privilege of the floor.

The Secretary and Sergeant at Arms of the Senate, the Superintendent of the Capitol, the Librarian of Congress and his assistant in the law library have the privilege of the floor.

Ministers from Foreign Governments and Governors of States (but not Territories) have the privilege of the floor.

The Resident Commissioners to the United States from Porto Rico and the Philippine Islands have the privilege of the floor.

Persons who have by name received the thanks of Congress have the privilege of the floor.

Form and history of Rule XXXIII.

Rule XXXIII provides:

1. The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant at Arms of the Senate, heads of departments, foreign ministers, governors of States, the Superintendent of the Capitol Building and Grounds, the Librarian of Congress and his assistant in charge of the law library, the Resident Commissioner to the United States from Porto Rico, the Resident Commissioners from the Philippine Islands, such persons as have, by name, received the thanks of Congress, ex-Members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the Chair the request of any Member for unanimous consent.

¹ Record, p. 3900.

² Record, pp. 7666, 9110, 9962.

This is the form agreed to in the revision of 1880,¹ with a few subsequent modifications. The Committee on Rules in 1880² gave a history of the various modifications of the rule since 1802.

The words "heads of departments" is construed to mean the member of the President's Cabinet, as is evident from the fact that in 1886³ the House did not agree to a proposition to add such officers as the Commissioners of Patents, Internal Revenue, Pensions, etc.

The words "foreign ministers" are construed to mean the representatives of foreign governments duly accredited to this Government and not representatives of this Government abroad who may be in Washington temporarily. This is evident from the fact that in former years the language was "foreign minister and their secretaries,"⁴ indicating an official with his established office in Washington. As early as December 8, 1798,⁵ the ministers of Great Britain and Denmark attended a joint meeting of the two Houses in Representatives' Hall to hear the President's speech. Foreign ministers have not often in later years availed themselves of the privilege, usually preferring the diplomatic gallery.

The "Superintendent of the Capitol Building and Grounds" was included by amendment of June 28, 1902,⁶ when the designation of the old office of "Architect of the Capitol" was changed. At the same time the "Resident Commissioner to the United States from Porto Rico" was included, after proposed legislation to authorize a Delegate from that island had failed, and the Resident Commissioners from the Philippine Islands were added in the revision of 1911.⁷

Until 1857 persons who had been Members of either the Senate or the House were admitted to the privileges of the floor of the House under a very liberal⁸ rule. In that year, when the House was about to move from the old Hall to the new, it was thought desirable, in view of the enlarged gallery accommodations of the new Hall, to restrict the admissions to the floor. So on December 23, 1857,⁹ this rule was adopted:

That no person except Members of the Senate, their secretary, heads of departments, President's private secretary, the governor for the time being of any State, and justices of the Supreme Court of the United States shall be admitted within the Hall of the House of Representatives.

This new rule cut off from the privilege of the floor the following persons who had enjoyed it under the old rule: The Treasurers of the United States, comptrollers, registers, auditors, Chaplains to Congress, judges of the United States, foreign ministers and their secretaries, officers thanked by Congress for gallantry and good conduct in the public service, governors of Territories, ex-Members of the House and Senate, persons who had been heads of departments, members of State and Terri-

¹ Second session Forty-sixth Congress, Record, pp. 207, 1205.

² Second session Forty-sixth Congress, Record, p. 202.

³ First session Forty-ninth Congress, Record, p. 2411.

⁴ Second session Twenty-ninth Congress, Journal, p. 536.

⁵ Third session Fifth Congress, Annals, p. 2420.

⁶ First session Fifty-seventh Congress, Record, p. 7608.

⁷ First session Sixty-second Congress, Record, p. 19.

⁸ Third session Thirty-fourth Congress, Journal, p. 694.

⁹ First session Thirty-fifth Congress, Journal, p. 116; Globe, pp. 170,171.

torial legislatures, and members of the legislative bodies of foreign nations in amity with the United States.

Ex-Members of Congress were readmitted to the floor by rule of March 16, 1867,¹ which excluded all such as were “interested in any claim pending before Congress” and required that ex-Members should register themselves as not so interested before admission.² The word “claim” in this rule was construed strictly, and on April 23, 1872,³ an attempt of the Committee on Rules to change the word to “any legislative measure” was defeated by recommitment. With the exception of ex-Members of Congress and persons who have by name received the thanks of Congress⁴ the strictness of the rules of 1857 was continued⁵ until the revision of 1880. In that revision the rule was framed in practically its present form,⁶ but ex-Members of Congress were admitted, as to whom it was provided, as now, that they should “not be interested in any claim or directly in any bill pending before Congress.” In 1884⁷ ex-Senators were excluded by confining the privilege to ex-Members of the House instead of ex-Members of Congress.

In the Fifty-second Congress the words “directly in any” were omitted before “bill” in the clause relating to ex-Members. In the Fifty-third Congress, the Secretary of the Smithsonian Institution was added to the number of privileged persons, and after the word “interested,” in the clause relating to ex-Members, the words “either as party, agent, or attorney” were added. In the Fifty-fourth Congress the form of the Fifty-first Congress was restored.

3635. While former Members of Congress are entitled to the privilege of the floor they may not manifest approval or disapproval of the proceedings.

On December 20, 1932,⁸ the Committee of the Whole House on the state of the Union was considering the bill (H. R. 13742) to provide revenue by the taxation of certain nonintoxicating liquors.

Mr. Fritz G. Lanham, of Texas, in the course of debate said:

They can hardly be supposed to believe that the drinking public in America is going to expend enormous sums, a small fractional part of which as taxes will yield the Government hundreds of millions of dollars annually in revenue, for a beverage altogether lacking in the proverbial kick. [Applause.]

Whereupon person on the floor, including Mr. William D. Upshaw, of Georgia, a former Member of the House, applauded.

¹ First session Fortieth Congress, Journal, p. 46; Globe, pp. 119, 120.

² Although this provision as to registering disappeared from the rule in the revision of 1880, the secretary of the Speaker still keeps the register, and ex-Members are required to sign it before receiving a card of admission.

³ Second session Forty-second Congress, Globe, pp. 2688–2691.

⁴ Included in rule of March 15, 1867 (first session Fortieth Congress, Journal, p. 46; Globe, pp. 119, 120).

⁵ First session Forty-sixth Congress, Journal, p. 633.

⁶ Second session Forty-sixth Congress, Journal, p. 1552.

⁷ First session Forty-eighth Congress, Journal, p. 1777.

⁸ Second session Seventy-second Congress, Record, p. 761.

Mr. William H. Stafford, of Wisconsin, rose to a question of order and said:

Mr. Chairman, I rise to a question of order.

It is that a former Member of this House, even though he was a candidate for the Presidency of the United States on the Prohibition ticket, has no right to applaud on the floor of the House remarks of the speaker having the floor.

The Chairman¹ sustained the point of order and ruled:

The gentleman has properly raised a question of order. Although the gentleman referred to is entitled to the privilege of the floor, it is a violation of the rules for him to indulge in approbation or disapproval of what may be said upon the floor.

3636. Clerks of committees other than the clerk of the committee in charge of the bill under consideration are not entitled to the privileges of the floor.—On January 19, 1923,² the Committee of the Whole House on the state of the Union had under consideration the Army appropriation bill, providing among other items appropriations for rivers and harbors.

After debate had proceeded for some time, Mr. William H. Stafford, of Wisconsin, raised a question of order and called attention to the presence on the floor of the clerk of the Committee on Rivers and Harbors.

The Chairman³ sustained the point of order and said:

The Chair has not the rule before him, but the recollection of the Chair is that the clerk to the committee in charge of the bill is entitled to the privilege of the floor.

The Chair will read the rule, which is Rule XXXIII. After naming the persons entitled to the floor, the following clause with respect to clerks of committees is found: "and clerks of committees, when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule, or to prevent from the Chair the request of any Member for unanimous consent."

Whereupon, the clerk of the Committee on Rivers and Harbors, escorted by the Doorkeepers, retired from the Hall.

