

## Chapter CXLIV.

### THE CONGRESSIONAL RECORD.

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1. Rule for appointment of official reporters of debates. Section 6958.
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**6958. The Speaker appoints the official reporters of debates and stenographers of committees.**

**The Speaker supervises the work of the official reporters and stenographers, and may remove “for cause.”**

**Present form and history of section 1 of Rule XXXVI.**

Section 1 of Rule XXXVI provides:

The appointment and removal, for cause,<sup>2</sup> of the official reporters of the House, including stenographers of committees and the manner of the execution of their duties, shall be vested in the Speaker.

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<sup>1</sup> See also section 7017 of this chapter.

<sup>2</sup> On March 29, 1882, Mr. Alexander H. Stephens, of Georgia, as a question of privilege, presented correspondence whereby the Speaker (Mr. Keifer) had removed for cause Henry G. Hayes, stenographer to committees, but had declined to specify the cause or causes. The subject was referred to the Committee on the Judiciary without debate (first session Forty-seventh Congress, Journal, p. 930; Record, p. 2376).

On April 25, Mr. John G. Carlisle, of Kentucky, by unanimous consent, presented a resolution relating to the removal of Mr. Andrew Devine, also a committee stenographer, who had been removed by the Speaker for cause, but without specification of the cause. This subject also was referred to the Committee on the Judiciary, which does not appear to have reported at this session on either of the cases (first session Forty-seventh Congress, Journal, p. 1122; Record, p. 3272). It is to be inferred, however, that a majority of the Judiciary Committee upheld the Speaker. This appears from a discussion in Committee of the Whole on July 12, 1882 (first session Forty-seventh Congress, Record, pp. 5967–5976) participated in by Mr. Thomas B. Reed, of Maine, chairman of the Judiciary Committee, and Mr. John G. Carlisle, of Kentucky, and others, as to the meaning of the words “for cause” in the rule relating to

This rule dates from January 15 and June 22, 1874.<sup>1</sup> The old form was slightly changed in the revision of 1880.<sup>2</sup>

The committee stenographers were first authorized by resolution,<sup>3</sup> and now by provisions in the legislative, executive, and judicial appropriation bills,<sup>4</sup> wherein also provision is made for the six official reporters of debates and their assistants.

**6959. History of the evolution by which the House has built up the system of a daily verbatim report of its proceedings, made by its own corps of reporters.**

**The origin, publication, and distribution of the Congressional Record.**

The debates were published in a condensed form in the *Annals of Congress*, from 1789 to 1824. From 1824 to 1837 the *Congressional Debates* were published. The *Congressional Globe* began in 1833 and continued until 1873, when the publication of the *Congressional Record* began. The Record contains each morning a full stenographic report of the proceedings of the preceding day.

The Joint Committee on Printing control the arrangements and style, and have a general supervision of the Record and of its index.<sup>5</sup>

Each Representative and Delegate has sixty copies of the Record.<sup>6</sup>

The *Congressional Record* may be furnished to subscribers by the Public Printer at the rate of \$1.50 per month, or \$8 for the long session and \$4 for the short session.<sup>7</sup>

Extracts from the *Congressional Record* may be printed and delivered to Members at cost.<sup>8</sup>

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the dismissal of stenographers by the Speaker. Mr. Reed held that the "Speaker need not specify cause." Mr. Carlisle took the opposite ground. Mr. Reed referred to paragraph 250 of Dillon on Municipal Corporations, and Mr. Carlisle referred to a statement by Mr. Speaker Blaine.

On January 18, 1866, on recommendation of the Committee on Accounts the House agreed to a resolution employing a stenographer for committees. This plan had been tried in the preceding Congress, and worked well. It was to take the place of the old plan of employing stenographers for committees as the occasions arose (first session Thirty-ninth Congress, *Journal*, p. 162; *Globe*, p. 300). The original resolution employing a committee stenographer dated from January 5, 1865.

On January 13, 1884, Mr. Carlisle, then Speaker in a new Congress, announced to the House, and the announcement appears in the *Journal*, the appointment of Andrew Devine as one of the official reporters of the debates (second session Forty-eighth Congress, *Journal*, p. 247; *Record*, p. 662). It is not usual, however, for the Speaker to announce an appointment of this nature to the House, although on March 30, 1886, the Speaker (Mr. Carlisle) announced that, in accordance with the act of March 3, 1885, he appointed two committee stenographers, whose names he gave (first session Forty-ninth Congress, *Journal*, p. 1104; *Record*, p. 2914).

<sup>1</sup>First session Forty-third Congress, *Record*, pp. 678, 5390. Also p. 681 of *Record* for statement of Mr. Blaine that the reporters were officers of the House and removable only for cause.

<sup>2</sup>Second session Forty-sixth Congress, *Record*, p. 207.

<sup>3</sup>Second session Thirty-fifth Congress, *Journal*, pp. 79, 80; first session Thirty-ninth Congress, *Journal*, pp. 162, 1117; first session Fortieth Congress, p. 13; first session Forty-eighth Congress, p. 520; *Record*, p. 957.

<sup>4</sup>24 Stat. L., p. 598.

<sup>5</sup>28 Stat. L., p. 603.

<sup>6</sup>29 Stat. L., p. 454. For general law governing distribution of *Record* see 28 Stat. L., pp. 617, 618. Copies are furnished to newspaper correspondents (31 Stat. L., p. 713).

<sup>7</sup>28 Stat. L., p. 617; 32 Stat. L., p. 786. See these laws also for schedule of general distribution of the *Record*.

<sup>8</sup>18 Stat. L., p. 347.

The present system of reporting the proceedings of the House for the Congressional Record<sup>1</sup> is the result of a slow evolution. At the beginning no provisions were made for reporting the debates. In February, 1795,<sup>2</sup> a committee of the House reported in favor of the appointment of one or more stenographers as officers of the House, but no action resulted; and on December 14, 1796,<sup>3</sup> the House disagreed to a proposition to have the debates reported by contract. On December 6, 1797,<sup>4</sup> a committee reported that as the plan of official reporters of debates had been discountenanced, it was not advisable for the House to assist in unofficial publications. On March 21, 1798,<sup>5</sup> a proposition to permit persons to have places within the bar to take the debates was defeated by a tie vote.

On January 7, 1802,<sup>6</sup> this rule was adopted:

Stenographers shall be admitted, and the Speaker shall assign to them such places on the floor as shall not interfere with the convenience of the House.

There was much debate over this rule, from which it appeared that previously stenographers had been admitted by authority of the Speaker and under his direction they had remained. It was alleged that the Speakers had used this power arbitrarily, sometimes going to the extent of suppressing the publication of speeches. The rule was agreed to, yeas 47, nays 28.

The rule in the Twelfth Congress, date 1811,<sup>7</sup> was:

Stenographers wishing to take down the debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

On May 31, 1813,<sup>8</sup> complaint arose that Mr. Speaker Clay had excluded a stenographer, partisan reasons being suggested. The Speaker explained that there were places for but four, and that he had assigned these places by seniority and not by political favor. The stenographers were employees of newspapers, not of the House. The House voted against the petition of the excluded stenographer.

On March 13, 1820,<sup>9</sup> an attempt to require that the stenographers be under oath failed.

On May 2, 1822,<sup>10</sup> a committee, of which Mr. Henry R. Warfield, of Maryland, was chairman, made a report as to a reform in the method of reporting debates. They did not undertake to say that they should be published in extenso, but did believe that "a rigid adherence to fact in whatever is published of the proceedings of Congress is indispensable." They therefore proposed that the Speaker be authorized to receive proposals for the publication of a correct account of the debates, and

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<sup>1</sup> On March 2, 1849 (second session Thirtieth Congress, *Globe*, p. 646) a brief sketch was given of the compilation of the earlier debates.

<sup>2</sup> *American State Papers*, Vol. I (miscel.), p. 123.

<sup>3</sup> Second session Fourth Congress, *Journal*, p. 616.

<sup>4</sup> Second session Fifth Congress, *American State Papers* (miscel.), Vol. II, p. 159.

<sup>5</sup> Second session Fifth Congress, *Journal*, p. 233; *Annals*, pp. 1285–1295.

<sup>6</sup> First session Seventh Congress, *Journal*, p. 38; *Annals*, pp. 406, 409.

<sup>7</sup> *Journal of the Twelfth Congress*, p. 528.

<sup>8</sup> First session Thirteenth Congress, *Annals*, pp. 112, 127.

<sup>9</sup> First session Sixteenth Congress, *Journal*, p. 300; *Annals*, p. 1634.

<sup>10</sup> First session Seventeenth Congress, *Journal*, pp. 476, 542; *Annals*, pp. 1778, 1779.

submit these proposals to the next session. This change was objected to on account of the expense, and the matter was tabled.

On January 9, 1826,<sup>1</sup> a proposition was made that the Speaker might admit not exceeding three stenographers to occupy places in front of the Clerk's table. On January 10 this was debated and tabled. It was urged that it would make a distinction among the stenographers, giving to three a better place than the others who came into the Hall would have.

On January 25, 1826,<sup>2</sup> it was developed during a debate on a resolution to make the privilege of the floor to stenographers depend on their "decorum and respect to Members," that under the title and rule as to stenographers there was but one stenographer, the others being simply newspaper reporters. The resolution was aimed against these reporters, who had floor privileges as stenographers. It was not agreed to.

On January 14, 1828,<sup>3</sup> Mr. John Randolph, of Virginia, criticised the inaccuracy of the published reports, giving a humorous blunder made in one of his speeches.

On January 27, 1844,<sup>4</sup> Mr. Edward J. Black, of Georgia, proposed a corps of official reporters to be paid by the House, and to report "faithfully and literally" everything "done or attempted to be done." The resolution was objected to and not considered.

In 1848<sup>5</sup> a joint committee of the House and Senate examined into the subject of devising a system of reporting the debates and proceedings in lieu of the system existing.

On September 2, 1850,<sup>6</sup> a proposition to give the Congressional Globe reporters seats in front of the Clerk's table was decided adversely; but in the next Congress Mr. Alexander H. Stephens, of Georgia, renewed the proposition, and on December 10, 1851,<sup>7</sup> the House voted that the Doorkeeper should place three seats in front of the Clerk's desk for the reporters of the Congressional Globe, although these reporters, like their predecessors, were employees of the printer who published the Globe, for the purchase of which the House made annual appropriations.<sup>8</sup>

In 1853<sup>9</sup> an effort was made by Mr. Alexander H. Stephens, of Georgia, to make the Globe reporters paid employees of the House instead of paying so much a column for reports to the contracting printer. At that time it was noted that by assuming some authority over the reports their character had been improved; and on February 20, 1855,<sup>10</sup> the House adopted an amendment to an appropriation bill providing for the payment at public expense of the reporters of the Congressional Globe.

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<sup>1</sup> First session Nineteenth Congress, Journal, pp. 135, 138; Debates, pp. 925, 926.

<sup>2</sup> Second session Nineteenth Congress, Journal, p. 204; Debates, pp. 815-820.

<sup>3</sup> First session Twentieth Congress, Debates, p. 1002.

<sup>4</sup> First session Twenty-eighth Congress, Journal, pp. 297, 298; Globe, p. 201.

<sup>5</sup> First session Thirtieth Congress, Journal, pp. 1137, 1201.

<sup>6</sup> First session Thirty-first Congress, Journal, p. 1353.

<sup>7</sup> First session Thirty-second Congress, Journal, p. 70; Globe, p. 57.

<sup>8</sup> 9 Stat. L., pp. 6, 616.

<sup>9</sup> Second session Thirty-second Congress, Globe, pp. 388, 733.

<sup>10</sup> Second session Thirty-third Congress, Globe, p. 817.

When the House moved into the new Hall in 1857,<sup>1</sup> the official reporters found seats arranged for them in front of the Clerk's desk.

In 1865<sup>2</sup> Congress provided by law that the Congressional Globe should be published daily and delivered to Members of both Houses at the time of meeting; but the publishers were not to be required to publish daily more than forty columns of proceedings of the two Houses. In 1860<sup>3</sup> a Government printing establishment was authorized, for the printing of Congress; and in 1863<sup>4</sup> the system of annual appropriations for reporting proceedings in the two Houses was established.

On December 20, 1865,<sup>1</sup> a proposition was presented from the Committee on Rules, declaring the reporters of the official proceedings officers of the House, and their appointments and removals subject to the approval of the Speaker. This proposition gave rise to debate as to the relations of the House to the contractors who published the Globe, and the rights of those contractors as to the appointment and removal of the reporters. The matter was referred to the Judiciary Committee to determine the legal relations of the House with the contractors who published the debates.

On January 17, 1867,<sup>6</sup> Mr. Ralph Hill, of Indiana, suggested the reporting of debates by reporters chosen by the House and the publication of the debates at the Government Printing Office, but the suggestion was not adopted.

