

with until disposed of, but that there had been no opportunity to present such a motion because the Senate found itself without a quorum.

### § 14. Approval

In ordinary practice the Journal is approved by the House without the formality of a motion,<sup>(11)</sup> after the Speaker, in accordance with the applicable House rule,<sup>(12)</sup> has examined it and announced that it meets with his approval. But when objection is raised to the approval of the Journal by unanimous consent, the Speaker may immediately put the question thereon to the House.<sup>(13)</sup> Moreover, even though the Speaker announces his approval of the Journal, he or the House may order it read.<sup>(14)</sup> And, in this regard, a motion that the Journal be approved as read, in the absence of timely objection thereto, may be entertained and acted upon even though offered before the reading of the Journal has been completed.<sup>(15)</sup> On the other hand, the motion to amend the Journal, al-

11. See §§ 14.10, 14.11, *infra*.

12. See § 11, *supra*.

13. See § 14.12, *infra*.

14. See § 11, *supra*.

15. See §§ 14.4 *et seq.*, *infra*.

though taking precedence over the motion to approve it, may not be admitted after the previous question has been demanded on the motion to approve.<sup>(16)</sup>

It is a long-established rule that the transaction of business, no matter how highly privileged, is not in order before the approval of the Journal.<sup>(17)</sup> Thus, even a matter of such high privilege as a report from the Committee on Rules may not be called up for consideration before the Journal has been approved.<sup>(18)</sup> However, the Journal's approval yields to, and thus may be delayed by, the simple motion to adjourn,<sup>(19)</sup> the administration of the oath,<sup>(20)</sup> a point of no quorum,<sup>(1)</sup> an arraignment of impeachment,<sup>(2)</sup> a parliamentary inquiry,<sup>(3)</sup> and questions of privilege of the House.<sup>(4)</sup> And, of course, those matters sanctioned by unanimous consent prior to or during the reading of the Journal are at the same time necessarily in order before the approval of the Journal also.<sup>(5)</sup>

16. See § 13, *supra*.

17. See § 12, *supra*.

18. See § 12.2, *supra*.

19. See § 12.3, *supra*.

20. See § 12.5, *supra*.

1. See §§ 12.6, 12.13, *supra*.

2. 6 Cannon's Precedents § 469.

3. See § 12.15, *supra*.

4. See § 12.17, *supra*.

5. See § 12, *supra*.

It is the uniform practice in the House to approve the Journal for each legislative day.<sup>(6)</sup> Even when the House is reconvening after an adjournment to a day certain of several weeks duration, the Journal of the last day of meeting is taken up for approval.<sup>(7)</sup>

***Order of Approval of Journals***

**§ 14.1 When the Journals of more than one session remain unread and unapproved, they are taken up for approval and disposed of in chronological order.**

On Dec. 9, 1963,<sup>(8)</sup> following the prayer by the Chaplain, the Journal of the proceedings of Dec. 6, 1963, was read and approved. The Journal of the proceedings of Dec. 7, 1963, was then read and, after a Member had reserved the right to object thereto, eventually approved when the Speaker<sup>(9)</sup> put the question thereon to the House.

***Delay in Approval***

**§ 14.2 The failure of the Record to show an action taken in the House does not**

**justify a delay in the approval of the Journal which correctly recorded such action.**

On June 7, 1948,<sup>(10)</sup> a Member questioning the accuracy of the Journal as read reserved the right to object thereto, and pointing out by way of explanation that the Record for the day in question showed the adoption of only one Senate amendment to a certain House joint resolution<sup>(11)</sup> when there were in fact two such amendments to be considered, requested that the approval of the Journal therefore be put off until the next day in order that the matter might be investigated.

The Speaker pro tempore<sup>(12)</sup> declared that the Journal as prepared and read stated the true facts and the true record of the situation, and that the Record, which he had examined and found to be in error, could be corrected by unanimous consent to state the true facts in conformity with the Journal. He concluded that in his opinion the Journal should be approved as read.

6. 4 Hinds' Precedents § 2731.