3637. A motion instructing the Sergeant at Arms to exclude all persons not entitled to the privileges of the floor was entertained as privileged.—On December 6, 1923,⁴ the President of the United States having notified the Congress that it would be his pleasure to deliver a message to Congress in person, the Speaker⁵ announced:

The Chair would like to state that complaint has been made at the desk by many Members that they are unable to get seats on the floor to which they are entitled. The rules of the House are exceedingly stringent, that nobody except Members and certain excepted classes are entitled to the floor of the House. If there are any persons on the floor who are not entitled to seats, the Chair must request that they retire.

Mr. Thomas L. Blanton, of Texas, as a parliamentary inquiry, asked if it was not the custom to permit minor children of Members to come on the floor.

¹ William B. Bankhead, of Alabama, Chairman.

² First session Sixty-seventh Congress, Record, p. 2022.

³ John Q. Tilson, of Connecticut, Chairman.

⁴ First session Sixty-eighth Congress, Record, p. 95.

⁵ Frederick H. Gillett, of Massachusetts, Speaker.

The Speaker replied:

The Chair knows of no rule to that effect. It has long been the custom that small children who could not necessarily occupy seats are brought in, and the Chair sees no objection to that.

Whereupon Mr. Frank Clark, of Florida, moved that the Sergeant at Arms be instructed to clear the floor of all persons not entitled to seats thereon.

The question being taken, on a division, there appeared yeas 314, nays none. The Speaker directed:

The Sergeant at Arms will carry out the order.

3638. The privileges of the floor incident to receiving the thanks of Congress are limited to those who have been designated by name.—On February 4, 1929,¹ the House concurred in the bill (S. 5578) received from the Senate as follows:

Be it enacted, etc., That the term “crew” as used in the act shall mean and include any person carried on the ship’s register or serving on the ship in any capacity, regardless of rank or rating, at the time of the rescue referred to in this act.

SEC. 2. That the thanks and appreciation of the Congress of the United States be, and they are hereby, tendered to the officers and crew of the U.S.S. *America* as constituted on January 23, 1929, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the Italian steamship *Florida*.

Whereupon Mr. Fiorello H. LaGuardia, of New York, as a parliamentary inquiry, asked if enactment of the bill extending the thanks of Congress entitled all members of the crew of the *America* to the privileges of the floor.

The Speaker² replied:

The Chair thinks the proposition is covered in a sentence found in Rule XXXIII, that rule mentioning those who are entitled to the privilege of the floor of the House. After specifying a number of persons, like the President, Vice President, and so forth, there occurs this sentence:

“Such persons as have, by name, received the thanks of Congress.”

The Chair thinks that the words “by name” mean literally that they shall be named and therefore, it would not cover a class like the captain and crew of a ship.

3639. A question of order being raised against the presence of unauthorized persons on the floor of the Senate, the Vice President directed the Sergeant at Arms to remove all persons not entitled to the privileges of the floor.

On May 22, 1929,³ the legislative day of May 16, the Senate in Committee of the Whole resumed consideration of the bill (S. 312), to provide for the fifteenth and subsequent decennial censuses.

In the course of the debate, Mr. Robert M. LaFollette, jr., of Wisconsin, raised a question of order and said:

Mr. President, I make the point of order that Mr. Frazer Edwards, representing the Universal Service, is on the floor of the Senate without authority of the rules of the Senate; I request the chair to enforce the rule and instruct the Sergeant at Arms to escort him from the Chamber.

¹ Second session Seventieth Congress, Record, p. 2767.

² Nicholas Longworth, of Ohio, Speaker.

³ First session Seventy-first Congress, Record, p. 1729; Senate Journal, p. 72.

The Vice President¹ sustained the point of order and directed:

The Chair calls attention to the rule in reference to admission to the floor and requests the Sergeant at Arms to exclude from the floor all persons who are not entitled to it under the rule.

Thereupon, the Sergeant at Arms escorted Mr. Edwards from the floor.

3640. On occasions of special interest the House sometimes provides additional rules governing admission to the galleries.—On April 4, 1917,² preliminary to the consideration by the House of the joint resolution (S. J. Res. 1) declaring that a state of war exists between the imperial German government and the government of the United States, Mr. James R. Mann, of Illinois, asked unanimous consent that admission to the galleries be by special tickets issued by the Doorkeeper, each Member of the House to receive two tickets.

Mr. Allen T. Treadway, of Massachusetts, suggested that the request be modified to provide for coupon tickets permitting the bearer to leave the galleries and return at will.

Mr. William S. Howard, of Georgia, asked that the request include tickets for officers of the House.

Mr. Mann declined to accept either modification; and, the question being submitted to the House, the request was agreed to.

3641. During an epidemic the galleries of the House and Senate were closed.—October 7, 1918,³ following the approval of the Journal, Mr. Henry T. Rainey, of Illinois, submitted a request for unanimous consent as follows:

Mr. Speaker, it is matter of common knowledge that an epidemic of alarming proportions is prevailing throughout the country. Out of an abundant precaution the Senate has ordered the galleries closed, which action, I understand, meets with the approval of the medical authorities, and so I ask unanimous consent that the Speaker be instructed to close the galleries of this House until further action shall be taken by the House.

The request was agreed to.

3642. Portions of the gallery over the Speaker's chair are set aside for the use of reporters and correspondents who are admitted thereto by the Speaker under such regulations as he may prescribe.

Representatives of certain specified news associations are admitted to the floor of the House under regulations prescribed by the Speaker.

Supervision of the press gallery, including designation of its employees, is vested in the standing committee of correspondents, subject to the direction and control of the Speaker.

Section 2 of Rule XXXVI provides:

2. Such portion of the gallery over the Speaker's chair as may be necessary to accommodate representatives of the press wishing to report debates and proceedings shall be set aside for their use, and reputable reporters and correspondents shall be admitted thereto under such regulations as the Speaker may from time to time prescribe; and the supervision of such gallery, including the designation of its employees, shall be vested in the standing committee of correspondents, subject to the direction and control of the Speaker; and the Speaker may assign one seat on the floor to

¹ Charles Curtis, of Kansas, Vice President.

² First session Sixty-fifth Congress, Record, p. 265.

³ Second session Sixty-fifth Congress, Record, p. 11164.

Associated Press reporters, one to the Sun Press Association, one to the United Press Association, one to the National News Association, one to the Central News Association of America, and one to the New York Herald Syndicate, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may prescribe, one additional representative of each press association.

This rule was taken from the old rule 135, which dated from December 23, 1857,¹ and was a portion of a report made by Mr. Charles J. Faulkner, of Virginia, from a select committee in relation to the accommodations in the new Hall of the House.

It was modified in the revision of 1880² and, aside from the designation of the news agencies, was retained in that form until 1911.³

Its amendment in 1911 was principally a change in phraseology without materially affecting its provisions, but on January 18, 1916,⁴ a clause was introduced vesting supervision of the press gallery, including designation of its employees, in the standing committee of correspondents. Except for certain amendments caused by changes in the news associations,⁵ the rule has been continued in the form adopted at that time.

3643. The history of National Statutory Hall.

A statute authorizes the contribution by each State of statues of two of its distinguished citizens to be placed in National Statutory Hall.

National Statutory Hall was formerly the Hall of the House of Representatives. When the south wing of the Capitol was completed and the present Hall was occupied in 1864, statutory provision⁶ was made as follows:

* * * and the President is authorized to invite all the State to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrations for their historic renown or distinguished civil or military service, such as each State may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a National Statutory Hall for the purposes herein indicated.⁷

The routine followed in the presentation and acceptance of such statues is thus summarized.⁸

As to the procedure of securing the admission of statues to Statuary Hall, it should be noted that only two statues are allowed from each State and that they must be in marble or bronze and of citizens of the State. The placing of a statue in Statuary Hall is usually the result of legislation from the State desiring to commemorate deceased citizens by the enactment of a resolution providing for the erection of a statue in honor of the deceased citizen or citizens to be commemorated and in the same legislation providing for a commission to represent the State in carrying out the provisions of the legislation. This commission acts as a business agent for the State; selects the sculptor and enters into an agreement with him for the preparation and erection of the statue in Statuary Hall. The Architect of the Capitol represents the Government in this matter and in con-

¹ First session Thirty-fifth Congress, Journal, p. 116; Globe, pp. 170, 171.