The next step, in 1872,<sup>7</sup> was a law providing that "no person shall be employed as a reporter of the House without the approval of the Speaker of the House," and in accordance with this changed relation in 1874<sup>8</sup> the law recognized five "official reporters of the proceedings and debates of the House of Representatives." The Senate did not make this change, however, and to this day continues the practice of having the reporting of its debates done by contract.

On March 3, 1873,<sup>9</sup> the House agreed to the following:

Whereas the present contract for the publication of the debates expires with this session; and whereas the sundry civil appropriation bill about to become a law provides that until a new contract be made the debates shall be printed by the Congressional Printer, but makes no provision for reporting, leaving each House to adopt such arrangement on that subject as it may deem best: Therefore,

*Resolved*, That the reports of the House proceedings and debates shall be furnished to the Congressional Printer by the present corps of Globe reporters, who shall hereafter, until otherwise ordered, be officers of the House, and shall receive the same compensation now allowed to the official reporters of committees.

The Speaker<sup>10</sup> explained in this connection that the Speaker had always had control over the reporters.

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<sup>1</sup> See report of committee to examine the new Hall. First session Thirty-fifth Congress, Globe, p. 32.

<sup>2</sup> 13 Stat. L., p. 460.

<sup>3</sup> 12 Stat. L., p. 117.

<sup>4</sup> 12 Stat. L., p. 683.

<sup>5</sup> First session Thirty-ninth Congress, Journal, p. 96; Globe, p. 98.

<sup>6</sup> Second session Thirty-ninth Congress, Journal, p. 185; Globe, p. 532.

<sup>7</sup> Stat. L., p. 47.

<sup>8</sup> Stat. L., p. 5.

<sup>9</sup> Third session Forty-second Congress, Journal, pp. 582, 583; Globe, p. 2133.

<sup>10</sup> James G. Blaine, of Maine, Speaker.

On December 5, 1873,<sup>1</sup> the House by resolution set apart a room for the use of the official reporters. Before this they had written out their notes in the seats of Members and in other places.

On January 15, 1874,<sup>2</sup> at the time the appointment and removal of the official reporters was vested in the Speaker by rule, Mr. Speaker Blaine announced that he reappointed the existing reporters for this and subsequent Congresses, until removed for cause.

**6960. The office of reporter of debates is created by resolution reported from the Committee on Accounts and agreed to by the House.**—On December 18, 1903,<sup>3</sup> the following resolution was reported from the Committee on Accounts and agreed to by the House:

*Resolved*, That the Speaker of the House is hereby authorized to appoint an additional official reporter of debates of the House, at the rate of \$5,000 per annum, the same to be paid from the contingent fund of the House until otherwise provided for by law.

**6961.** On May 15, 1890,<sup>4</sup> by a resolution reported from the Committee on Accounts the Speaker was authorized to appoint an additional reporter of the House, to be paid out of the contingent fund until other arrangement should be made.

**6962. The Congressional Record is for the proceedings of the House only, and matters not connected therewith are rigidly excluded.**—On February 25, 1897,<sup>5</sup> Mr. William E. Barrett, of Massachusetts, called attention to the following entry in the Record of the previous day:

During the reading of the bill Mr. Bryan entered the Hall and was loudly applauded by Members on the Democratic side.

And asked if it was not an improper thing to put in the Record.

The Speaker<sup>6</sup> said:

The Chair thinks it is a very improper thing to put in the Record. \* \* \* The Chair will order it stricken out.

**6963. While a message of the President is always printed in the Congressional Record, the accompanying documents are not permitted.**—On January 21, 1896,<sup>7</sup> Mr. James D. Richardson, of Tennessee, rising to a question of privilege, called attention to the fact that the documents accompanying the message of the President relating to speeches of Ambassador Bayard had been printed in full in the Record.

The Speaker<sup>6</sup> said:

The Chair is informed that this was put in the Record by mistake of the printer. \* \* \* Certainly, the criticism of the gentleman is entirely just. The matter ought not to have been printed as a part of the Record. It should have been printed as a document. And the Chair will direct that it be kept out of the permanent Record.<sup>8</sup>

<sup>1</sup> First session Forty-third Congress, Journal p. 60; Record, p. 72.

<sup>2</sup> First session Forty-third Congress, Record, p. 681.

<sup>3</sup> Second session Fifty-eighth Congress, Journal, p. 76; Record, p. 387.

<sup>4</sup> First session Fifty-first Congress, Journal, p. 613.

<sup>5</sup> Second session Fifty-fourth Congress, Record, p. 2258.

<sup>6</sup> Thomas B. Reed, of Maine, Speaker.

<sup>7</sup> First session Fifty-fourth Congress, Record, p. 834.

<sup>8</sup> A message of the President always appears in full in the Record.

**6964. A Member is not entitled to inspect the reporter's notes of remarks not reflecting on himself, delivered by another Member and withheld for revision.**—On June 16, 1894,<sup>1</sup> Mr. Joseph H. Walker, of Massachusetts, stated, as involving a question of privilege, that he had applied for a copy from the original notes of remarks delivered in the House, which request had been denied by the reporters, under the direction, as he was informed, of the Speaker of the House. He claimed that it was his right to have furnished him a copy from such notes.

The Speaker<sup>2</sup> stated that, while there was no rule of the House upon the subject, in his opinion when a Member withheld for revision his remarks, in which remarks was contained nothing personal to or reflecting upon another Member, such other Member was not entitled as a matter of right to be furnished a copy from such original notes, and that he had so advised the reporters in the instance referred to by Mr. Walker.

**6965. A message of the President to the two Houses is printed in the proceedings of only one House.**—On January 26, 1892,<sup>3</sup> the Senate ordered that whenever a message from the President should be printed in the House portion of the Record it should not be duplicated in the Senate portion.

**6966. It is not considered courteous for one House to strike from the Record matter placed therein by permission of the other House.**—On April 22, 1880,<sup>4</sup> the Senate passed a resolution striking from the Record "what purports to be a copyrighted argument of a Territorial Delegate, which appears in the Record of to-day, but which was not, in fact, delivered in the House of Representatives." But upon reconsideration it was decided that it would not be courteous for the Senate to strike from the Record matter placed there by permission of the House, so the resolution was withdrawn.

**6967. No rule requires the official reporters to insert in full in the Record every resolution or other proposition offered by a Member, regardless of the attendant circumstances.**

**A Member may not, in a controversy over a proposed correction of the Record, demand the reading of the reporter's notes of the preceding day.**

**Although a Member in introducing a bill may read it in full to the House, yet it would not therefore appear in full in either the Journal or Congressional Record.**

On January 27, 1885,<sup>5</sup> Mr. John D. White, of Kentucky, rising for the purpose of correcting the Journal, made complaint that a joint resolution which he had introduced on the previous day (H. Res. No. 319), "to abolish the office of Commissioner of Internal Revenue and the entire system of internal taxes," should have been printed in full in the Journal. He had read the resolution in full when he introduced it,<sup>6</sup> and declared that a proper report of what transpired would call for the printing in full of the resolution.

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<sup>1</sup> Second session Fifty-third Congress, Journal, p. 435; Record, p. 6418.

<sup>2</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>3</sup> First session Fifty-second Congress, Record, p. 530.

<sup>4</sup> Second session Forty-sixth Congress, Record, p. 2630.

<sup>5</sup> Second session Forty-eighth Congress, Journal, pp. 354, 356; Record, pp. 1020, 1021, 1025.

<sup>6</sup> Bills and resolutions are now introduced by laying them on the Clerk's table.

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

The Chair will state that on being applied to yesterday by the Chief Official Reporter for advice as to whether or not the joint resolution which was read by the gentleman from Kentucky should be printed in the Record, the Chair advised him that the joint resolution did not properly belong there and ought not, therefore, to go into the Record as a part of the proceedings of the House.

The Chair does not know of any rule which would authorize or require the Official Reporter to insert everything that may be read, either on the floor of the House by a Member himself or from the desk by the Clerk, in the hearing of the House. Unanimous consent is frequently asked of the House to insert such matters in the Record, and the Chair knows of no other way in which they can get there under the rules of the House, except that it has been the practice of the House, the Chair thinks, to insert in full resolutions of inquiry addressed to the heads of the Executive Departments of the Government. \* \* The Chair decides that, under the practice of the House, the joint resolution offered by the gentleman from Kentucky on yesterday is not such part of the official record of the proceedings of the House as can be entered in full either upon the Record itself or upon the Journal of the House; and the Chair decides that the gentleman has now no right to demand, as a matter of right, the reading of the official notes of the reporters of what transpired on yesterday; from which decision the gentleman from Kentucky appeals.

Mr. White having appealed, the appeal was laid on the table; and so the decision of the Chair was sustained.

**6968.** On October 4, 1893,<sup>2</sup> Mr. David H. Mercer, of Nebraska, submitted and asked unanimous consent for the consideration of the following resolution:

*Resolved*, That the Committee on Invalid Pensions be instructed to investigate whether employees of the Interior Department are stationed or traveling in the guise of detectives or otherwise for the purpose of obtaining or manufacturing testimony to the detriment of the old veterans who have applied to the Government for Pensions. \* \* \*

Mr. James D. Richardson, of Tennessee, submitted the question of practice, whether the proposed resolution should be printed in the Record.

After debate the Speaker<sup>3</sup> directed the resolution to be printed in the Record, but stated that his action in the premises would not be taken as a precedent for the future action of the House.

**6969.** On December 6, 1895,<sup>4</sup> Mr. Joseph H. Walker, of Massachusetts, asked unanimous consent that a certain resolution, with accompanying petition, be read for the information of the House, referred to the Committee on Foreign Affairs, and printed in the Record.

Before the reading began Mr. Charles F. Crisp, of Georgia, made this point of order:

A gentleman sends up a resolution such as this—I do not even know what it is—and asks unanimous consent that it be read and printed in the Record. Of course the House is not aware of the contents of the paper until it is read. After it is read, it occurs to some gentleman that it is improper that it be printed, or, unless the mover of the resolution asks unanimous consent for consideration, that it should be considered. Now, Mr. Speaker, the question is, Does the resolution in such a case go into the Record? Having been read at the Clerk's desk, is it to be printed in the Record as part of the proceedings of the House?

<sup>1</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>2</sup> First session Fifty-third Congress, Journal, p. 125.

<sup>3</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>4</sup> First session Fifty-fourth Congress, Record, p. 47.

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

The present impression of the Chair is that the determination of the question raised by the gentleman from Georgia must depend very much upon circumstances. There might be cases in which it would be essential that the resolution should be printed in order to explain and justify the proceedings of the House; but if objection was made before the proposition was actually read, then it seems to me it might be ruled out entirely. I do not, however, speak advisedly upon the question at this time. \* \* \* In this case, inasmuch as the request is simply to have the resolution read to the House and printed in the Record, if, after the reading, objection is made, the Chair will understand that it is not to be

printed in the Record. That will dispose of this case unless some gentleman objects to the view of the Chair.

**6970. The practice of the House does not require that in all cases the texts of bills considered shall be printed in full in the Record.**—On February 6, 1903,<sup>2</sup> Mr. David A. De Armond, of Missouri, rising to a question of order, stated that the Record of the preceding day did not have in full the text of the bill (H. R. 17) “requiring all corporations engaged in interstate commerce to file returns,” etc., which was on that day considered, although the Record did have in full the amendment in the nature of a substitute proposed by the Committee on the Judiciary. Mr. De Armond therefore contended that the Record should be corrected by the insertion of the text of the bill.

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

The mistake consists in printing in the Record, the substitute, not the omission of the other. The Chair will suggest that there is no rule requiring the text of a bill which has been read in the House to be printed either in the Journal or Record. It is not necessary or customary to print it in either of them. \* \* \* The Chair will state that the universal practice is not to print these bills in the Record, but there is a special reason why this particular bill might be excepted, owing to the importance of the bill and the substitute. But that will be a matter for unanimous consent. The Record is made up in the usual way, except in inserting the substitute, which ordinarily would not have been inserted.

**6971. It has been the practice to allow a Member, with the approval of the Speaker, to revise his remarks in the Record provided such revision does not affect the remarks of another Member.**—On March 27, 1882<sup>4</sup> Mr. John D. White, of Kentucky, claiming the floor on a question of privilege, called attention to the fact that the Record did not contain certain passages of a colloquy which took place on the preceding day between Messrs. John E. Kenna, of West Virginia, and Henry G. Turner, of Georgia.

Points of order were made as to whether or not a Member might bring up such a matter as a question of privilege.

After debate the Speaker<sup>5</sup> said:

The Chair thinks ordinarily a correction of the Record, when a Member is himself affected by it, is a question of privilege. \* \* \* The Chair was of the impression that some portion of the matter alleged to have been stricken out related to remarks made by the gentleman from Kentucky. The Chair has always held that Members should have the privilege of correcting the Record, either by having inserted that which had been omitted, or by striking out what was improperly included. Beyond that

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<sup>1</sup>Thomas B. Reed, of Maine, Speaker.