7. See § 11.2, supra.

8. 109 CONG. REC. 23830, 88th Cong. 1st Sess.

9. John W. McCormack (Mass.).

10. 94 CONG. REC. 7281, 80th Cong. 2d Sess.

11. H.J. Res. 296, 80th Cong. 2d Sess. (1948).

12. Charles A. Halleck (Ind.).

***Motion That Journal Be Approved as Read*****§ 14.3 A motion that the Journal be approved as read which interrupts the reading thereof is subject to a point of order when made.**

On Mar. 26, 1965,<sup>(13)</sup> after a Member had interrupted the reading of the Journal to move that it be approved as read, debate was had on the motion and the previous question was ordered thereon. Then, in responding to a series of parliamentary inquiries, the Speaker<sup>(14)</sup> advised that a point of order against the motion at that particular stage would come too late, but emphasized that he would not want the inference to be drawn that the point could not be made under other circumstances.

**§ 14.4 A motion that the Journal be approved as read, in the absence of timely objection thereto, may be entertained by the Speaker and acted upon by the House, even though offered before the reading of the Journal has been concluded.**

13. 111 CONG. REC. 6095, 89th Cong. 1st Sess.

14. John W. McCormack (Mass.).

On Mar. 26, 1965,<sup>(15)</sup> after a Member had interrupted the reading of the Journal to move that it be approved as read, debate was had on the motion and the previous question was ordered thereon. Thereafter the Speaker,<sup>(16)</sup> noting in response to a parliamentary inquiry that a point of order against the motion would at that stage come too late, put the question of approval to the House, and the motion then being agreed to, the Journal as read was approved

**§ 14.5 A point of order against a motion that the Journal be considered as read and approved came too late after there had been debate on the motion and the previous question had been ordered thereon, notwithstanding that such motion was made before the reading of the Journal was completed.**

On Mar. 26, 1965,<sup>(17)</sup> a Member interrupted the reading of the Journal to move that it be approved, after which debate was had on the motion and the previous question was ordered thereon. Thereafter, in responding to a

15. 111 CONG. REC. 6095, 89th Cong. 1st Sess.

16. John W. McCormack (Mass.).

17. 111 CONG. REC. 6095, 89th Cong. 1st Sess.

series of parliamentary inquiries, the Speaker<sup>(18)</sup> said that the reading of the Journal had not been completed, and that a motion had been made that the Journal be considered as read and approved; he stated that while he would not want the inference to be drawn that a point of order could not be made against the motion under other circumstances, at that particular stage the point of order came too late.

**§ 14.6 A motion that the Journal be approved as read is not subject to the point of order that the reading of the Journal has not been completed after the vote on the question of approval has been taken.**

On Mar. 26, 1965,<sup>(19)</sup> after a Member had interrupted the reading of the Journal to move that it be approved, debate was had on the motion and the previous question was then ordered thereon. Subsequently, in response to a number of parliamentary inquiries, the Speaker<sup>(20)</sup> conceded that the reading of the Journal had not been completed, but said, *inter alia*, that a point of order would

18. John W. McCormack (Mass.).

19. 111 CONG. REC. 6095, 89th Cong. 1st Sess.

20. John W. McCormack (Mass.).

not lie against the motion once the vote on the question of approval had been taken, because the will of the House would then have been expressed.

**§ 14.7 Whenever the previous question has been ordered on a motion to approve the Journal on which there has been no debate, a Member may demand the right to debate the motion under the rules<sup>(1)</sup> of the House.**

On Sept. 13, 1965,<sup>(2)</sup> a Member moved that the Journal be approved, and without any debate on such motion, the previous question was ordered thereon. The Speaker,<sup>(3)</sup> in response to a parliamentary inquiry, then ruled that debate on the motion might be had at that time under Rule XXVII clause 3 if a Member claimed the right.

**§ 14.8 The motion to lay on the table is applicable to a motion that the Journal be ap-**

1. Rule XXVII clause 3, *House Rules and Manual* §907 (1973), providing, *inter alia*, that 40 minutes of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.
2. 111 CONG. REC. 23602, 89th Cong. 1st Sess.
3. John W. McCormack (Mass.).