² Second session Forty-sixth Congress, Record, p. 207.

³ First session Sixty-second Congress, Record, p. 20.

⁴ First session Sixty-fourth Congress, Record, p. 1214.

⁵ The last change was made Dec. 13, 1916 (second session Sixty-fourth Congress, Record, p. 277.

⁶ U.S. Code, section 187, p. 1300.

⁷ For discussion of ceremonies on such occasion see sections 3545–3557 of this volume.

⁸ Annual Report, Architect of the Capitol, 1932, p. 17.

ference with the commission arranges for the details of the erection of the statue and assists in the arrangement of such public exercises of presentation and acceptance as may be considered desirable by the commission.

Under a concurrent resolution adopted February 24, 1933,¹ one of the two statues from each State has been transferred to from the Hall to other parts of the Capitol.

3644. The history and authorization of the Capitol guide system.—Sections 7 and 8 of the Rules and Regulations Governing Capitol Police² provide:

7. Guides are permitted to charge 25 cents per hour and 25 cents for any additional part of an hour for each person, parties not to exceed 25 persons. Guides must conduct all parties to both floors; to the Senate wing; lower floor through the crypt; to the House gallery, and back to Rotunda, from which all parties will start.

8. For school organizations, 15 cents each person per hour or additional part thereof.

On February 12, 1925,³ Mr. Edward R. Taylor, of Colorado, in discussing the history and operation of the Capitol guide system, said:

In 1876, during the Centennial Exposition at Philadelphia, great crowds visited Washington and came through this building. Up to that time there had been no guide system of any kind. Some shell-game and three-card fellows, numerous pickpockets, and other crooks got in. As a result Congress decided to establish some system in the handling of tourists, and they appointed five guides to superintend the sightseers, and they were allowed to collect tips as their remuneration. That is the way this system started. There has never been any salary paid. The act to regulate the use of the Capitol Grounds, approved July 1, 1882, was the first law on the subject and it is still in force. The number of guides has been gradually increasing, until now there are 14, and they are still allowed to take all the tips the public care to give them, and are also allowed and authorized to charge the fees provided for in the rules and regulations. The chief guide is the cashier and general director of operations. The other 13 guides turn in to him every night all the money they have received during the day from the 25-cent and the 15-cent charges they collect from the people under the regulations and every night that money is divided equally among the guides, and the chief guide gets 50 cents extra each day. During the year 1923 it amounted, he reports, to \$2,379.05 apiece for the year for 13 guides. In 1924 the amount increased, so that it reached \$2,597.80 a piece for the 14 guides. The total officially authorized receipts under the rules he says was \$2,597.65 in 1922 and \$36,349.20 for 1924. That does not include any tips or individual gratuities. In other words, the official charges increased \$5,421.55 during the past year. So the sightseeing business is increasing at the rate of 20 percent a year, according to the guides' figures. I think, with the officially authorized charges that the guides account to each other and the tips that they do not have to account for, they are now receiving about \$50,000 a year from all sources.

These guides were all appointed originally by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, most of them many years ago. Benjamin J. Cady has been there 45 years, Albert Daugherty 25 years, Edward Ernst 20 years, James Crawford 15 years, George Glick 14 years, George Popkins 13 years, William Young 13 years, George Sarvin 12 years, Ira Bond 9 years, Harry Nash 9 years, William Jackley 6 years, Hynes Terry 6 years, Clifton Beckhart 3 years, and Mrs. Sykes-Lingo 1 year. And I might say that both the present Sergeant at Arms of the Senate and of the House desire to have some change made in this system. They are not sponsoring this system at all. They have simply inherited this whole performance, including those rules and regulations and nearly all of those guides.

I understand seven of the guides were appointed by the then Sergeant at Arms of the Senate, and seven were appointed by the then Sergeant at Arms of the House upon the vigorous recommendation of the Senators and Representatives of the States from which they hail, and those

¹ Second session Seventy-second Congress, Record, pp. 4534, 4874.

² Second session Sixty-eighth Congress, Record, p. 3565.

³ Record, p. 3566.

various Senators and Representatives from those States seem to be still interested in them, notwithstanding their predecessors, who brought about the appointments, have long since retired.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate get the authority to appoint these guides presumably from the act of July 1, 1882, the act of July 29, 1892, the act of April 29, 1876, and the act of March 2, 1895, and I do not recall that any of them mentions the word guide anywhere. But the rules and regulations issued by the Sergeants at Arms of the Senate and House mention guides and prescribe their duties. Apparently they get the authority under their general police power. At least, it is a system or custom that has grown up and been in use half a century.

3645. History of the House Office Buildings.—The bill initiating the construction of the original House Office Building¹ was introduced by Mr. Joseph G. Cannon, of Illinois, February 10, 1903,² and the corner stone was laid with elaborate ceremonies, April 14, 1906.

The building, erected at a cost of \$4,500,000, comprised 410 individual offices, exclusive of other rooms. A fifth story added in 1913³ at a cost of \$250,000 provided 47 additional offices. As remodeled in 1933, on the completion of the new House Office Building, it includes 207 office suites, 21 committee rooms, and other space for storage and service.

The building was first occupied in the Sixtieth Congress. On December 2, 1907,⁴ the House, by resolution, directed the Speaker to appoint a select committee of five members to arrange for distribution of rooms. The first assignment of committee rooms was authorized by a resolution from the special committee agreed to by the House, December 19, 1907,⁵ and on January 9,⁶ office rooms were allotted to individual Members in the manner prescribed by rule XXXII, regulating the drawing of seats. The act of May 28, 1908,⁷ confirmed the disposition of rooms and offices thus assigned, and provided a permanent system of assignment based on seniority of service.

The new House Office Building, authorized by the act of January 10, 1929,⁸ includes 251 office suites and 12 committee rooms in addition to storage, service, and administration accommodations. Of \$7,906,000 provided for the purpose, \$1,077,745.74 was expended for the site, \$6,277,672.86 for the building, and \$230,582 for furnishings and equipment.⁹

The corner stone was laid without ceremony in the presence of the Chairman of the House Building Commission and the Architect of the Capitol, June 24, 1932, and the building was occupied April 20, 1933.

¹The Senate Office Building, authorized by the Act of April 28, 1904 (33 Stat. L., p. 481), was occupied March 5, 1909. The extension authorized by the act of February 20, 1931 (46 Stat. L., p. 1184) was completed and occupied in 1933.

²Second session Fifty-seventh Congress, Record, p. 1580; 32 Stat. L., p. 1113

³37 Statutes L., p. 932.

⁴First session Sixtieth Congress, Record, p. 6.

⁵Record, p. 435.

⁶Record, p. 567.

⁷U. S. Code, p. 1299, sections 177–184.

⁸45 Statutes L., p. 1071.

⁹First session Seventy-third Congress, Record, p. 1702.

3646. The House Office Building and its service are under the supervision of the Architect of the Capitol, subject to the approval and direction of the House Office Building Commission.

The House Office Building Commission consists of the Speaker of the House of Representatives and two Representatives in Congress appointed by the Speaker.

The House Office Building Commission shall prescribe rules regulating employments in the House Office Building together with regulations governing the use and occupancy of rooms in the building.

The revised Statutes¹ provide:

The House of Representatives Office Building, which shall hereafter be designated as the House Office Building, and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Architect of the Capitol, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representatives in Congress, or otherwise in the membership of said commission shall be filled by the Speaker, and any two members of said commission shall constitute a quorum to do business. The Architect of the Capitol shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said commission herein referred to shall from time to time prescribe rules and regulations to govern said Architect in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building.

3647. The Speaker's membership on the House Office Building Commission continues until his successor as Speaker is elected or his term as Representative expires.

A Speaker's membership on the House Office Building Commission having expired by reason of his election to the Senate, he was by joint resolution empowered to appoint in his stead a Member elect of the succeeding Congress to serve until the election of his successor as Speaker.