<sup>2</sup>Second session Fifty-seventh Congress, Record, pp. 1785, 1786.

<sup>3</sup>John F. Lacey, of Iowa, Speaker pro tempore.

<sup>4</sup>First session Forty-seventh Congress, Record, pp. 2302, 2304.

<sup>5</sup>J. Warren Keifer, of Ohio, Speaker.

the Chair has never held that Members had any right to interfere with the remarks of others. In this case the Chair will state for the benefit of any person that it affects, that whatever was omitted from the Record was so omitted by consent of the Chair.

Mr. Samuel J. Randall, of Pennsylvania (ex-Speaker), said:

I desire to say a word in justification of the permission granted by the Chair to these two gentlemen to omit from the Record that which was of more or less personal character, affecting only themselves. It has been the uniform practice where personal controversies have occurred on the floor, to allow language used in debate by Members to be modified with the consent of the parties involved, provided that no change was made affecting anything spoken by another Member. \* \* \* I think it quite wise that permission in such cases should be under the control of the Chair, and I believe the authority in this instance has been very properly exercised.

**6972. A Member should not correct the notes of his own speech in such a way as to affect the remarks of an opponent in controversy without bringing the correction to the attention of that Member.**

**Instance wherein the House, on motion put and carried, corrected a Member's speech in the Congressional Record, so that it might be a faithful report of what he had actually said.**

On December 13, 1897,<sup>1</sup> Mr. William P. Hepburn, of Iowa, stated to the House that in the remarks of Mr. James A. Norton, of Ohio, as published in the Record, the word "most" had been changed to "many" in the sentence which stood as follows in the reporter's notes:

By rules of law, by the regulations of your Pension Office, you have made most soldiers either stand upon the rejected roll or commit moral and legal perjury to reach the roll.

In the course of the debate the Speaker<sup>2</sup> said:

Will the gentleman permit the Chair to make a suggestion with regard to this matter? The whole difficulty seems to arise from the fact that a change is made in the stenographer's report, for, with that change made, the rest of the debate seem to be absolutely out of order and irrelevant. If the word "most" is not printed as having been used originally, then, of course, all the rest of the debate falls to the ground. If it is printed as having been used, then the subsequent debate explains it fully and completely. What we want and ought to have is a record of what took place. Of course there are a great many difficulties about revising the debates for the Record. Every Member does revise when he sees occasion and when some other Member is not concerned, but the best practice would seem to be that where a debate has taken place and another Member is concerned, if a speaker desires to change a word the change should be made with the knowledge of the other gentleman who participated in the debate. Unless that rule is observed, we ought to have the reporters' record unchanged. The Chair submits this as, perhaps, a solution of the difficulty. In this case even if the word "most" is printed as it appears in the stenographer's report, the debate goes right on and explains it, but if the word "many" is substituted for "most," then the subsequent debate seem to be irrelevant.

That is one of the difficulties arising from not printing the debate as it occurred, whenever there is any dispute. \* \* \* It has always seemed to the Chair that when the Record was to be corrected and when there was a controversy upon a particular point, either the correction should be made with the consent of the other Member or Members participating, or should not be made at all. In the latter case, the Member who feels aggrieved and desires to change the Record has always the right to come to the House and have it changed; but where he changes the stenographer's minutes and prints something else different from what was said, then the subsequent debate will seem to have taken place under an entire misapprehension; which is unfair to the other persons participating in the debate. \* \* \* We all know how frequently a wrong word comes to our tongues when we are in the midst of extemporaneous speech, and as long as the changing of any such expression does not affect anybody else the

<sup>1</sup>Second session Fifty-fifth Congress, Record, pp. 120, 129.

<sup>2</sup>Thomas B. Reed, of Maine, Speaker.

right to correct it ought to be reserved. The only reason for withholding the privilege of making any such correction is when there may arise some such question as the present. The Chair thinks, however, the whole debate in this case explains itself.

The House, by a vote of 137 yeas to 121 nays, adopted a resolution correcting the printed copy of Mr. Norton's remarks, so that the word "most" should be retained instead of "many."

**6973. A Member having so revised his remarks as to affect the import of words uttered by another Member, the House corrected the Record.**—On June 29, 1906,<sup>1</sup> Mr. John Dalzell, of Pennsylvania, called attention to the fact that Mr. Henry A. Cooper, of Wisconsin, had so revised his remarks in the Record as to modify the effect of certain words in reply uttered by himself; and thereupon moved to strike out the remarks of Mr. Cooper as printed in the Record and insert the words of the reporter's notes.

After debate, this motion was agreed to by the House.

**6974. The House may not strike from the Record the remarks of a Member made in order.**—On February 1, 1878,<sup>2</sup> Mr. John H. Baker, of Indiana made certain charges against the Doorkeeper of the House, presenting certain affidavits reflecting on his character, which were made a part of the speech.

After action on the charges, Mr. Charles C. Ellsworth, of Michigan, moved that the affidavits, which were ex parte, be stricken from the record of debates. This motion was agreed to, but was subsequently reconsidered.

Thereupon Mr. Baker protested that the affidavits were a part of his speech, made on the floor in support of his motion, and that a majority on the floor had no right to expurgate the Record, thus saying by resolution what sentiments a Member should utter on the floor of the House.

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

The Chair thinks that the position taken by the gentleman from Indiana \* \* \* is the correct one, that the House can not eliminate from the remarks of a Member what has been permitted to be made part of his remarks in order.

No appeal was taken from this decision, but Mr. James A. Garfield, of Ohio, said that the decision seemed just to all concerned, and that in all his service on the Committee on Rules he remembered but two instances where the House had struck from the Record what had been said, and in each case it was done because the words were spoken against order.

**6975. Words spoken by a Member after he has been called to order may be excluded from the Congressional Record by direction of the Speaker.**—On June 29, 1864,<sup>4</sup> the House was considering a bill relating to representation from the rebellious States. Mr. Jacob B. Blair, of West Virginia, had the floor, when the point was made that he was not proceeding in order.

The Speaker<sup>5</sup> said:

The Chair will say to the gentleman from West Virginia and to the House that if gentlemen insist upon speaking after they have been decided to be out of order he will be compelled at this stage of the session to exercise the power which has been vested in him to enforce order.

<sup>1</sup> First session Fifty-ninth Congress, Record, pp. 9687-9690.

<sup>2</sup> Second session Forty-fifth Congress, Journal, p. 339; Record, pp. 708, 715-717.

<sup>3</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>4</sup> First session Thirty-eighth Congress, Globe, p. 3390.

<sup>5</sup> Schuyler Colfax, of Indiana, Speaker.

Mr. Robert Mallory, of Kentucky, expressed the hope that the Chair would direct reporters of the *Globe* not to take down anything a Member might utter while speaking in defiance of the ruling of the Chair.

The Speaker said that that was the rule<sup>1</sup> adopted in the last Congress, but it had not been before suggested in this Congress.

Mr. William H. Wadsworth, of Kentucky, made the point that the rules permitted the Chair to decide questions as they arose. He objected to the Chair telling the House how he was going to decide questions in the future that had not arisen.

The Speaker said he would respond to the gentleman frankly that he had the right to state his construction of the rules, and to notify gentlemen in advance that no one could complain of partiality.

**6976.** On August 15, 1876,<sup>2</sup> Mr. Horace F. Page, of California, saying that he arose to a question of privilege, stated that in the appointment of the committee just announced by the Chair to visit California and make inquiry in regard to Chinese immigration the wishes of neither the gentleman from Nevada [Mr. William Woodburn] nor himself had been consulted, and that—

The Speaker pro tempore<sup>3</sup> said that this was not a question of privilege, and that the gentleman was out of order.

Mr. Page, amid the vigorous rapping of the gavel and loud cries of "Order," continued his remarks for some moments.

The Speaker pro tempore said:

The remarks of the gentleman from California [Mr. Page] are entirely out of order. This is no question of privilege. The Chair directs that no language which has been spoken out of order and so ruled by the Chair be taken down by the reporters<sup>4</sup> for insertion in the official proceedings.<sup>5</sup>

**6977.** On May 27, 1896,<sup>6</sup> Mr. Omer M. Kem, of Nebraska, rising to a parliamentary inquiry, asked if remarks made by gentlemen on the floor out of order were entitled to go into the Record when objection was made.

Mr. Charles H. Grosvenor, of Ohio, made the point of order that the Record was not before the House, and that the gentleman was not charged with any duty regarding it until the next morning.

The Speaker<sup>7</sup> said:

The Chair is obliged to say that the question of what goes into the Record is somewhat of a disputed point. Whatever is presented as a question of privilege and as a part of the proceedings of the House ought to go into the Record, but what is said after the question has been ruled upon by the Chair the Chair thinks ought not to go into the Record.

**6978.** Mr. Speaker Colfax held, on June 11, 1866,<sup>8</sup> that the *Globe* reporters were to report the remarks made by Members out of order. He said that the pre-

<sup>1</sup>The Journals of the Thirty-seventh Congress do not show the adoption of such a rule as is referred to, and the reference seems to be to the practice of the House in such cases during that Congress.

<sup>2</sup>First session Forty-fourth Congress, Record, p. 5697.

<sup>3</sup>Milton Saylor, of Ohio, Speaker pro tempore.

<sup>4</sup>On May 31, 1882 (first session Forty-seventh Congress, Record, p. 4397), Mr. Speaker Keifer held in a similar case: "The remarks made out of order will not appear in the Record."

<sup>5</sup>A question relating to the correctness of the Record involves a question of privilege.

<sup>6</sup>First session Fifty-fourth Congress, Record, p. 5802.

<sup>7</sup>Thomas B. Reed, of Maine, Speaker.

<sup>8</sup>First session Thirty-ninth Congress, *Globe*, p. 3089.

vious Congress had adopted a resolution that they should not do so, but no such resolution had been adopted in the present one, so the remarks would be reported.

**6979. A Member having uttered disorderly words on the floor without objection, the House was not thereby precluded from action when, after being withheld for revision, the words were printed in the Record**—In the Congressional Record of September 14, 1890, Mr. Robert P. Kennedy, of Ohio, published a speech which he had made on the floor of the House on September 3, and which contained certain unparliamentary references to the United States Senate.

**6980.** On September 15,<sup>1</sup> Mr. Benjamin A. Enloe, of Tennessee, claiming the floor for a question of privilege, proposed the following resolution:

*Resolved,* That the Clerk of the House of Representatives be, and he is hereby, directed to communicate to the Senate the fact that the House reprobates and condemns the unparliamentary language of Hon. Robert P. Kennedy, a Representative from the State of Ohio, published in the Congressional Record of September 14, 1890, purporting to be a speech delivered on the floor of the House September 3, 1890, in which revised and amended speech he repeats his impeachment of honesty of Senators individually and of the Senate as a body.

Mr. Charles H. Grosvenor, of Ohio, made the point of order that this resolution did not come in here as a matter of privilege under the circumstances which surrounded it.

Whenever the gentleman from Ohio [Mr. Kennedy] had proceeded without interruption to the close of his speech and the House had adjourned, that was the end of any point of order against the character of the utterances contained in that speech. He could not be called in question afterwards; for the language of the rule of the House is that, unless the language is taken down and objection is made at the time, the Member shall not thereafter be called to account for his utterances.

Mr. Grosvenor referred to the rules of the House which provide in section 5 of Rule XVI:

5. If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House: but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.<sup>2</sup>

Mr. Enloe replied that Mr. Kennedy might not be censured for his utterances on the floor; but he had by his publication of the speech in the Record repeated the offense.

In the debate, which continued on September 16,<sup>3</sup> it was assumed that a certain revision had been made by Mr. Kennedy in his remarks as actually uttered; but that this revision was in the nature of lessening the severity of the language.

Mr. Thomas M. Bayne, of Pennsylvania, suggested an amendment providing for striking out the speech from the permanent Record.

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<sup>1</sup>First session Fifty-first Congress, Record, pp. 10068, 10072.

<sup>2</sup>Jefferson's Manual, in Chapter XVII, also refers to English precedents which, however, refer to a time before legislative proceedings were reported: When any Member has spoken, or other business intervened, after offensive words spoken, they can not be taken notice of for censure. And this is for the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down at any time the same day. (2 Hats., 196; Mem. in Hakew., 71; 3 Grey, 48; 9 Grey, 514.)

<sup>3</sup>Record, pp. 10100–10109.

The Speaker<sup>1</sup> entertained the resolution as a question of privilege.

The Chair would not be understood as deciding that a question of this character had precedence over an election case except under the peculiar circumstances in which this has been brought up. The Chair states that simply as a matter of preliminary consideration.