**proved as read and takes precedence over a prior demand for the previous question thereon.**

On Sept. 13, 1965,<sup>(4)</sup> after the Clerk had finished the reading of the Journal, a Member made the motion that it be approved as read and then moved the previous question thereon, whereupon another Member moved to table the motion to approve and offered an amendment to the Journal. The Speaker<sup>(5)</sup> ruled that the amendment was not in order, but recognized a Member to move to table the motion to approve the Journal.

**§ 14.9 The yeas and nays may be had on ordering the previous question on a motion that the Journal be approved as read.**

On July 25, 1949,<sup>(6)</sup> after the Clerk had finished the reading of the Journal of the previous legislative day, a Member moved that the Journal as read stand approved, and on that motion moved the previous question. The question was then stated by the Speaker<sup>(7)</sup> to be on ordering the

4. 111 CONG. REC. 23600, 89th Cong. 1st Sess.
5. John W. McCormack (Mass.).
6. 95 CONG. REC. 10092, 81st Cong. 1st Sess.
7. Sam Rayburn (Tex.).

previous question, and following the demand of another Member for the yeas and nays thereon, the yeas and nays were so ordered.

***Approval by Unanimous Consent***

**§ 14.10 Under the old rule, under which the Journal was read, the Journal was customarily approved as read by unanimous consent.**

On Oct. 18, 1965,<sup>(8)</sup> after the Clerk had read the Journal of the proceedings of the preceding session, the Speaker<sup>(9)</sup> announced that without objection the Journal, as read, would stand approved. There was no objection.

**§ 14.11 Under the new rule, the Journal is normally approved by the House without the formal putting of a motion to approve.**

On Feb. 21, 1972,<sup>(10)</sup> the Speaker,<sup>(11)</sup> having announced to the House his examination and approval of the Journal of the last day's proceedings, declared that, without objection, the Journal

8. 111 CONG. REC. 27170, 89th Cong. 1st Sess.
9. John W. McCormack (Mass.).
10. 118 CONG. REC. 4748, 92d Cong. 2d Sess.
11. Carl Albert (Okla.).

would stand approved. There was no objection.

**§ 14.12 Where objection was raised to the approval of the Journal by unanimous consent, the Speaker could immediately put the question of approval to the House.**

On Dec. 9, 1963,<sup>(12)</sup> in response to a Member's reservation of the right to object to the Journal as read for the previous legislative day, the Speaker<sup>(13)</sup> immediately declared the question to be on the motion to approve the Journal for that day, and after the motion was agreed to announced that the Journal stood approved.

***Reception of Messages Before Approval***

**§ 14.13 The Speaker may receive a message from the Senate prior to the approval of the Journal.**

On Sept. 13, 1965,<sup>(14)</sup> while a motion to approve the Journal was under debate, a Member rising to a point of order objected to

the reception by the Speaker of a message from the Senate as the transacting of business of the House prior to the completion of the reading of the Journal. The Speaker<sup>(15)</sup> stated that it is always proper to receive a message from the President of the United States, or from the other body, as quickly as possible.

**§ 14.14 A message from the Senate may be received while the motion to approve the Journal is under debate.**

On Sept. 13, 1965,<sup>(16)</sup> while the motion to approve the Journal as read was under debate, a Member made the point of order that the receipt of a message from the Senate then being communicated to the House constituted the transacting of business of the House prior to the completion of the reading of the Journal. The Speaker<sup>(17)</sup> replied that it is always proper, as well as courteous, to receive a message from the other body.

12. 109 CONG. REC. 23831, 88th Cong. 1st Sess.

13. John W. McCormack (Mass.).

14. 111 CONG. REC. 23604, 89th Cong. 1st Sess.

15. John W. McCormack (Mass.).

16. 111 CONG. REC. 23607, 89th Cong. 1st Sess.

17. John W. McCormack (Mass.).