The Speaker continues a member of the House Office Building Commission until his successor as Speaker is elected or his term as a Representative in Congress expires.²

In 1925,³ the Speaker's membership in the House having been terminated by his election to the Senate, a joint resolution was passed empowering him to appoint to the vacancy thus created a Member elect of the House of Representatives to the succeeding Congress to serve as a member of the commission until the election of a Speaker in the succeeding Congress.⁴

3648. A Member may file a written request for any room when vacated and if no other request has been filed when such vacancy occurs shall receive the assignment.

¹ U. S. Code, title 40, section 175.

² U. S. Code, p. 1299, Section 176.

³ Second session Sixty-eighth Congress, Record, p. 5142.

⁴ 43 Statutes L., p. 1259.

Where two or more Members file requests for the same room, preference shall be given to the Member of the longest continuous service in the House.

If two or more Members of equal service in the House apply for the same room, the Member first filing shall have priority.

A Member may have only one request for a room pending at the same time, but may withdraw a request at will.

Assignment of a new room to a Member on his request, or his appointment as chairman of a committee having a committee room, shall operate as a relinquishment of any room previously assigned to him.

A room assigned to a Member shall be held by him during his membership in the House or until relinquished.

A Member shall restrict the use of this room to office purposes only.

The Revised Statutes¹ provide:

The assignment of rooms in the House Office Building, heretofore made by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of sections 177 to 184 of this title, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a Member or Member elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of sections 177 to 184 of this title, and no Representative shall allow his office room to be used for any other purpose.

Any Member or Member elect of the House of Representatives may file with the Architect of the Capitol a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the room shall be assigned as requested. If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives elect make request for the same room, preference shall be given to the one first preferring his request.

A Representative or Representative elect making request for the assignment of a vacant room may withdraw the same at any time and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his request, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him of the room previously assigned to him.

3649. Rooms in the House Office Building vacated by death or resignation before the end of the term become available for filing by sitting Members but not by Members elect for a period of 10 days, at the close of which the room will be assigned to the filing Member having the longest continuous service in the House.

A sitting Member filing on a new room shall vacate the room which he is relinquishing promptly on March 4.

On January 23, 1923, the House Office Building Commission addressed the following letter to Members of the House:

To the Members of the House of Representatives:

Your attention is called to the action of the House Office Building Commission with respect to the interpretation of the rules governing the filing on rooms in the House Office Building occupied as offices for Members.

¹U. S. Code, title 40, sections 177-179.

CONSTRUCTION PLACED ON HOUSE JOINT RESOLUTION 186 RELATING TO THE ASSIGNMENT OF SPACE IN THE HOUSE OFFICE BUILDING BY THE HOUSE OFFICE BUILDING COMMISSION.

It is the sense of the House Office Building Commission that when rooms are to become vacant on March 4 of the odd year by reason of the retirement of Members from the House, such rooms shall be available until that date for filings by hold-over Members and by newly elected Members in the manner prescribed by law. But in the case of a room becoming vacant by reason of the death or resignation of a Member, such room will be listed for filing upon by Members of the House but not by Members elect to the succeeding Congress, for the period of 10 days beginning at 12 o'clock noon the day following such death or resignation, and ending at 12 o'clock noon on the 10th day thereafter. The room will then be assigned to the filing Member having the longest continuous service in the House.

When a hold-over Member files on a room other than that already occupied by him and such filing remains undisturbed until March 4 of the odd year, such Member shall on that date vacate the room occupied by him, which room shall then become available for assignment in the manner prescribed by law: *Provided*, That this shall not be construed to deprive another hold-over Member of longer service from filing on and being assigned to the same room before the time for filing expires, in which case the hold-over Member first filing shall continue to occupy his old room until otherwise provided.

3650. Offices in the new House Office Building were originally assigned under a resolution adopted by the House Office Building Commission.

Suites in the new building were assigned according to seniority in continuous service and Members were required to file for assignment on a designated day in person or by proxy.

On January 18, 1933,¹ Mr. Edward W. Pou, of North Carolina, a member of the House Office Building Commission, under leave to print, inserted in the Record as a part of his remarks the following:

RESOLUTION ADOPTED BY HOUSE OFFICE BUILDING COMMISSION REGULATING ASSIGNMENT OF OFFICES IN THE NEW HOUSE OFFICE BUILDING TO MEMBERS OF CONGRESS.

The suites of offices in the new House Office Building will be assigned to Members of Congress on the basis of seniority under the following regulations:

First. For purposes of filing, Members are grouped according to length of continuous service.

Second. As shown on attached schedule, each group is allotted one day on which to file, and no Member in any group will be permitted to file before the day allotted.

Third. Where two or more Members in the same group file on the same suite, the Members so filing shall meet immediately at the office of the superintendent and draw lots for the suite in question. The suite shall be assigned to the successful drawer, and this assignment shall be final. The unsuccessful drawers shall file immediately on any unassigned suites and shall take precedence over following groups only if their files are placed immediately.

Fourth. A Member may file on only one suite.

Fifth. Any Member who can not be present to file in person on the day allotted must arrange to have some one place a file for him on that day.

SCHEDULE OF DATES ON WHICH FILES WILL BE RECEIVED.

Any time prior to noon, January 23: All Members who have served ten or more terms.

Noon, January 23, to noon, January 24: Members who have served nine terms.

Noon, January 24, to noon, January 25: Members who have served eight terms.

Noon, January 25, to noon, January 26: Members who have served seven terms.

Noon, January 26, to noon, January 27: Members who have served six terms.

¹ Second session Seventy-second Congress, Record, p. 2037.

Noon, January 30, to noon, January 31: Members who have served five terms.
 Noon, January 31, to noon, February #1: Members who have served four terms.
 Noon, February 1, to noon, February 2: Members who have served three terms.
 Noon, February 2, to noon, February 3: Members who have served two terms.
 Noon, February 6, to noon, February 7: Members who have served one term.
 Noon, February 7, to noon, February 8: Members who have served less than one term.
 Noon, February 8, to noon, February 9: Former Members of Congress.
 From February 9 to February 19: New Members.

3651. The term “continuous service” governing seniority in the assignment of rooms in the House Office Building is held to refer to uninterrupted service, and seniority of a Member dates from the beginning of his last uninterrupted service regardless of previous terms of membership in the House.—On February 8, 1930, in response to a formal inquiry from the Custodian of the House Office Building, Mr. Speaker Longworth, as chairman of the House Office Building Commission, replied:

The CUSTODIAN,

House Office Building, Washington, D.C.

DEAR SIR: As chairman of the House Office Building Commission I am writing to call your attention to the act of May 28, 1908, a copy of which is inclosed.

You will note in the second paragraph of this act the sentence: “If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member elect of the House of Representatives.”

This refers to continuous service. Under this law a Member who returns to Congress after an interval of one or more terms is entitled to seniority in the filing on rooms only to that length of service which is continuous. In other words his seniority for the filing of rooms dates only from the beginning of his continuous and uninterrupted service in the House. This communication is addressed to you by direction of the commission for your guidance on this point.

Yours very truly,

NICHOLAS LONGWORTH,
Chairman, House Office Building Commission.

3652. Members may exchange rooms with each other, but such exchange is valid only so long as both Members remain in the House.

Applications for rooms are on file in the custodian’s office and are open to the inspection of Members at any time.

The assignment of rooms in the House Office Building is subject to the control of the House by rule, resolution, or otherwise.

The Revised Statutes¹ provide:

Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both Members making the exchange shall remain continuously Members or Members elect of the House of Representatives.

The Architect of the Capitol shall keep a record of the assignment of rooms heretofore or hereafter made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives elect of the House.

In the matter of the assignment of rooms under sections 177 to 184 of this title, Delegates in Congress and the Commissioners from Porto Rico and the Philippine Islands shall be treated the same as Representatives.

¹U.S. Code, title 40, sections 180, 181, 183.

The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise.

3653. A resolution proposing assignment of rooms in the House Office Building was not entertained as privileged.—On April 10, 1911,¹ Mr. A. Mitchell Palmer, of Pennsylvania, offered as privileged, a resolution (H. Res. 33) providing for the assignment of rooms in the House Office Building to various standing committees of the House.

Mr. James R. Mann, of Illinois, objected to its consideration on the ground that it was not privileged.