There can be no doubt that legislative proceedings dependent upon two branches—two coordinate branches—would be very much impeded if personal and improper reflections were allowed in the one body on the Members of the other. This fact is so plain, so well established and understood, that it seems unnecessary to say a word in regard to it. It is founded upon that principle which causes the Members of the House of Representatives to speak of each other and to address each other in debate by a phrase rather than by name. It is intended as far as possible to keep personal feeling out of public legislation, and the Chair is very glad, not only for the advantage of the relations existing between the House and Senate, but for the advantage of the relations of the Members themselves to each other and to the Chair, that this question should be passed upon in such manner as will make an impression upon us all.

The Speaker held the said resolution to be before the House for present consideration and the pending question to be on its adoption.

The House, by a vote of yeas 124, nays 53, referred the whole subject to the Committee on the Judiciary.

On September 24, 1890,<sup>2</sup> Mr. John W. Stewart, of Vermont, reported from that committee resolutions expressing disapproval of the language as unparliamentary, and directing that the speech be excluded from the permanent Record, it being impracticable to separate the unparliamentary language.

The House agreed to the resolutions, yeas 151, nays 36.

**6981. A Member having printed his speech after withholding it for revision, the House struck from it unparliamentary portions, although no question had been raised when they were uttered on the floor.**

**Denunciation of the spirit in which a Member had spoken was held out of order as a personality in debate.**

On April 13, 1906,<sup>3</sup> Mr. Augustus P. Gardner, of Massachusetts, claiming the floor for a question of privilege, offered the following resolution:

Whereas on the 10th day of April, 1906, in a speech printed this morning in the Record, the gentleman from Kentucky [Mr. Hopkins] contrary to the law of the House, has embodied the following sentences: "A few days ago Mr. Bennet of New York." "The effort of my friend, though covertly designed, is the first show of their influence in this body. Again, on last Wednesday he showed his interest in the steamship companies by offering and securing the passage through this House of a joint resolution authorizing the admission of Fannie Diner, a pronounced idiot." "The strange feature about this case is that the gentleman from New York studiously concealed these facts from this House or this resolution would never have passed." "The gentleman has a perfect right to standby the ship companies, but he has no right to abuse the confidence of this House by suppressing the truth in his effort to serve them. So completely was this House deceived that my friend Mr. Goldfogle wanted to extend the resolution to cover all such cases and let in all idiots." "Again, on last Friday my friend, feeling that he had scored a point in the interest of the ship companies in relieving them of the embarrassing situation the Fannie Diner case had placed them, took the floor of this House in open opposition to restricting immigration, and in an argument evidently in the interests of the steamship companies, made to delude this House, finds himself in the midst of a mass of contradictions too patent to deceive anyone." "Turning to my friend's first speech, who, while trying to play both sides of this question;"

*Resolved*, That the above sentences be stricken from the Record.

<sup>1</sup>Thomas B. Reed, of Maine, Speaker.

<sup>2</sup>Record, p. 10381.

<sup>3</sup>First session Fifty-ninth Congress, Record, pp. 5220–5231.

In the course of the debate Mr. Henry M. Goldfogle, of New York, said:<sup>1</sup>

Mr. Speaker, the gentleman from Kentucky on two occasions during the session of this Congress undertook to deliver speeches upon the immigration question, and while he attempted to so frame his remarks that it might be understood that he was opposed only to the admission of undesirable aliens, yet one reading his speeches could readily observe that through it there ran the spirit of a bigot and a know-nothing. I believe the sentiment of this House is opposed to that spirit, which on an occasion heretofore I pronounced un-American. I regret that such a spirit found its way—

At this point Mr. Ollie M. James, of Kentucky, called Mr. Goldfogle to order. The Speaker<sup>2</sup> said:

The Chair sustains the point of order. The gentleman from New York will not indulge in personalities and will proceed in order.

The debate having proceeded, Mr. John S. Williams, of Mississippi, said that—the question before this House now upon ultimate analysis was this: Whether or not the gentleman from New York [Mr. Bennet] did or did not deceive the House in getting unanimous consent for the passage of this resolution?

Mr. Gardner, of Massachusetts, raised a question of order—that the gentleman is not speaking to the resolution, which objects to language because it is unparliamentary.

The Speaker said:

The Chair will say in reply to the point of order that the remarks to which the gentleman objected, made by the gentleman from Mississippi, are not of themselves, from a parliamentary standpoint, objectionable. As to what may be the opinion of the gentleman from Mississippi as to what is involved in the controversy the Chair can not rule as to its wisdom or unwisdom.

The debate having proceeded again, Mr. Hopkins, of Kentucky, said:

As to my friend, Mr. Bennet, I can not say so much, for, sir, after two hours of debate here I am only more convinced that the statements I made were the reasonable and natural deductions of his conduct, and that I was right in making them.

Mr. Sereno E. Payne, of New York, said:

Mr. Speaker, I make the point of order—

The Speaker said:

It is the duty of the Chair to say to the gentleman, in the opinion of the Chair, his remarks are not in order under the rules of the House, and the gentleman will please proceed in order.

Mr. Payne insisted that Mr. Hopkins should not proceed.

The Speaker said:

The gentleman will please take his seat and await the pleasure of the House.

Mr. David H. Smith, of Kentucky, moved that Mr. Hopkins be permitted to proceed in order.

This motion was agreed to.

After further debate the resolution offered by Mr. Gardner was agreed to, yeas 165, nays 91.<sup>3</sup>

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<sup>1</sup> Record, p. 5223.

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

<sup>3</sup> Mr. Hopkins's speech as expurgated by the House appears on page 5014 of the Record.

**6982. It is improper for a Member to have published in the Record the individual votes of Members on a question of which the yeas and nays have not been entered on the Journal.**—On March 13, 1894,<sup>1</sup> Mr. Charles H. Grosvenor, of Ohio, presented, as involving a question of privilege, that Mr. Morse had on the preceding day, by way of a proposed correction of the record of the proceedings of Saturday last, stated and caused to be published in the Congressional Record the names of certain Members who had voted affirmatively on a question which had been pending and upon which the yeas and nays had not been demanded by one-fifth of the Members.

Mr. Grosvenor made the point that to so indicate the names of Members voting was a violation of the privileges of Members.

The Speaker<sup>2</sup> expressed the opinion that such indication of the names of Members voting was improper.

**6983. The Speaker has no authority over the Congressional Record, but the House may correct it in any manner it may please.**—On June 27, 1884,<sup>3</sup> Mr. Edward K. Valentine, of Nebraska, claiming the floor on a question of privilege, stated that Mr. William McAdoo, of New Jersey, had printed in the Record, as part of a speech purporting to have been delivered on a subject relating to the Soldiers' Home, a statement that one of a number of alleged land monopolists was Senator John A. Logan, who was alleged to own 80,000 acres. Mr. Valentine proposed to correct the statement.

Messrs. William S. Holman, of Indiana, and Richard P. Bland, of Missouri, having raised points of order, the Speaker,<sup>4</sup> said:

The Chair does not think it a matter of privilege merely to correct an erroneous statement contained in the Record. If the gentleman has any resolution or proposition to submit to the House he can do so, and then the Chair will decide whether it is a question of privilege or not. \* \* \* The Chair thinks that when a Member is granted leave to print he may print anything which he might have said in order on the floor of the House. The gentleman from Nebraska, Mr. Valentine, so far has not disclosed anything which would have been out of order if spoken by a Member on the floor. \* \* \* The Chair does not understand the language to refer to the gentleman in his Senatorial capacity, but the name is simply mentioned with others in the discussion of a general subject. \* \* \* The Chair itself has no more power over the Record than any other Member of the House. If a resolution were offered to expunge certain matter from the Record, then the House of course could act upon that; but the Chair can not decide whether any particular matter should or should not be in the Record.

Mr. Joseph G. Cannon, of Illinois, then presented as a question of privilege the following resolution:

*Resolved*, That the Record of June 25, 1884, be so amended that it may show that the speech purporting to have been delivered by Mr. McAdoo, of New Jersey, in which reference is made to Senator John A. Logan and others, was not actually delivered in the House, but was "printed" in the Record of the 27th of June instant.

Mr. William M. Springer, of Illinois, raised a question of order.

The Speaker said:

The House has the right to correct the Record in any manner it pleases. The Chair will therefore entertain the resolution.

<sup>1</sup>Second session Fifty-third Congress, Journal, p. 244; Record, p. 2905.

<sup>2</sup>Charles F. Crisp, of Georgia, Speaker.

<sup>3</sup>First session Forty-eighth Congress, Journal, pp. 1578, 1581, 1582; Record, pp. 5702, 5703, 5742.

<sup>4</sup>John G. Carlisle, of Kentucky, Speaker.

On June 28 the resolution was laid on the table.<sup>1</sup>

**6984. A question as to the authority of the Speaker over the Congressional Record.**—On February 26, 1901,<sup>2</sup> the conference report on the naval appropriation bill had been disagreed to, and the House was considering motions relating to the Senate amendments to the bill, when Mr. John J. Lentz, claiming the floor on a question of privilege, alleged that the copy of a speech left by him with the Public Printer for publication in the Congressional Record had not been published, but had been delivered to the Speaker and by the latter delivered to Mr. Charles H. Grosvenor, of Ohio. Mr. Lentz thereupon raised a question as to the authority of the Speaker to do this.

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

The attention of the Chair was yesterday called to the fact that a great abuse of the privilege of the House had been exercised by the gentleman from Ohio under the leave given him to print, and the Chair asked the young man who waits upon the Printing Office to hold the gentleman's remarks until the Chair could have an opportunity to glance over them; but amid the pressure of business of yesterday the Chair was unable to examine that and many other things left by Members upon his desk. Nor has he had time this morning; but not having the time the Chair only a short time ago, when the messenger came to him, told him to go ahead and print the gentleman's remarks, and if there was anything offensive or anything wrong it could be corrected by the House, which was the proper body to settle it. \* \* \* The Chair will state to the gentleman that such matters have been repeatedly brought to the attention of the Chair, and by taking time and by getting the parties together who have been firing at each other in debate the matter has been fixed up. The Chair had an instance of that only last week, but the Chair had not in the closing hours time to attend to this thing.

This young man when he spoke to me about it, representing the Printing Office, was given the copy an hour or so ago. It was in the hands of the Government Printer when the matter was brought to the attention of the Chair. The Chair has not read a single word, but has given direction that it must take the usual course, and if there is anything in it that is censurable it is for the House to do that if it sees proper. \* \* \* The Chair makes this ruling, that if anything further is to be done in this matter a distinctive proposition must be submitted to the House.

Mr. James D. Richardson, of Tennessee, thereupon offered this resolution:

*Resolved*, That the Speaker has no right to withhold from the Record the speech of a Member made on a general leave to print.

Mr. John F. Lacey, of Iowa, having raised the question of consideration, the House voted, yeas 118, nays 130, not to consider the resolution.

Mr. Richardson then offered the following:

Whereas the speech of Mr. Lentz, of Ohio, on the general deficiency bill, made in the House on Wednesday last, February 20, has been withheld from publication in the Congressional Record after the same was delivered to the Public Printer for publication by Mr. Lentz; and

Whereas said speech has been turned over to the Speaker of the House, who, it is alleged, has delivered same to a Member of the House for some purpose to the House unknown:

*Resolved*, That such action is hereby condemned by the House, and it is hereby ordered that said speech be delivered forthwith to the Public Printer for publication in the Record.

<sup>1</sup> Journal, pp. 1581, 1582; Record, p. 5741.

<sup>2</sup> Second session Fifty-sixth Congress, Record, pp. 3092–3095.

<sup>3</sup> David B. Henderson, of Iowa, Speaker.

Mr. Lacey having again raised the question of consideration, the House refused, yeas 115, nays 128, to consider the resolution.<sup>1</sup>

**6985. It is for the House and not the Chair to decide whether or not a copyrighted article shall be printed in the Congressional Record.**—On March 27, 1900,<sup>2</sup> while the army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, Mr. W. Jasper Talbert, of South Carolina, sent to the Clerk's desk to be read in his time a copyrighted article from a newspaper.

Mr. John F. Lacey, of Iowa, made the point of order that a copyrighted article might not be printed in the Congressional Record without the consent of the owner of the copyright.

After debate the Chairman<sup>3</sup> said:

The Chair can not pass upon the question whether or not a copyrighted article can be read here. He simply can act under the rules of the House, and if anybody makes objection to having the article read, he will ask the committee to decide whether or not they desire to have it read. \* \* \* The Chair is perfectly clear on the subject. This is a question which the House must settle, and not the Chair. The Chair must therefore overrule the point of order. If the House prefers not to hear the article, not to have it published in the Record, that is for the House to determine, not for the Chair.