Mr. Palmer contended that it was entitled to immediate consideration as involving the privilege of the House.

The Speaker² declined recognition to offer the resolution as privileged and Mr. Palmer, thereupon, asked unanimous consent for its consideration.

There being no objection, the resolution was considered and was agreed to.

3654. A resolution proposing assignment of rooms in the House Office Building is not privileged against a demand for the regular order.—On June 3, 1913,³ Mr. A. Mitchell Palmer, of Pennsylvania, proposed consideration of this resolution:

Resolved, That the following assignment of rooms in the House Office Building be, and the same is hereby, made:

To the Committee on Roads, rooms 153 and 154 in the House Office Building.

Mr. James R. Mann, of Illinois, raised a question of order and objected that the resolution was not privileged.

Mr. Palmer insisted that the resolution related to the privileges of the House and was entitled to immediate consideration.

After exhaustive discussion, the Speaker⁴ sustained the point of order.

3655. Rooms assigned at the close of Congress become vacant on March 4 at 12 noon and Members to whom they are assigned are entitled to possession at that time.

Rooms of newly appointed chairmen of committees do not become vacant until their appointment is confirmed by the House at the opening of Congress and Members assigned to their rooms on March 4 are not entitled to possession until the new chairman vacates.

Ex-chairmen who remain Members of the House are not required to move until the new chairman is confirmed.

Where chairmen are defeated or where they voluntarily vacate, their successors may move into committee rooms at once.

The law creating the House Office Building Commission authorizes them to function as long as there is one acting member.

¹ First session Sixty-second Congress, Record, p. 140.

² Joseph G. Cannon, of Illinois, Speaker.

³ First session Sixty-third Congress, Record, p. 1873.

⁴ Champ Clark, of Missouri, Speaker.

The following decisions were reported by Mr. James R. Mann, of Illinois, acting chairman of the House Office Building Commission, as having been rendered by the commission between March 4, 1919, and May 10, 1919, the date of the convening of the first session of the Sixty-sixth Congress:

1. All rooms occupied by defeated Members become vacant on March 4, at 12 noon, and Members or Members-elect who have filed on said rooms will be assigned them at that hour according to seniority of service.

2. In case of change of House, rooms of Members who are assigned as chairmen of committees, do not become vacant until their assignments are confirmed by the House at the opening of Congress and Members and Members-elect will be assigned their rooms on March 4, and will take said room as soon as the new chairman vacates or is confirmed as chairman.

3. An ex-chairman of a committee who is not defeated or is not retiring, is not required to move from his committee room until the new chairman is confirmed.

4. A newly assigned chairman may move into committee rooms where the chairman of said committee was defeated for reelection or has resigned as soon as the rooms can be made ready for him.

5. Likewise where any ex-chairman has moved out or is willing to vacate.

6. Vacant rooms in the House Office Building created by the appointment of Members to rooms in the Capitol will be assigned by the Architect of the Capitol under the direction of the House commission.

7. The House commission is composed of three Members of Congress; namely, the Speaker, who is chairman; one majority member, and one minority member.

8. The law under which the House commission operates gives them the power to function as long as there is one acting member.

3656. The Capitol power plant and its service, like the House Office Building, are under the control of the Architect of the Capitol subject to the approval of the House Office Building Commission.—The Revised Statutes¹ provide:

The heating, lighting, and power plant constructed under the terms of the act approved April 28, 1904, shall be known as the Capitol power plant; and all vacancies occurring in the force operating said plant and the substations in connection therewith shall be filled by the Architect of the Capitol with the approval of the said commission in control of the House Office Building.

3657. The House Office Building Commission is charged with control of the Capitol power plant.

Instance wherein the local courts sustained the jurisdiction of the House Office Commission.

On April 16, 1930,² Judge Isaac R. Hitt, judge of the police court of the District of Columbia, rendered a decision in the case of *L.R. Smith v. David Lynn*, Architect of the Capitol, holding the House Office Building Commission to be charged by law with care and control of the Capitol power plant.

The Architect of the Capitol had been arraigned on warrant charging violation of the law prohibiting excessive discharge of smoke within the District of Columbia, and had filed a plea in demur in abatement, to which the plaintiff had demurred.

The court overruled the demurrer on the ground that the House Office Building Commission and not the Architect of the Capitol was responsible for the plant, and

¹United States Code, p. 1299, section 185.

²Case No. 952, 187 Police Court docket.

held warrants charging such violations should properly be directed against the Speaker of the House as the chairman of the commission.

3658. History of the Congressional Cemetery.—On March 22, 1928,¹ Mr. Charles L. Abernethy, of North Carolina, in discussing the bill (H. R. 11916) to provide for the care and preservation of certain land and monuments in the Washington Parish Burial Ground, quoted from historical sources as follows:

Nearly a century ago Christ Church burying ground was chosen as the resting place for Senators and Representatives who died in office. Later this custom was extended so as to include the burial of other public officers, with a result that the cemetery for years enjoyed a semiofficial character and became generally known as Congressional Cemetery.

It is said that more patriots whose names are linked with the early periods of our history are buried along this river slope, perhaps, than in any other single cemetery in the country. Two Vice Presidents of the United States, one of them a signer of the Declaration of Independence, have been buried there. Private soldiers and those in high command in the Continental Army sleep here side by side in the democracy of death. Statesmen of colonial times, Members of the Cabinet, of the United States Supreme Court, and of the Congress repose beneath stately monuments and somber cenotaphs, weather stained and moss covered by passing years.

In these surroundings are to be found the only group of cenotaphs—a memorial customary in Europe—ever erected by the United States Government in honor of deceased Senators and Representatives. The strict usage of the cenotaph, however, is not adhered to in every case, for beneath the bleak, gray sandstones lie the bodies of many Members of Congress and other dignitaries of the Government who died in Washington during their term of office.

From the time the first cenotaph was erected by the Government over the grave of Senator Uriah Tracy in 1807 until 1876 the same pattern was followed for each stone. Just who selected the form of these monuments early records do not indicate. But the custom of placing cenotaphs in memory of Members of the Lower House originated with the monument placed for James Lent, Representative from New York, who died February 22, 1833.

According to the register of graves, 109 interments of Government officials have been made in Congressional Cemetery. Monuments have been erected over 100 of these graves. In addition 85 cenotaphs have been placed in honor of Members of Congress who are buried in other cemeteries. Among these latter are cenotaphs bearing the names of John C. Calhoun, the great "nullifier," and Henry Clay, the "compromiser." Grouped together in even rows in a conspicuous section of the grounds, these funeral monuments at once arouse curiosity. The cenotaphs are uniform in material and design. Fashioned from sandstone on a base about 5 feet square, upon which is placed a base about 3 feet high; they are surmounted by a rounded top reaching to a broad height of about 5 feet above the ground.

Up to 1835 practically every Member of Congress who died in office was buried in Congressional Cemetery. Means of transportation were so limited that few families were able to convey the remains of their dead from the Capital, but as facilities for transportation grew more adequate this practice gradually ceased. By act of May 23, 1876, Congress abolished the custom of erecting cenotaphs, and provided that thereafter monuments should be authorized only when the deceased Member was actually interred in the cemetery.

A list of Senators, Representatives, and other officials interred in the cemetery was appended.

3659. Formerly authority to requisition printing and binding was granted severally to committees of the House by separate resolutions, but beginning with the Sixty-fifth Congress general leave to order necessary printing and binding has been provided by blanket resolution.—On May 21,

¹First session Seventieth Congress, Record, p. 5215.

1919,¹ Mr. Edgar R. Kiess, of Pennsylvania, from the Committee on Printing, submitted the following resolution:

Resolved, That the standing committees of the House of Representatives, the floor leader, and chairman of the conference minority are hereby authorized to have such printing and binding done as may be actually necessary for the transaction of their official business during the Sixty-sixth Congress.

During debate on the resolution, in discussing the practice of the House as to authorization of committee printing, Mr. Kiess explained that formerly each committee had asked permission to order printing and binding as necessity arose and had been granted such authority by separate resolution, but that beginning with the Sixty-fifth Congress, general authority had been conferred by authorization similar to that provided by the pending resolution.

The resolution was agreed to, and in succeeding Congresses similar resolutions have been offered at the opening of the session as a part of the routine of organization.

3660. The standing committees and the floor leaders are ordinarily authorized by resolution to order necessary official printing, including printing for party conferences.—On December 5, 1923,² at the organization of the Sixty-eighth Congress, Mr. Edgar R. Kiess, of Pennsylvania, chairman of the Committee on Printing in the preceding Congress, offered the following resolution, which was agreed to:

Resolved, That the standing committees of the House of Representatives and the floor leader and the chairman of the conference minority are hereby authorized to have such printing and binding done as may be actually necessary for the transaction of their official business during the Sixty-eighth Congress.

3661. The approved form of resolutions authorizing printing begin “Resolved, That there shall be printed.”

The approved phraseology for making documents available through the folding room is “Distributed through the House folding room;” for distribution through the document room is “For the use of the House document room.”

Provisions for distribution of documents through the folding room allot an equal number to each Member of the House, to be issued on his order only; distribution through the document room renders them subject to application without limitation on the number which may be issued to any one applicant.

On February 17, 1914,³ Mr. Henry A. Barnhart, of Indiana, from the Committee on Printing, offered the following:

Resolved, That the Committee on Printing is hereby authorized and directed to have printed 16,000 copies of House Document No. 1477, Sixty-second Congress, third session, entitled “Hygiene of the Painter’s Trade.”

¹ First session Sixty-sixth Congress, Record, p. 78.

² First session Sixty-eighth Congress, Record, p. 20.

³ Second session Sixty-third Congress, Record, p. 3551.

Mr. James R. Mann, of Illinois, objected that the resolution was not in proper form and should provide "there shall be printed, etc."

After debate, Mr. Barnhart withdrew the resolution and later submitted it in the usual form.

Subsequently, Mr. Barnhart also submitted this resolution:

Resolved, That the Committee on Printing is hereby authorized and directed to have printed 9,200 copies of the report of the hearings before the Committee on Rules on a resolution establishing a committee on woman suffrage, said hearings having been held on December 3, 4 and 5, 1913, and that the same be distributed through the document room of the House of Representatives.

Mr. Mann objected that the approved phraseology for ordering documents to the folding room was "distributed through the House folding room" and to the document room was "for the use of the document room."

On motion of Mr. John J. Fitzgerald, the resolution was amended to read:

Resolved, That there shall be printed 9,200 copies of the report of the hearing before the Committee on Rules on a resolution establishing a committee on woman suffrage, said hearings having been held on December 3, 4, and 5, 1913, 9,000 copies to be distributed through the House folding room and 200 copies for the use of the House document room.

The resolution as amended was agreed to.

3662. Reports of communications to Congress from bureaus, boards, delegates to conferences, or heads of departments are printed under the direction of the Speaker and are within his discretion unless otherwise provided by law.

On January 26, 1928,¹ during the consideration of the Consent Calendar the House agreed to the joint resolution (H. J. Res. 156) authorizing the President to appoint delegates to the Eighth International Dairy Congress, with the following committee amendment:

SEC. 3. That the delegates shall make a report to Congress of the results and conclusions of the said dairy congress.

Pending agreement to the amendment, Mr. Louis C. Cramton, of Michigan, stipulated:

Mr. Speaker, with reference to the committee amendment, as I understand this report made to Congress is not printed as a matter of course. It is not printed except such printing as is directed by the Speaker. With that understanding I would not have any objection to the amendment. If it is to be printed as a matter of course, no matter what its size or value, I would feel opposed to it, but I understand they are not printed except under direction of the Speaker.

The Speaker² held the printing of reports or communications of that character to be within the discretion of the Speaker.

3663. On July 23, 1919,³ in response to a resolution of inquiry (H. Res. 128) requesting the Secretary of Labor to furnish the House with certain information relative to the activities of an employee of the Department of Labor in connection

¹First session Seventieth Congress, Record, p. 2088.

²Nicholas Longworth, of Ohio, Speaker.

³First session Sixty-sixth Congress, Record, p. 3073.

with the case of Thomas J. Mooney, convicted in California of a crime, the Secretary of Labor transmitted ¹ to the House a voluminous report.

The report was referred, in the regular routine, to the Committee on Labor, such reference carrying with it automatically under the rules an order to print.

On the following day the Government Printing Office returned for the inspection of the Speaker certain portions of the report containing matter of an unfrankable and objectionable nature. The Speaker,² after a conference with the majority and minority leaders, held that the report should be expurgated.

Accordingly the report was returned to the Public Printer with the following notation:

The Speaker of the House directs that the attached portions of the report be not printed.

3664. The statutes governing the numbering in series and binding of House and Senate documents and reports.

Committee hearings may be printed as Congressional documents only when specifically ordered by Congress or either House thereof.

The act of January 15, 1908,³ provides:

That publications ordered printed by Congress, or either House thereof, shall be in four series, namely: One series of reports made by the committees of the Senate, to be known as Senate reports; one series of reports made by the committees of the House of Representatives, to be known as House reports; one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents, and one series of documents other than committee reports, the order for printing which originate in the House of Representatives, to be known as House documents. The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but the foregoing provisions shall not apply to the documents printed for the use of the Senate in executive session: *Provided*, That of the "usual number," the copies which are intended for distribution to State and Territorial libraries and other designated depositories of all annual or serial publications originating in or prepared by an Executive Department, bureau, office, commission, or board shall not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as hereinafter provided, and the departmental edition, if any, shall be printed concurrently with the "usual number:" *And provided further*, That hearings of committees may be printed as Congressional documents only when specifically ordered by Congress or either House thereof.

SEC. 2. That in the binding of Congressional documents and reports for distributions by the superintendent of documents to State and Territorial libraries and other designated depositories, every publication of sufficient size on any one subject shall hereafter be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The Public Printer shall supply the superintendent of documents sufficient copies of those publications distributed in unbound form, to be bound and distributed to the State and Territorial libraries and other designated depositories for their permanent files. The library edition, as well as all other bound sets of Congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing.

¹ First session Sixty-sixth Congress, Record, p. 157.

² Revised Statutes, title 44, sections 142, 143.

³ Frederick H. Gillett, of Massachusetts, Speaker.

3665. The printing of documents is governed by statute, and motions to authorize such printing are not in order.

On February 12, 1932,¹ Mr. Marvin Jones, of Texas, requested unanimous consent to insert in the Record the regulations prepared by the Department of Agriculture governing loans to farmers.

Under reservation of the right to object, Mr. John D. Clark, of New York, referred to the importance of the material and suggested that it be printed as a House document.

Accordingly, Mr. Jones submitted a request for unanimous consent that the regulations be printed as a document.

The Speaker² denied recognition for the motion and said:

The gentleman can not do that by unanimous consent. The printing of documents is governed by statute.

3666. A committee of the House may order printed 1,000 copies of its hearings irrespective of cost.

Extra copies of hearings and other documents may be ordered by simple resolution, by either House, within the cost of \$500.

Reprints of hearings and other documents at a cost in excess of \$500 may be ordered by the two Houses by concurrent resolutions.

One reprint of a document at a cost not to exceed \$500 having been ordered by the House, an order by simple resolution for a second reprint, although within the cost limit of \$500, is in violation of a law and requires concurrence of the other House.

The Joint Committee on Printing may order printed extra copies of hearings or other documents at a cost not to exceed \$200 in any one instance.

Hearings, bills, resolutions, documents, etc., distributed through the document room, are dispensed on application without reference to the number received by any one Member, while those distributed through the folding room are credited to the accounts of Members pro rate and are issued only on the order of Members to whom assigned.

Reprints may be ordered for the use of the document room in any number, but when ordered for the folding room require a minimum of 2471 copies.

On August 18, 1911,³ Mr. David E. Finley, of South Carolina, from the Committee on Printing, submitted the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 1,000 additional copies of the hearings of the special committee of the House of Representatives, appointed under House resolution 157 (62d Cong., 1st sess.) to investigate the American Sugar Refining Co. and others, for the use of the document room of the House of Representatives.