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<sup>1</sup>The Chair should undoubtedly be very reluctant to hold that he has any final supervision or control over the Record. While the subject is one where the limits of authority are not well defined, the trend of decisions indicates that whatever supervisory power exists has usually been exercised by the House rather than by the Speaker. In a few instances the Speaker has directed extraneous matters, not belonging properly to the record of debates, to be stricken out. (See section 6962 of this chapter.) He has also assumed the power to withhold from the Record words spoken by a Member after he had been called to order in debate. (See secs. 6975–6978 of this chapter.) In cases of alleged violations of leave to print the questions have been dealt with by the House itself (secs. 6979–6981 of this chapter), and Mr. Speaker Carlisle in one of these cases held that the Speaker did not have the determination of the matter. Mr. Speaker Keifer also disclaimed any control of the Record in a case where a member was alleged to have violated the privilege of extending his remarks.

Apparently there have been no decisions as to the right of the Speaker to examine speeches presented for the Record under a leave to print. That he would have no final power to pass upon them and accept or reject seems evident. But it is not so evident that he does not, as the first officer of the House, have a duty in cases where matter is presented involving a breach of the privileges of the House.

Take an instance. The rules of the House provide very carefully against any debate which reflects on anything said in the Senate, and the Speaker is especially enjoined by the rules to “interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder.” (Jefferson's Manual, p. 158.) In a case where a Member on the floor devoted a speech to reflections on the Senate, the House, after the subject had been considered by the Judiciary Committee, expunged the speech from the Record.

Now, if a responsible officer or agent of the House or the Government Printer brings to the Speaker papers filed with the Printer and containing reflections on the other body, it would seem that the Speaker would be remiss in his duty if he should not bring those papers to the House for its judgment before allowing them to be printed. Can it be that the first officer of the House may know of a contemplated breach of the privileges of the House and be powerless to delay the act until the House can have the opportunity to pass judgment? The Chair may call from the floor a Member who to him appears to be transgressing the rules of privilege. Does the Member have any greater latitude because the House has extended to him the courtesy of printing in place of his right to be heard on the floor?

<sup>2</sup>First session Fifty-sixth Congress, Record, pp. 3367, 3368.

<sup>3</sup>James S. Sherman, of New York, Chairman.

**6986. The Committee of the Whole, having no control over the Congressional Record, reported to the House an alleged breach of privilege involved in the reading of an anonymous letter in the committee, and the House struck the letter from the Record.**—On February 11, 1901,<sup>1</sup> during general debate on the diplomatic and consular appropriation bill (H. R. 13850) in Committee of the Whole House on the state of the Union, Mr. William Sulzer, of New York, read as a part of his remarks an anonymous letter containing insinuations against the integrity of a former official of the Government.

At the conclusion of the reading of the letter, Mr. William S. Knox, of Massachusetts, claiming the floor on a question of privilege, moved to strike the letter from the Congressional Record.

Mr. James D. Richardson, of Tennessee, made the point of order that the committee might not strike out any portion of the Record.

The Chairman<sup>2</sup> sustained the point of order.

Later, on the same day,<sup>3</sup> the bill was concluded and Mr. Robert R. Hitt, of Illinois, had moved that the committee rise and report the bill to the House with a favorable recommendation, when, at the request of Mr. Knox, he withdrew the motion.

Thereupon Mr. Knox moved that when the committee should rise the Chairman should report to the House the alleged infringement of the privileges of the House by the gentleman from New York, by causing to be read a letter referring to Perry S. Heath, which letter was scandalous, and which was called to the attention of the committee by the gentleman from Massachusetts, with a motion that the letter be stricken from the Record.

Mr. James D. Richardson, of Tennessee, made a point of order against the proposed action, on the ground that the words objected to had not been taken down at the time, as required by the rule.

After debate the Chairman held:

The Chair understands the situation to be this: The gentleman from Illinois had made a motion that the committee rise, and that motion was entitled to precedence. At the request of the gentleman from Massachusetts he withdrew it, and there being no other business before the committee, the motion which has been read was in substance made by the gentleman from Massachusetts. It is not the function of the Chair to decide upon the character of the letter, whether it was in order or out of order, because no ruling of the Chair was invoked at the time the letter was read. It is not the function of the Chair to decide what action the House may take upon the report, if any is made, by direction of the committee. There seems to be no precedent on the subject exactly in point, but, for the reasons so clearly stated by the gentleman from Pennsylvania, which the Chair will not repeat, it seems to the Chair that the motion is in order. It seems that there is no other way in which a fact may be reported to the House except through the chairman of the committee, under the direction of the committee itself. The Chair therefore overrules the point of order. \* \* \* The Chair will say to the gentleman from Tennessee that if the Chair understood the gentleman from Tennessee aright, it was the understanding of the Chair that if this motion should be agreed to it would be the duty of the Chair to report exactly the occurrence—how and when the letter was read, and how and when it was objected to by the gentleman from Massachusetts.

The motion offered by Mr. Knox was then agreed to, 77 ayes and 50 noes, on a vote by tellers.

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<sup>1</sup>Second session Fifty-sixth Congress, Record, p. 2279.

<sup>2</sup>William H. Moody, of Massachusetts, Chairman.

<sup>3</sup>Record, p. 2285.

The committee having voted to rise and report the bill with a favorable recommendation, the Speaker resumed the chair, and the chairman of the Committee of the Whole reported as follows:

Mr. Speaker, the Committee of the Whole House on the state of the Union, having had under consideration House bill 13850, has directed me to report the same to the House with one amendment, with the recommendation that the amendment be agreed to and that the bill as so amended do pass. The Committee of the Whole House on the state of the Union has directed me to make further report to the House in accordance with a resolution which was adopted by that committee in the following words:

“That when the committee rise, the chairman report to the House the alleged infringement of the privilege of the House by the gentleman from New York by causing to be read a letter referring to Perry S. Heath, which letter was scandalous, and which was called to the attention of the committee by the gentleman from Massachusetts, with a motion that the letter be struck from the Record.”

Mr. Speaker, in the course of the debate under the five-minute rule in the Committee of the Whole House on the state of the Union the gentleman from New York [Mr. Sulzer] was recognized, and there was read from the Clerk’s desk in his time a certain letter, referred to in the motion which I have reported to the House. At the conclusion of the reading of the letter, the gentleman from New York, still being entitled to the floor, said, “Now, Mr. Chairman,” at which point he was interrupted by the gentleman from Massachusetts [Mr. Knox], who said:

“Mr. Chairman, I rise to a question of the privilege of the House.”

The gentleman from Massachusetts then, at the request of the Chair, stated the question of privilege which he desired to raise. It was that the letter which had been read affected the personal character of citizens of the United States. He closed his statement of the question of personal privilege by a motion to strike the letter from the Record. The gentleman from Tennessee [Mr. Richardson] made the point of order that the Committee of the Whole House on the state of the Union had no jurisdiction over the Record, which point of order was sustained by the Chair.

The Speaker, having stated to the House the report of the Chairman of the Committee of the Whole, said that the question would be first put on the bill which had been reported with a favorable recommendation. The bill was then acted on through its various stages, and finally passed.

A quorum having failed the House adjourned.

On February 12,<sup>1</sup> the report of the Committee of the Whole on the subject of the letter was called up as unfinished business, and Mr. Knox proposed to offer a resolution declaring the letter an infringement of the privileges of the House and a violation of the propriety of debate, and striking it from the Record.

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

The Chair desires to call the attention of the gentleman from Massachusetts to this point. The Committee of the Whole House reported to the House a resolution containing a motion that the letter be struck from the Record. That is the matter, in the opinion of the Chair, which is before this House: and the Chair has very grave doubts about the propriety of offering this resolution or submitting it to the House, considering the fact that the Committee of the Whole has laid before the House, through the report of its Chairman, the resolution which was adopted in Committee of the Whole. \* \* \* The Chair thinks that that puts the matter before the House. \* \* \* The question is upon the motion to strike the letter from the Record. That was the question before the House. The Chair is of opinion that the rule requiring a resolution to precede consideration where the dignity of the House is involved is satisfied when the Committee of the Whole lays a resolution before the House. If this were an individual matter, of course the gentleman could be heard, and debate would proceed unless cut off by the previous question, or until the House was ready to pass upon it. That question, in the judgment of the Chair, is not presented now.

<sup>1</sup>Journal, p. 222; Record, pp. 2320, 2321.

<sup>2</sup>David B. Henderson, of Iowa, Speaker.

After debate the House agreed to the motion that the letter be stricken from the Record.

**6987. While the Committee of the Whole does not control the Record, the Chairman, in the preservation of order, may direct the exclusion of disorderly words spoken by a Member after he has been called to order.**

**The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision.**

**The Speaker recognizes only reports from the Committee of the Whole, made by the Chairman thereof.**

On May 26, 1906,<sup>1</sup> the diplomatic and consular appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. William W. Rucker, of Missouri, was called to order for referring to the proceedings of the Committee on Election of President, Vice-President, and Representatives in Congress.

A motion was then made and agreed to that Mr. Rucker be permitted to proceed in order.

Soon thereafter Mr. Rucker again referred to proceedings in the committee. Mr. Sereno E. Payne, of New York, made a point of order.

The Chairman<sup>2</sup> sustained the point of order, and directed the stenographers to strike from the Record the words spoken out of order.

Mr. Charles L. Bartlett, of Georgia, raised the question that while the Speaker might have control of the Record, the Chairman of the Committee of the Whole did not.

The Chairman said:

The Chair has jurisdiction over matters spoken in the Committee of the Whole.

Later Mr. Champ Clark, of Missouri, rising to a parliamentary inquiry, questioned the right of the Chairman to order stricken from the Record the remarks made by Mr. Rucker just before Mr. Olmsted rose to the question of order.

The Chairman said:

The rule gives the Chairman the right to enforce order in the Committee of the Whole, and such remarks as were made after the gentleman was called to order and after he was ruled out of order should be left out of the Record—that is, such remarks as were out of order after the gentleman was called to order. \* \* \* The Speakers have always exercised it in the House, and the rule gives the Chairman of the Committee of the Whole the same right to enforce order in committee. \* \* \* The Chair desires to call the gentleman's attention to Hinds's Parliamentary Precedents, page 884:

“Mr. Kem, of Nebraska, rising to a parliamentary inquiry, asked if the remarks made by the gentleman upon the floor, out of order, were entitled to go into the Record, when objection was made. Mr. Grosvenor, of Ohio, made the point of order that the Record was not before the House and that the gentleman was not charged with any duty regarding it until the next morning. The Speaker said:

“The Chair is obliged to say that the question of what goes into the Record is somewhat of a disputed point. Whatever is presented as a question of privilege and as a part of the proceedings of the House ought to go into the Record, but what is said after the question has been ruled upon by the Chair the Chair thinks ought not to go into the Record.”

\* \* \* The gentleman from Missouri misunderstood the Chair, because the Chair distinctly said that what was said by the gentleman from Missouri after the point was made and sustained should not go into the Record.

<sup>1</sup>First session Fifty-ninth Congress, Record, pp. 7469, 7472, 7473.

<sup>2</sup>Charles Curtis, of Kansas, Chairman.

Later, after the Committee of the Whole had risen and the Speaker had resumed the chair, Mr. Clark, claiming the floor for a question of privilege, stated what had occurred in Committee of the Whole.

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

The Chair has no knowledge of what took place in the Committee of the Whole House on the state of the Union. The Committee of the Whole House on the state of the Union is a committee consisting of all the Members, and the Chair has no means of ascertaining what took place in that committee except upon a report by the Chairman of that committee to the House. The Chair knows nothing from that report. The Chair has a precedent that is in hand, which will be found on page 403 of the Manual. It is as follows:

“The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision.”

Mr. Clark stated that he was making such a report.

The Speaker replied:

But some other Member might disagree with the gentleman. The gentleman from Missouri bears no mission from the Committee of the Whole House to report to the House what happened there.

Mr. Clark thereupon cited the following from the Manual:

The Committee of the Whole, having no control over the Congressional Record, reported to the House an alleged breach of privilege involved in the reading of an anonymous letter in the committee, and the House struck the letter from the Record.<sup>2</sup>

The Speaker replied:

Precisely, but the gentleman is hoist by his own—\* \* \* What the gentleman has just read is exactly in point as sustaining the Chair. \* \* \* There is no report touching this matter made from the committee to the House, and therefore there is nothing upon which to base action.

**6988. It is for the House and not for the Chairman of the Committee of the Whole to determine the privileges of a Member under a general leave to print in the Record.**—On February 24, 1899,<sup>3</sup> while the army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, Mr. Henry U. Johnson, of Indiana, having completed his remarks to the committee, addressed to the Chairman this parliamentary inquiry:

By virtue of the general leave given by the House to extend remarks in the Record in the debate, have I not the right to put the whole of the address that the President of the United States delivered before the Home Market Club at Boston, in the Record with my speech?

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

The Chair desires to say to the gentleman from Indiana—and the Chair hopes the gentleman will give his attention—that the House and not the committee gave gentlemen who address the committee on this bill the privilege to extend their remarks in the Record. Each gentleman can exercise his judgment upon that, and it is a matter for the House to determine when those remarks are printed, and not for the chairman of the committee.