Mr. James R. Mann, of Illinois, questioned the necessity of employing a concurrent resolution and inquired if it was not within the power of the House to order such extra copies by simple resolution.

¹First session Seventy-second Congress, Record, p. 2816.

²John N. Garner, of Texas, Speaker.

³First session Sixty-second Congress, Record, p. 4176.

Ms. Finley referred to the law¹ governing reprints and explained that the committee had already ordered the 1,000 copies to which they were entitled by law; that under the statutes the House in ordering extra copies was limited to a cost of \$500, whereas the cost of the copies provided by the pending resolution was \$1,387.53; that the cost limit of reprints ordered by the Joint Committee on printing was \$200; and therefore a reprint of the number of hearings required by the committee could only be provided legally by concurrent resolution.

Mr. George W. Norris, of Nebraska, inquired if it was not preferable to provide for distribution of the hearings through the folding room rather than the document room.

Mr. Finley replied that the resolution provided for only 1,000 copies, whereas an order for distribution through the folding room required a minimum of 3,471 copies; and that there was no such general demand for the hearings as to warrant distribution pro rata through the folding room, but that local interest in certain sections required distribution through the document room in order to render available larger supplies for Members from such sections.

The Speaker² acquiesced and put the question on agreeing to the concurrent resolution.

3667. The rules do not require the printing of hearings, and the distribution of records of hearings is within the discretion of the committee in charge of the bill.

On February 13, 1932,³ Mr. Fiorello H. LaGuardia, of New York, having been recognized to submit a parliamentary inquiry, called attention to the lack of printed copies of the hearings before the Committee on Banking and Currency on the bill current hearings before that committee on the issuance of additional currency would be available.

The Speaker⁴ explained.

As the gentleman is aware, the rules of the House do not require the printing of hearings before committees. The gentleman will have to address his inquiry to the chairman of the committee having the bill under consideration.

3668. Under provision of law, documents not withdrawn by a retiring Member prior to the convening of the next Congress are forfeited to his successor.

Instance where the law providing for distribution of documents to Members was suspended by joint resolution to permit outgoing Members to distribute publications which by reason of the calling of an extra session would otherwise have been allotted to their successors.

¹ Revised Statutes title 44, section 133.

² Champ Clark, of Missouri, Speaker.

³ First session Seventy-second Congress, Record, p. 3850.

⁴ John N. Garner, of Texas, Speaker.

On March 1, 1909,¹ Mr. James B. Perkins, of New York, moved to suspend the rules and pass the following joint resolution

Resolved, etc., That all documents and books ordered to be published by the Sixtieth Congress which are actually printed prior to the first Monday in December next, to which Members of that Congress not Members of the Sixty-first Congress, would have been entitled if published prior to the 4th day of March, shall be allotted such Members, and the term allowed to distribute the same shall be extended to the first Monday of December next.

Mr. John R. Mann, of Illinois, being recognized in opposition to the motion, said:

Mr. Speaker, under the existing law,² as I understand it, the ex-Member of Congress receives the public documents until the meeting of the first session of the ensuing Congress, so that if the Sixty-first Congress did not meet until the first Monday in December, the ex-Member of the Congress would be entitled to the public documents distributed through the folding room until that time, but as the next Congress will meet in extra session on the 15th of March, the rights of the ex-Member expires on the first day of the special session.

Some of the gentlemen who have spoken seem to think that these public documents are their private property, that they are printed by the Government as a perquisite to the Members of Congress, to be used for politics or for any purpose they desire.

I have always considered that these public documents were printed for the public good, and they were only distributed by Members of Congress as a most convenient method of reaching the constituents in the different districts.

The resolution is a proposition to make an unjust discrimination against the Members elected for the first time, in favor of those who go out.

Under the law a man is entitled to the documents belonging to his district until the first session of the next Congress meets, which in this case will be, I suppose, the 15th of March.

The new Members come here about the 15th of March, are sworn in, and they will have constant applications from their constituents for documents. How can it be considered fair to say that they shall have no documents; that their predecessors shall have all the documents until the first of next December? If Congress was not in session the situation would be different. But when a man comes here, when he is in Washington attending the sessions of Congress, all decent regard for the consideration of other men will lead us to treat the newly elected Members of Congress fairly.

Mr. George W. Norris, of Nebraska, said in rebuttal:

Mr. Speaker, the passage of this resolution is but an act of common justice. I would not do an injustice to the incoming Member; neither would I do an injustice to the outgoing Member. These gentlemen who have argued against the passage of the resolution have rather, I think assumed that it was a proposition to change the permanent law. But the defeat of this resolution will not change the general law, and we will come back after the coming Congress with men distributing documents up to the first of December, after they have gone out. Now, as a matter of fact I have in mind several instances of where men have been elected to this Congress for the first time. They got no documents to distribute until in December, more than one year following the time of their election. If this resolution does not pass, those men will lose the right on the 15th of March giving them but a little more than one year of distribution of documents. Everybody will admit that is an injustice to them.

But that is not the end of it. Their successors, instead of having a distribution of documents for two years, the length of their terms, unless a special session of Congress should take it away, will have the right to distribute documents for nearly three years, although they may never be reelected to succeed themselves.

¹ Second session Sixtieth Congress, Record, p. 3510.

² Revised Statutes, title 44, section 158.

I submit, gentlemen, that it is nothing more than fair, both to the outgoing man and to the incoming man, that this resolution should pass, and that these Members who go out should be put on the same basis with Members who have gone out before, and that the Members who come in should be put on the same basis with all the balance of the Members who have come in.

The question being put, on a division, the yeas were 240, the nays were 81, and the rules were suspended and the joint resolution was agreed to.

3669. The accumulation of obsolete documents in the folding room becoming burdensome, the House authorized distribution of all for which there was demand and directed that the remainder be sold as waste paper.—On January 13, 1910,¹ the House agreed to a resolution submitted by James B. Perkins, of New York, from the Select Committee on Useless Paper and Documents, as follows:

Resolved, That the documents now in the folding room of the House of Representatives, described by name in the list hereafter set forth under the heading of "List of Documents," shall be disposed of in the following manner:

First. Members, Delegates, Commissioners from Porto Rico and the Philippine Islands, and officers of the House, having such documents to their credit, may dispose of the same in the usual manner at any time within 30 days from the date of the adoption of this resolution by the House.

Second. Upon the expiration of the said 30 days, the Doorkeeper shall furnish to the Members of the House, as promptly as practicable, a list of the documents herein referred to then remaining in the folding room, and thereupon such documents shall be subject to the order of any Member or Delegate in the order in which they are applied for, for the period of 30 days after the day when such list shall be furnished by the Doorkeeper.

Third. The Doorkeeper shall furnish a list of all such documents remaining in the folding room at the expiration of the last-name period to the various departments and commissions of the Government at Washington, including the Superintendent of Documents, Smithsonian Institution, Library of Congress, Bureau of American Republics, and the Commissioners of the District of Columbia, and any such documents shall be turned over to any such department, commission, etc., above referred to, in the order in which their application shall be made, and all such documents which shall remain in the folding room for a period of 10 days after such list shall have been furnished to the departments or commissions aforesaid shall be sold by the Doorkeeper as waste paper.

Fourth. No documents which are described by name in the list aforesaid shall hereafter be returned to the folding room from any source.

3670. The thanks of Congress are bestowed in recognition of public services.—On September 16, 1919,² proceeding by unanimous consent, the House by a standing vote, agreed to the following joint resolution offered by Mr. Julius Kahn, of California, chairman of the Committee on Military Affairs:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of the American people and the Congress of the United States are due, and are hereby tendered, to Gen. John J. Pershing for his highly distinguished services as commander in chief of the American Expeditionary Forces in Europe and to the officers and men under his command for their unwavering devotion and heroic valor throughout the war.

The resolution was passed by the Senate September 16,³ and received the approval of the President on September 29.

¹Second session Sixty-first Congress, Record, p. 594.

²First session Sixty-sixth Congress, Record, p. 5418.

³Record, p. 5491.

3671. The House thanked its Clerk for his service in presiding during a delayed election of a Speaker.—On December 6, 1923,¹ following a delay in the election of a Speaker, extending over a period of three days, Mr. Frank Clark, of Florida, by unanimous consent, proposed the following resolution:

Resolved, That the thanks of this House are eminently due and are hereby tendered to William Tyler Page, Clerk of the House of Representatives, for the distinguished ability, fidelity, and impartiality with which he has presided over the deliberations of the House of Representatives during the contest for Speaker.

The resolution was unanimously agreed to.

3672. The development of the bulletin service announcing in advance the legislative program for the week.—On October 26, 1921,² Mr. Frank W. Mondell, of Wyoming, the majority leader of the House, having been granted unanimous consent to address the House on a matter of procedure, said:

Mr. Speaker, for years there has been a sentiment in the House that in the interest of good legislation, and for the convenience of Members, we ought to know a little further in advance than we have generally been informed in the past as to legislation that was likely to be taken up for consideration. Members on both sides have called attention to the need and advisability of arranging, so far as it is possible under the rules of the House a program at least a few days in advance in order that Members may study the bills that are likely to be brought up and that they may give particular attention to matters that they are informed about and interested in. We have made a very earnest effort in the last year to outline programs so far as it was possible to do so. The programs thus tentatively agreed upon have been announced from time to time from the floor.

We have now taken another step in the matter to accommodate the Members of the House, and, we believe, in the public interest. Yesterday there placed on the bulletin board in the lobby a tentative program for the week. Members realize that such a program must be purely tentative. Certain matters come up under the general rules of the House, but the House must determine what will be done at any given time. So these programs indicate only a tentative agreement of program subject to change at any time the House may determine and as conditions may warrant.

I am not sure that we will find we can follow these programs closely enough to make it worth while to continue them, but I am very much in hopes that through consultation with the Speaker, members of the steering committee, chairmen and members of the various legislative committees, and chairmen and members of the Rules Committee we may be able to present a fairly accurate picture a week in advance of what the House is likely to consider. We have undertaken this new departure in the hope that it will be useful to the Members, particularly in the hope that it will not only enable but will incline Members to give careful attention in advance to the legislation that is likely to be considered.

3673. On January 18, 1924,³ during debate on the resolution (H. Res. 146) to amend the rules of the House of Representatives, Mr. R. Walton Moore, of Virginia, adverted to a resolution which he had introduced proposing a weekly bulletin announcing the legislative program. In support of the proposal, Mr. Moore had the Clerk read from the desk a statement made by Mr. Speaker Clark, on May 11, 1920, in advocacy of such advance announcement of measures proposed to be taken up for consideration.

¹ First session Sixty-eighth Congress, Record, p. 97.

² First session Sixty-seventh Congress, Record, p. 6810.

³ First session Sixty-eighth Congress, Record, p. 1141.

On January 23,¹ Mr. Moore again broached the subject and inquired of Mr. Nicholas Longworth, of Ohio, the majority leader, if advance notice of bills to be considered could be given the House through such weekly bulletins.

Mr. Longworth replied:

I shall be very glad to do that if it is the desire of the House. I shall begin next week and put up a bulletin in the lobby, giving the best of my ability, the program of prospective legislation.

In accordance with this assurance, the plan of posting in the lobby of the House the legislative program for the week was resumed and has been continued through succeeding sessions.

3674. Rank and prerogatives of Senators and Representatives when moving with the Army.—On January 22, 1929,² in testifying before the subcommittee of the Senate Committee on Appropriations, during hearings on the War Department appropriation bill, Maj. Gen. B. F. Cheatham, Quartermaster General of the Army, said:

The law provides, and the Secretary of War has made, certain priorities. Officers under orders come first; then Army officers on leave; and civilian employees of the War Department.

The officers under orders accompanied by their families have the first priority; then officers on leave with their families come second; and then members of families traveling without an officer. Of course, Members of Congress and their families have priority with the officers of the Army. They are assumed to be under orders, and on Government business, and are placed on board under that priority.

Testifying at the same hearing, Brig. Gen. Francis H. Pope, Assistant Quartermaster General, stated:

The Act of March 2, 1907,³ authorizes Members of Congress to travel on transports when, in the opinion of the Secretary of War, space is available. The theory of the War Department, I believe, is that Members of the Senate and the House are in the nature of a board of directors so far as the War Department is concerned, and any such travel they make we consider as being on official business.

In our order of priority, officers who travel under orders for change of station have first priority. Then, the next priority goes to Senators and Congressmen.

You see, we make the assignments on the transports in accordance with the regulations of the War Department which provide that a Senator has the relative rank of a major general, and a Congressman that of a brigadier general, and that is the way in which we have to assign them. It is a War Department regulation.

3675. Official precedence of Senators and other officials of Government.—On December 5, 1913,⁴ in the Senate, Mr. Jacob H. Gallinger, of New Hampshire, was given unanimous consent to have printed in the Record a statement by Mr. Augustus O. Bacon, of Georgia, chairman of the Committee on Foreign Relations, with reference to the official precedence incident to membership in the Senate.

¹ Record, p. 1328.

² Second session Seventieth Congress, hearings before subcommittee on H. R. 15712, pp. 172, 214, 215.

³ U. S. Code, title 10, section 1371.

⁴ Second session Sixty-third Congress, Record, p. 247.

The statement is in part as follows:

You ask what is the proper relative rank of Senators. There should be no difficulty in answering that question by anyone who recalls the fundamental and controlling fact that the Constitution of the United States creates no offices, except those of the Presidency and Vice Presidency, the Supreme Court, and the Congress, composed of the Senate and House of Representatives.

All other offices of the United States, excepting only those above mentioned, have been created by act of Congress.

All officers of the United States, excepting only the President and Vice President, and the judges of the Supreme Court, and the Senators and Representatives have, without exception, been created by act of Congress; and, if deemed necessary, Congress can at any time abolish any one of these offices and create others in their stead. These offices, while most honorable positions, are nevertheless the creatures of Congress.

It is a plain proposition that the creature can not be greater than his creator. The Senate, as the upper branch of Congress, can not be the inferior in rank of offices which are the mere creatures of Congress.

There is no controversy as to the relative rank of the officers created by the Constitution. Of course, the President and Vice President in their order stand first without any question.

In former times the question of precedence was in dispute between the Supreme Court and the Senate; but later the Senate courteously yielded the right of precedence to the Supreme Court. When, then, the Senate, as the head of the legislative branch of the Government, recognized the precedence of the head of the executive branch, and also of the head of the judicial branch, it has always declined to concede more in this regard.

There is one exception to the claim of precedence over statutory officers, which Senators, as a courtesy, seem willing to concede, and that is in the case of the Secretary of State. The late Senator Allison, who served for more than 30 years as a Senator and who was naturally very jealous of the dignity and rank of the Senate, said he was willing to concede this precedence to this officer, who is the immediate representative of the President in our far-reaching foreign relations, but he would go no further.

It may be further said, in recognizing as a proper courtesy the precedence of the Secretary of State, that he holds a great office, dealing as it does with world-wide and most momentous international questions, and that it existed under the Confederation before the adoption of the Constitution of the United States and before the creation of the office of President.

Senators under other circumstances would be willing that they, as well as other officials, should forego all distinctions of rank, but that is impossible in the official life of Washington. In official circles Senators will of necessity be assigned to a certain rank and, that being so, they will insist on being accorded their proper rank; and, speaking generally, they prefer not to be present at any function, public or private, where this proper rank is not recognized and accorded to them.

If this were a matter which related only to the personal dignity of a Senator, he might, if he saw fit, waive the question of his rank; but as the question of his precedence touches him in his official station, his duty to his State leaves him no option in the premises.

3676. The Biographical Congressional Directory is compiled at irregular intervals under special authorization.—The Biographical Congressional Directory, listing by Congresses and by individuals in alphabetical order, all Members and Senators who have served in Congress since the establishment of the Government, with summaries of biographical data on each, is compiled at irregular intervals under the direction of the Joint Committee on Printing under authorization of concurrent resolutions¹ making it available for distribution and sale.

¹Second session Sixty-second Congress, Record, p. 11823; Second session Sixty-ninth Congress, Record, p. 5897.