**6989. The amendment of the Record is not in order pending the approval of the Journal.**—On May 29, 1906,<sup>5</sup> a motion to amend the Journal

<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> This paragraph covered a case wherein a motion had been made to strike something from the Record, not to an action of a Chairman in enforcing order in debate. See section 6986 of this chapter.

<sup>3</sup> Third session Fifty-fifth Congress, Record, p. 2316.

<sup>4</sup> Albert J. Hopkins, of Illinois, Chairman.

<sup>5</sup> First session Fifty-ninth Congress, Record, p. 7624.

made by Mr. Marlin E. Olmsted, of Pennsylvania, was pending, when Mr. Champ Clark, of Missouri, asked if the effect of the motion would be to amend the Congressional Record also.

The Speaker<sup>1</sup> replied that it would not.

Thereupon Mr. Olmsted proposed to include the amendment of the Record in his motion.

The Speaker held that such a proposition would not be in order.

**6990. The practice of inserting in the Record remarks not actually delivered on the floor has grown up by consent of the House.**—On May 23, 1860,<sup>2</sup> an attempt was made to provide that the reporters of the Globe should not print anything spoken by a Member who had not first been recognized by the Speaker, and that nothing said in the House and declared to be out of order should be reported, nor anything not actually said in debate. This proposition was defeated, yeas 75, nays 82.

**6991.** On July 20, 1867,<sup>3</sup> the House gave Members leave to print speeches that they had been unable to deliver as part of the debate in the Globe on the President's veto of the bill relating to the more efficient government of the rebel States.

**6992.** On May 20, 1852,<sup>4</sup> a complaint was made that a Member had inserted in the Globe a speech that he did not make on the floor of the House, and a demand that the speech should be distinguished in some way from speeches actually delivered. Nothing was done about it, however.

**6993.** On December 29, 1852,<sup>5</sup> complaint was made that a Member had printed as part of the proceedings of the House a speech which he had not delivered. It was stated at the time that the custom had been for Members to print undelivered speeches as part of the Appendix, but not as part of the proceedings. The result of the discussion was the adoption of a resolution forbidding the reporters to insert in the Globe as part of the proceedings of the House speeches not made in the House, unless by leave of the House. A proviso was also adopted that nothing in this arrangement should prevent any Member correcting or revising the reporters' notes.

**6994.** On December 23, 1884,<sup>6</sup> in the Senate, the abuses of the leave to print in the Congressional Record were the subject of an interesting debate.

**6995.** In 1870,<sup>7</sup> the Senate sent to the House a concurrent resolution to prohibit the printing of the Globe of speeches not actually delivered. The House referred it to the Committee on Rules.

**6996.** On January 22, 1874,<sup>8</sup> the House received from the Senate a concurrent resolution providing that it should be unlawful for the Printer to publish in the Record any speech or portion of speech not actually delivered in the Senate or House. The House referred the resolution to the Committee on Printing.

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<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> First session Thirty-sixth Congress, Journal, p. 908; Globe, p. 2284.

<sup>3</sup> First session Fortieth Congress, Globe, p. 757.

<sup>4</sup> First session Thirty-second Congress, Globe, p. 1419.

<sup>5</sup> Second session Thirty-second Congress, Journal, pp. 90, 91; Globe, pp. 169–173.

<sup>6</sup> Second session Forty-eighth Congress, Record, p. 422.

<sup>7</sup> Second session Forty-first Congress, Journal, p. 417; Globe, p. 1457.

<sup>8</sup> First session Forty-third Congress, Journal, pp. 288, 296.

**6997. The House and not the Speaker determines what liberty shall be allowed to a Member who has leave to extend his remarks in the Record.—**

On February 27, 1899,<sup>1</sup> Mr. Henry U. Johnson, of Indiana, rising to a parliamentary inquiry, stated that leave had been granted to Members participating in the debate on the army appropriation bill “to extend their remarks in the Record,” and he desired to know whether or not that leave would permit a Member who, during debate in Committee of the Whole, submitted some criticisms on the address of the President recently delivered at the Home Market Club in Boston to incorporate the address of the President into his remarks in the Record?

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

The Chair does not like to pass upon a question of this sort in answer to a parliamentary inquiry, for the reason that he would be usurping the functions of the House. The Chair thinks the difficulty may be solved by the gentleman from Indiana asking unanimous consent of the House. Gentlemen will at once perceive that the House might be entirely willing that certain documents should be printed which had been criticized; but if a general rule were undertaken to be established, then by a little criticism on a book the whole book might be printed, a thing which the House has hitherto desired to avoid, although it has not always been successful.

**6998. The House and not the Speaker decides whether or not a Member has exceeded the leave given him to print in the Record.**

**References to the practice of permitting Members to print in the Congressional Record speeches which they have not delivered on the floor.**

On April 14, 1892,<sup>3</sup> Mr. Julius C. Burrows, of Michigan, called attention to the fact that nearly all of the chapters of a printed book entitled Protection or Free Trade had been incorporated in the remarks of Mr. Stone, of Kentucky, and other Members of the House published in the Congressional Record under the general leave-to-print remarks on the bill H. R. 6007; and submitted to the Speaker the question of order whether it was in order by virtue of such leave to print for Members to embody in their respective speeches the several parts of a printed book the author of which was not a Member of the House.

The Speaker,<sup>4</sup> in response to the question, stated it had always been a question to be determined by the House itself whether or not any gentleman under a leave to print has violated the rules or the practice that had prevailed in that respect. The extent to which a Member should print was not a matter for the Chair to determine.

Mr. Burrows then moved that there be omitted from the permanent Record the printed matter he had just indicated.

Mr. George W. Fithian, of Illinois, moved to amend the motion by striking out from the Record, on pages 3453 and 3454, a letter published in a speech of Mr. J. P. Dolliver over the name of R. G. Hall.

Mr. Burrows then withdrew his motion.

**6999.** On February 8, 1896,<sup>5</sup> Mr. George D. Perkins, of Iowa, on behalf of the Committee on Printing, called attention to the fact that under a general leave to

<sup>1</sup>Third session Fifty-fifth Congress, Record, p. 2472.

<sup>2</sup>Thomas B. Reed, of Maine, Speaker.

<sup>3</sup>First session Fifty-second Congress, Journal, p. 144; Record, pp. 3299–3306.

<sup>4</sup>Charles F. Crisp, of Georgia, Speaker.

<sup>5</sup>First session Fifty-fourth Congress, Record, pp. 1531, 1532.

print, which had specified that speeches should be such "as might ordinarily be delivered in the House, with such extracts as are usually read and belong to a speech, and not chapters from books, etc.," one Member had inserted a speech delivered by a Senator, while a second Member had inserted a speech delivered out of the House, in a distant part of the country, by another Member.

In the course of the debate the Speaker<sup>1</sup> said:

It rests largely upon the good faith of Members what shall be printed under a general leave to print, and it is very possible that the particular cases which are made the subject of question on this occasion might readily be disposed of with the consent of the gentlemen who have put the speeches in the Record, the presumption being that they did not intend to violate the rule.

By unanimous consent the speeches were allowed to remain in the Record.

**7000.** On May 11, 1896,<sup>2</sup> Mr. George D. Perkins, of Iowa, of the Joint Committee on Printing, offered this motion:

Mr. Perkins moves to strike out of the permanent Record the matter inserted by Mr. Joseph Wheeler, of Alabama, on Friday last, aside from the matter, according to the reporter's notes, delivered by him in his five minutes' time, said matter being on pages 5472, 5473, 5474, and 5475.

After debate the motion was agreed to by the House.

**7001. A Member having obtained leave to print certain matter in the Record, and having inserted other matter, the House directed it to be stricken out.**—On March 26, 1898,<sup>3</sup> Mr. Joseph W. Bailey, of Texas, moved to strike from the Record a portion of certain matter which had been inserted in the Record by Mr. Richmond Pearson, of North Carolina, by permission of the House granted on the preceding day.

On that day Mr. Pearson, having risen to a question of privilege, had stated that he had been charged with violating the franking privilege, and asked leave to insert in the Record the evidence of the untruthfulness of that charge. This consent was given.

When the evidence appeared in the Record there was included with it a newspaper article on a subject relating to the politics of North Carolina.

After debate the motion of Mr. Bailey was agreed to, and the extraneous matter was stricken out.

**7002. The House quite generally stipulates, in granting leave to print, that it shall be exercised without unreasonable freedom.**—In 1892 the leave to print in the House was taken advantage of for the insertion in the Record of entire books that had already been published and copyrighted. A volume of Henry George was one of the volumes thus printed. This abuse was the subject of debate in the House and Senate, and on April 19, 1892,<sup>4</sup> the House, for the purpose of stopping the practice for the time, adopted a resolution reported from the Committee on Rules revoking all leaves to print. It was the purpose of the House by this action to prevent further abuse of the privilege under existing

<sup>1</sup> Thomas B. Reed, of Maine, Speaker.

<sup>2</sup> First session Fifty-fourth Congress, Record, pp. 5123–5125.

<sup>3</sup> Second session Fifty-fifth Congress, Record, pp. 3245–3248.

<sup>4</sup> First session Fifty-second Congress, Record, pp. 3299, 3415, 3437.

leaves to print and in future to cause a stipulation to be made with each leave that no such abuse should be allowed.<sup>1</sup>

**7003.** On February 27, 1901,<sup>2</sup> the House had agreed to the conference report on the Military Academy appropriation bill, when Mr. Theobald Otjen, of Wisconsin, asked unanimous consent for leave to print remarks on the bill just passed.

This request was granted, subject to a condition imposed by Mr. George W. Steele, of Indiana, that the remarks should be confined to subjects included in the bill.

**7004. A Member having, under leave to print, made charges against another Member, the House ordered the speech stricken from the Record. In debating a resolution to strike from the Record disorderly language, a Member may not read the said language.**

On March 21, 1904,<sup>3</sup> Mr. William P. Hepburn, of Iowa, claiming the floor for a question of privilege, presented this resolution:

Whereas Hon. Robert Baker, of New York, on March 18, 1904, obtained leave in the Committee of the Whole House on the state of the Union to insert remarks in the Record; and

Whereas under the leave so given he has printed as his remarks charges against a Member of this House in his representative capacity; and

Whereas the said charges against the character of a Member were not in order and were an abuse of the privilege of the House: Therefore,

*Resolved*, That the said remarks, extending on pages 3603, 3604, and 3605 of the Record of the date of March 18, 1904, be, and are hereby, expunged from the Record, and are declared not to be a legitimate part of the official debates of the House.

Mr. John S. Williams, of Mississippi, while admitting that certain portions of the remarks should be stricken out, contended that the whole speech should not go out; and was proceeding to read certain paragraphs which, he contended, should be allowed to remain.

Mr. Sereno E. Payne raised the question of order that matter which it was proposed to strike out might not be included in the Record in this indirect way.

The Speaker<sup>4</sup> held that the point of order was well taken.

After debate, during which Mr. Baker did not get the floor, Mr. Hepburn moved the previous question, which was ordered, yeas 130, nays 97.

Thereupon the resolution was agreed to.

Mr. Baker intimated dissatisfaction at not having had an opportunity to explain.

**7005. When a Member, under leave to print, places in the Record that which would not have been in order if uttered on the floor, the House may exclude the speech in whole or in part.**

**An abuse of the leave to print gives rise to a question of privilege.**

On February 22, 1870,<sup>5</sup> Mr. Henry L. Dawes, of Massachusetts, rising to a question of privilege, commented upon the fact that the printing of speeches in the

<sup>1</sup> Leaves to print may regularly be granted by resolution of the House reported by the Committee on Rules and agreed to by the House, or by unanimous consent of the House without reference to the committee.

<sup>2</sup> Second session Fifty-sixth Congress, Record, p. 3159.

<sup>3</sup> Second session Fifty-eighth Congress, Record, pp. 3470-3474; Journal, pp. 462, 463.

<sup>4</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>5</sup> Second session Forty-first Congress, Journal, p. 363; Globe, pp. 1481, 3849.

Globe that had not been delivered in the House—a practice unknown when he entered the House—had grown to considerable proportions, and offered the following:

Whereas Hon. William Mungen, a Member of this House, did, on the 19th instant, obtain unanimous consent of the House in Committee of the Whole to print in the Globe, as if delivered in the House, a speech not otherwise delivered, and did cause a speech to be so printed in the Daily Globe of the 20th instant as if delivered in the House and under its rules, alleged to be of such a character as to be an abuse of the privilege so obtained and a violation of the rules of the House: Therefore,

*Resolved*, That the Committee on Rules be instructed to inquire and report whether the said William Mungen, in causing the said speech to be printed as aforesaid, has not abused the privilege thus obtained, violated the rules of the House, and deserved its censure; and that in the meantime the said speech be excluded from the Congressional Globe.

Mr. Charles A. Eldridge, of Wisconsin, made the point of order that the Member from Ohio could not be called to order for the words, as business had transpired since then.

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

The Chair overrules the point of order, because, even if it were good in other respects, the indulgence of the House had put it beyond the power of any Member to insist on the rules of order. The rules of the House could not then be enforced.

After debate the resolution was agreed to.

On May 26, 1870, Mr. James A. Garfield, of Ohio, from the Committee on Rules, proposed to report the following resolution, but as Mr. Mungen was not present deferred doing so. It does not appear that the matter was again taken up.

*Resolved*, That the speech on "The recognition of Cuba," inserted in the Daily Globe of February 20, 1870, under leave to print granted to Hon. William Mungen, of Ohio, contains remarks of a personal character prohibited by the rules of the House, and not proper to be inserted in the Congressional Globe, and the publishers of the Globe are hereby directed to exclude it.

**7006.** On April 14, 1871,<sup>2</sup> Mr. George C. McKee, of Mississippi, called attention to a printed speech of Mr. A. E. Garrett, of Tennessee, wherein was incorporated an extract from a newspaper abusive of Adelbert Ames, a Member of the United States Senate from Mississippi.

Thereupon Mr. James A. Garfield, of Ohio, offered the following:

Whereas A. E. Garrett, a Member of this House from the Third district of Tennessee, did cause to be printed in the Daily Globe of April 14, 1871, as if delivered in the House on the 5th of April, and under its rules, by him, a speech in which was contained a reference to Hon. Adelbert Ames, a Senator of the United States from the State of Mississippi, in the words following [here follows the extract]: Therefore,

*Be it resolved*, That the said A. E. Garrett has thereby committed a gross breach of the privileges of this House, and that he be forthwith brought before the bar of this House and be there reprimanded by the House, and that the printer of the Congressional Globe be instructed not to insert the speech in which such words occur in the Congressional Globe.

Mr. Garrett having expressed regret to the House, Mr. Garfield modified his resolution, and it was agreed to in the following form:

Whereas A. E. Garrett, a Representative from the Third district of Tennessee, has this day, in open session, expressed to the House his regret that he caused to be printed in the Daily Globe of April 14, 1871, a speech containing a passage in gross violation of the rules and privileges of this House: Therefore,

*Resolved*, That the printers of the Globe shall be instructed not to print said speech in the Congressional Globe, and that no further action be taken in the premises.

<sup>1</sup>James G. Blaine, of Maine, Speaker.

<sup>2</sup>First session Forty-second Congress, Journal, pp. 156, 196; Globe, pp. 671, 672.

Subsequently, on April 18, this resolution was reconsidered and so modified as to exclude only the offensive portions of the speech.

**7007.** On December 12, 1884,<sup>1</sup> Mr. A. J. Warner, of Ohio, as a question of privilege, submitted the following preamble and resolution:

Whereas Hon. Joseph D. Taylor, of Ohio, on the 5th day of July, 1884—the House being in session, and having under consideration the Mexican pension bill with Senate amendments—having obtained the floor, occupied the time of the House for six minutes in remarks upon said bill; and

Whereas on the 7th day of July said Joseph D. Taylor obtained leave to extend his remarks in the Record; and

Whereas, instead of extending his remarks under said leave, said Joseph D. Taylor did, after the adjournment of Congress, have printed in a copy of the Record, bearing date of issue August 1, 1884, a written speech or paper, not embracing his remarks in the House, but containing sentences and paragraphs reflecting upon Members of the House in their representative capacity, upon committees of the House, and upon the House itself, and referring to and reporting, or purporting to report, the action of and occurrences in one of the committees of the Senate—all in violation of the implied obligation in his leave to extend his remarks in the Record, and in violation of the privileges and rules of the House: Therefore

*Be it resolved,* That the parts of said speech reflecting upon Members of the House, or of any committee of the House, or on the House itself, or relating to what took place in any committee of the Senate are unparliamentary and an abuse of the privileges of the House, and of its leave to print, and are hereby declared not to be a legitimate part of the official debates of the House.

The extracts presented with the resolution charged committees of the House with not deigning to consider certain bills and intimated that certain bills in the interest of the soldiers had been suppressed by stealth and cowardice. Another sentence denounced the attitude of the House as an outrage on justice. Another passage explained certain changes in a Senate committee which had resulted in action by that committee.

After debate a motion to refer the preamble and resolution to the Committee on Rules was decided in the negative, yeas 94, nays 161. The preamble and resolution were then agreed to, yeas 164, nays 62.

**7008.** On March 18, 1892,<sup>2</sup> Mr. George Fred Williams, of Massachusetts, rising to a question of personal privilege, called the attention of the House to the fact that Mr. Joseph H. Walker, of Massachusetts, under a leave to print, had published in the Record words not spoken in the House, which reflected on certain of his Massachusetts colleagues, on the officers of the House, and on Members of the Senate. After debate the subject was referred to the Committee on Printing, with instructions to report whether or not the privileges of the House had been violated and whether any portions should be expunged from the Record.

On March 21<sup>3</sup> Mr. James D. Richardson, of Tennessee, reported from the committee the following resolutions:

*Resolved,* That the House, deeming it a high duty that the courtesy and decorum required by parliamentary law and practice should characterize debate and the conduct of Members at all times in their official relations, hereby expresses its disapproval of the unparliamentary language used by Hon. Joseph H. Walker, a Representative from the State of Massachusetts, in that portion of his speech printed in the Record on the 17th instant, but which was not delivered on the floor. And considering

<sup>1</sup> Second session Forty-eighth Congress, Journal, pp. 73–76; Record, pp. 205–217.

<sup>2</sup> First session Fifty-second Congress, Journal, p. 107; Record, p. 2193.

<sup>3</sup> Journal, pp. 110, 159; Record, pp. 2271, 3631; Appendix, p. 622.

it impracticable to separate the unparliamentary portions of said speech from such parts thereof as may be parliamentary: Therefore

*Be it further resolved*, That the Public Printer is directed to exclude, etc. [describing the portions to be excluded].

The committee in their report found that the speech contained personalities aimed at Members of the House; that it arraigned the motives of Members; that it mentioned Members by name instead of by descriptive phrase; that it referred to a Member of the Senate not only by name but "in a vulgar and common way;" that it charged a Member of the Senate with influencing the action of the Speaker, and charged the Speaker with certain motives in taking a certain course of action. The committee concluded that these expressions would not be permitted on the floor, and that it should not be permissible to print in the Record that which might not be uttered on the floor.

On April 25 the resolutions of the committee were considered, but the effort to agree to them was thwarted by obstructive tactics on the part of the minority. And they were never adopted, and the speech with the objectionable portions remained in the Record and appears in the Appendix.

**7009. General leave to print may be granted only by the House, although in Committee of the Whole a Member, by unanimous consent, is sometimes given leave to extend his remarks.**—On May 28, 1902,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 12704) to increase the subsidiary silver coinage, when Mr. Charles F. Cochran, of Missouri, asked unanimous consent that all Members who should address the committee on the bill might extend their remarks in the Record.

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

That request will have to be made in the House. \* \* \* It can be done in individual cases by the committee, but general leave to print can not be granted by the Committee of the Whole House.

**7010.** On February 8, 1905,<sup>3</sup> while the railroad rate bill (H. R. 18588) was under consideration in Committee of the Whole House on the state of the Union, Mr. Robert Baker, of New York, asked unanimous consent for leave to extend his remarks in the Record.

Mr. Charles L. Bartlett, of Georgia, raised the question of order that the Committee of the Whole might not entertain such a request.

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

The Chair will state to the gentleman that technically his point of order is correct, but it has been the practice in this committee to grant an individual request for leave to extend remarks in the Record.

**7011. An abuse of the leave to print in the Congressional Record gives rise to a question of privilege.**—A Member having printed in the Record under leave to print a copyrighted poem, a question of privilege was raised, and the matter was referred to the Committee on Rules.<sup>5</sup>

<sup>1</sup> First session Fifty-seventh Congress, Record, p. 6052.

<sup>2</sup> James A. Tawney, of Minnesota, Chairman.

<sup>3</sup> Third session Fifty-eighth Congress, Record, p. 2137.

<sup>4</sup> Frank D. Currier, of New Hampshire, Chairman.

<sup>5</sup> Second session Forty-sixth Congress, Record, p. 2649. The committee permitted the poem to remain in the Record, and it appears on page 337 and succeeding pages of the Appendix of the Record of the second session Forty-sixth Congress.

**7012. A resolution to expunge from the Record a speech alleged to be an abuse of the leave to print must be entertained as a matter of privilege.**

**An inquiry by the House as to an alleged abuse of the leave to print does not necessarily entitle the Member implicated to the floor on a question of personal privilege.**

**It is for the House and not the Speaker to pass on an alleged abuse of the leave to print in the Congressional Record.**

On June 8, 1886,<sup>1</sup> Mr. William D. Kelley, of Pennsylvania, as a question of privilege, presented the following resolution:

Whereas it appears from the publication in the Congressional Record of June 6 of a speech of Hon. Joseph Wheeler, of Alabama, purporting to have been made on the evenings of May 28 and June 4, by unanimous consent of the House, the House then having under consideration the Private Calendar under the special order of January 15, 1886, that said Joseph Wheeler had been guilty of an abuse of the order of the House, inasmuch as no part of said speech had been made in support of, or opposition to, or with reference to any bill granting a pension reported from the Committee on Invalid Pensions or the Committee on Pensions, or to a bill reported from the Judiciary Committee to remove political disabilities, which three classes of bills constituted the sole objects that might be considered under the said order of January 15, in pursuance of which the said meetings of May 28 and June 4 had been held: Therefore,

*Be it resolved,* That as the delivery of said speech and its publication in the Record were without sanction of the House and in contravention of its special order, the said speech be expunged from the Record, and that the Public Printer be directed to omit it from the permanent Record, and be prohibited from issuing any copy or copies thereof in pamphlet or other form from the columns of the daily Record.

Mr. John H. Reagan, of Texas, made the point of order that the remarks, having been made at an evening session by the unanimous consent of the House, could not be an offense against the House, and that no question of privilege was presented or involved.

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

It is not within the province of the Chair to decide whether the matter in question is or is not an abuse of the orders or rules of the House. It is alleged by the gentleman from Pennsylvania to be an abuse of the order of the House, and it is for the House itself to decide whether that allegation is true or not. All the Chair can do is to determine that the charge made and the motion made to expunge the speech from the Record, which contains the official proceedings of the House, presents a question which the Chair must entertain as a matter of privilege. It is for the House itself to say whether the charge made is true or not, and whether the speech in question should be expunged from the Record or not. The Chair can not decide that question.

Mr. Springer made the further point of order that, under clause 5 of Rule XIV,<sup>3</sup> the question presented by Mr. Kelley was not in order, business having intervened since the words excepted to were spoken.

The Speaker held that that was also a question for the House to decide, and not within the duty or province of the Chair to pass upon.

The speech of Mr. Wheeler, to which objection was made, had contained certain statements in regard to the late Secretary of War, Edwin M. Stanton, and in presenting the resolution Mr. Kelley denounced those statements as slanders.

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<sup>1</sup> First session Forty-ninth Congress, Record, pp. 5416, 5420; Journal, p. 1835.

<sup>2</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>3</sup> For this rule see section 5177 of this volume.

Mr. Wheeler thereupon claimed, as a matter of personal privilege, the right to reply to what he termed the charge of slander thus made.

The Speaker ruled:

Unless the gentleman from Alabama can point out some statement in the speech of the gentleman from Pennsylvania which imputes to him some improper or some corrupt motive, or some false statement knowingly made, or some attempt to deceive and impose on the House, it presents no question of personal privilege, and that the only matter before the House is simply the merits of the proposition of the gentleman from Pennsylvania to expunge from the Record a certain speech.

The Chair will also state, in his opinion, when a motion is under consideration which implies in any degree the censure of a Member of the House there must necessarily be allowed more latitude of expression in reference to that matter than in the ordinary discussion of a matter of legislation pending before the House. Otherwise a charge against a Member could never be properly prosecuted on the floor of the House. The discussion of such matters, when it is confined legitimately to the merits of the proposition actually before the House, can not present questions of privilege of which the Member whose conduct is assailed can avail himself. \* \* \*

The gentleman from Pennsylvania did undoubtedly charge that the statements contained in the speech of the gentleman from Alabama were slanders upon the memory of Mr. Stanton, and he gave that as one of the reasons why the speech, under the circumstances, should be expunged from the Record. But the Chair thinks, as has just been stated, that when a charge is made against the conduct of a Member, or a motion to expunge some matter from the Record, the statement of the reasons why that should be done, if pertinent to the motion, does not present a question of privilege; otherwise there would be no end to the discussion of the proposition either on a motion to censure or to expel or to expunge matter from the Record; for every statement made, although absolutely necessary in order to inform the House what the charge really was, would involve a question of privilege, to which the Member could respond as a matter of right, and he could continue to exercise this right throughout the whole discussion any time the charge, or the reasons for it, should be repeated.

**7013. A motion for the correction of the Congressional Record may be made properly after the reading and approval of the Journal.**—On July 8, 1898,<sup>1</sup> Mr. Levin I. Handy, of Delaware, made this motion:

I move to correct the Record by striking out all on page 7578, all on page 7579, and on the following page, 7580, to wit, all beginning with the words "The Dingley bill has done remarkably well" down to and including the words "This is all any nation assumes to do."

I make this motion, Mr. Speaker, because the language which I propose to strike out and expunge from the Record was not spoken on the floor, and because it was not and is not within the privilege to print given to the gentleman from New York (Mr. Ray), in whose remarks it appears in the Record.

Mr. John Dalzell, of Pennsylvania, as a parliamentary inquiry, asked if the motion was in order at this time.

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

The Chair thinks it is in order. It comes at the close of the reading of the Journal.<sup>3</sup> The gentleman made his point as soon as the House met.

**7014. Since the reporters of debates have become officers of the House a correction of the Congressional Record has been held to be a question of privilege.**—On February 17, 1854,<sup>4</sup> Mr. Speaker Boyd held that there was no privilege whatever connected with the Congressional Globe, and that a proposition to correct it had no standing as a question of privilege.

<sup>1</sup>Second session Fifty-fifth Congress, Record, p. 6799.

<sup>2</sup>Thomas B. Reed, of Maine, Speaker.

<sup>3</sup>The Speaker omitted to add the approval of the Journal also, for obviously a motion to correct the Record might not be offered while the question on the approval of the Journal was pending.

<sup>4</sup>First session Thirty-third Congress, Globe, p. 443.

**7015.** On June 24, 1870,<sup>1</sup> Mr. Samuel J. Randall, of Pennsylvania, presented a letter from the publishers of the *Globe* in relation to changes made in the report of a remark made by Mr. Randall in controversy with Mr. Benjamin F. Butler, of Massachusetts. The change had been made by Mr. Butler. Mr. Speaker Blaine declined to hold that this involved a question of privilege.

**7016.** On January 23, 1877,<sup>2</sup> Mr. William Hartzell, of Illinois, sought the floor announcing that he wished to move a correction of the Record.

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

Heretofore it has been ruled that the correction of the Record is not a privileged question; but since the reporters have become, in the fullest sense, officers of the House, the Chair is inclined to believe that the correction of the Record is, equally with the correction of the Journal, a privileged question. He therefore recognizes the gentleman to make such a correction.

**7017. A question as to the accuracy or propriety of anything contained in the official records of debates may be submitted to the House as a matter of privilege.**

**As a general principle the Speaker has no control over the official record of debates.**

**A Member having abused a leave to print on the last day of a session, the House condemned the abuse and declared the matter not a legitimate part of the official debates.**

**The House condemned as unparliamentary a printed speech for its reflections on Members, committees of the House, and the House itself, and for its references to alleged occurrences in a committee of the Senate.**

On December 12, 1884,<sup>4</sup> Mr. A. J. Warner, of Ohio, rising to a question of privilege, presented the following preamble and resolution:

Whereas Hon. Joseph D. Taylor, of Ohio, on the 5th day of July, 1884—the House being in session, and having under consideration the Mexican pension bill with Senate amendments—having obtained the floor, occupied the time of the House for six minutes in remarks upon said bill; and

Whereas on the 7th day of July said Joseph D. Taylor obtained leave to extend his remarks in the Record; and

Whereas instead of extending his remarks under said leave, said Joseph D. Taylor did, after the adjournment of Congress, have printed in a copy of the Record, bearing date of issue August 1, 1884, a written speech, or paper, not embracing his remarks in the House, but containing sentences and paragraphs reflecting upon Members of the House in their representative capacity, upon committees of the House, and upon the House itself, and referring to and reporting, or purporting to report, the action of and occurrences in one of the committees of the Senate—all in violation of the implied obligation in his leave to extend his remarks in the Record, and in violation of the privileges and rules of the House: Therefore,

*Be it resolved*, That the parts of said speech reflecting upon Members of the House, or of any committee of the House, or on the House itself, or relating to what took place in any committee of the Senate, are unparliamentary and an abuse of the privileges of the House and of his leave to print, and are hereby declared not to be a legitimate part of the official debates of the House.

Mr. Thomas M. Browne, of Indiana, made the point of order that no question of order was presented.

<sup>1</sup> Second session Forty-first Congress, Journal, p. 1081; *Globe*, pp. 4797, 4798.

<sup>2</sup> Second session Forty-fourth Congress, Record, pp. 832, 833.

<sup>3</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>4</sup> Second session Forty-eighth Congress, Record, pp. 205, 217; Journal, pp. 73, 74.

The Speaker,<sup>1</sup> in ruling, said:

The gentleman from Ohio in this resolution asks for the judgment and action of the House itself as to whether or not this publication in the Record is a violation of the rules. The question the Chair has to decide is whether the gentleman has the right as a matter of privilege to ask the judgment of the House on a matter affecting the official record of its debates. \* \* \*

The question, and the only question, for the Chair to determine is whether it is not sufficient when a Member rises in his place on the floor and suggests that certain things have been done in violation of the rules of the House and asks the judgment of the House upon the statement he makes—whether it is not the duty of the Chair to submit that question to the House for its determination. \* \* \*

If the gentleman from Ohio, Mr. Taylor, for instance, whose remarks are complained of, was on the floor addressing the House, any gentleman, although he might be speaking in entire accordance with the rules of the House, would have the right to rise to a question of privilege, and make a point of order that his remarks were not in order under the rules of the House, and the gentleman would be required to suspend until the matter had been passed upon by the Chair.

The difference between the two cases is simply this, that now the matter to which reference is made has passed beyond the control of the Chair, because it has gone into the official record of the debates of the House over which the Chair has no control, but over which the House has itself complete control.

The Chair thinks that although the complaint made by the gentleman from Ohio might prove to be entirely without foundation, yet it is his privilege to present the matter to the House, his right to call the attention of the House to it as a matter of privilege; and the Chair must submit the question to the House for its action under all the practice and rulings heretofore.

After debate, in which Mr. Taylor participated, the House agreed to the resolution, yeas 164, nays 62.

**7018.** On January 7, 1892,<sup>2</sup> Mr. James D. Richardson, of Tennessee, as a question of privilege, offered the following resolution:

*Resolved by the House of Representatives (the Senate concurring),* That the joint Committee on Printing be, and is hereby, ordered to examine into the errors in the index to the Congressional Record of the present session of Congress, and, if possible to do so, to take such steps as will in future remedy the defects and correct the errors therein.

Mr. James B. McCreary, of Kentucky, having raised a question of order as to whether or not the resolution was privileged,

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

It is the custom of the House to keep a journal of its proceedings and also a record, setting forth the proceedings more fully than they are set forth in the Journal. The Chair thinks that whatever affects its integrity, if it has omissions, is a question of privilege. \* \* \* The Chair thinks that under the usual practice of the House all questions affecting the integrity of the Record are privileged.

**7019. A resolution to correct the Congressional Record is privileged, and such correction is not within control of the Speaker.**—On March 8, 1902,<sup>4</sup> after the reading and approval of the Journal, Mr. John W. Gaines, of Tennessee, called the attention of the Chair and the House to an alleged error in the report of certain remarks made by himself on the preceding day.

The Speaker<sup>5</sup> said:

The correction of the Record is privileged, but if the gentlemen do not agree in respect to it, a resolution of the House will have to be submitted. \* \* \* The gentleman from Tennessee must realize the fact that this is not a matter within the control of the Presiding Officer, and there is nothing before the House now unless he offers a resolution or makes a motion.

<sup>1</sup>John G. Carlisle, of Kentucky, Speaker.

<sup>2</sup>First session Fifty-second Congress, Record, p. 194.

<sup>3</sup>Benton McMillin, of Tennessee, Speaker pro tempore.

<sup>4</sup>First session Fifty-seventh Congress, Record, p. 2524.

<sup>5</sup>David B. Henderson, of Iowa, Speaker.

**7020. A question of privilege as to an alleged error in the Record may not be raised until the Record has appeared.**—On April 24, 1900,<sup>1</sup> during consideration of the joint resolution (S. 116) “to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of civil officers provided for in the act approved April 12, 1900, entitled,” etc., extracts from the notes of the reporters of debates were read in a decision on a point of order.

Mr. Ebenezer J. Hill, of Connecticut, claiming the floor on a question of privilege, proposed to correct the Record just read.

The Speaker<sup>2</sup> held that it could not be done until the succeeding day.

**7021. A resolution to omit from the manuscript copy of the Congressional Record certain remarks declared out of order does not present a question of privilege.**—On January 27, 1885,<sup>3</sup> during debate on the subject of certain alleged alterations in the notes of the reporters of the House, Mr. John D. White, of Kentucky, was several times called to order for not confining himself to the subject under consideration.

At the conclusion of Mr. White’s remarks, Mr. Samuel S. Cox, of New York, rising to a question of privilege, offered this resolution:

*Resolved*, That the remarks of Mr. White, of Kentucky, on the resolution which he submitted this morning were delivered out of order, and that the official reporters be directed to omit them from the Record.

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

If anything hereafter should be printed in the Record which ought not to be there, or anything should be omitted which ought to be there, the Chair would consider that that presented a question of privilege. \* \* \* But there has nothing appeared as yet in the Record which it is alleged is out of order. \* \* \* The point of order is made against the motion of the gentleman from New York, Mr. Cox, that it is not privileged; and the Chair thinks it is not a privileged motion.

**7022. A resolution relating to the distribution of the Congressional Record to persons other than Members was held not to present a question of privilege.**—On February 6, 1897,<sup>5</sup> Mr. James D. Richardson, from the Committee on Printing, presented, as involving a question of privilege, this resolution:

*Resolved, etc.*, That the Public Printer be, and is hereby, authorized and directed to supply to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, one copy of the daily Congressional Record, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct.

The Speaker<sup>6</sup> decided that the resolution could not come up as a question of privilege.

**7023. Offensive words having already been stricken from the Congressional Record, a question of privilege may not arise therefrom.**—On July 28, 1892,<sup>7</sup> Mr. Joseph Wheeler, of Alabama, submitted as a question of privilege

<sup>1</sup> First session Fifty-sixth Congress, Record, p. 4616.

<sup>2</sup> David B. Henderson, of Iowa, Speaker.

<sup>3</sup> Second session Forty-eighth Congress, Record, p. 1024; Journal, p. 356.

<sup>4</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>5</sup> Second session Fifty-fourth Congress, Record, p. 1632.

<sup>6</sup> Thomas B. Reed, of Maine, Speaker.

<sup>7</sup> First session Fifty-second Congress, Journal, p. 340; Record, p. 6896.

that on yesterday Mr. Thomas E. Watson, of Georgia, in the course of his remarks, had used this language:

On page 7367, the gentleman from Alabama (meaning Mr. Wheeler) says this:

“On passage of the bill (the reapportionment bill favorable to the Republicans) 113 Democrats voted against, and 114 rascally Republicans voted for, and 13 leprous Greenbackers voted with the Republicans.”

He denied that he had used the language “rascally Republicans” and “leprous Greenbackers,” and claimed the right to the floor to refute said charge.

Mr. Nelson Dingley, of Maine, made the point of order that no question of privilege was presented by Mr. Wheeler.

The Speaker,<sup>1</sup> sustaining the point of order, held that the matter presented did not present a question of privilege under the rule.

It appears from the record of debate that Mr. Watson had already corrected his remarks, saying that he had no intention of attributing the portions complained of to Mr. Wheeler, and did not in fact do so, although the Record made it appear that he did. This fact was stated by the Speaker in his ruling.

**7024.** The rules governing the publication of the Congressional Record prescribe the conditions under which Members may revise their remarks.

**Rules governing the furnishing of copy under leave to print in the Congressional Record.**

**The insertion of maps or diagrams in the Congressional Record is within the control of the Joint Committee on Printing.**

**The arrangement, style, etc., of the Congressional Record is prescribed by the Joint Committee on Printing.**

On May 5, 1888, the Joint Committee on Printing 2 adopted the following rules for the publication of the Congressional Record:

First. When copy is taken out for revision by Senators, Representatives, or Delegates, it should be returned to the Government Printing Office not later than 12 o'clock midnight, in order to insure its publication in the Record on the morning following; and if said copy is not furnished at the time specified, the Public Printer is authorized to withhold it from the Record for one day, and in no case will a speech be printed in the Record on the day after its delivery if the copy be furnished later than 12 o'clock midnight.

Second. The copy of speeches containing large tabular statements to be published in the Record should be in the hands of the Public Printer not later than 6 o'clock p.m. on the day prior to their publication.

Third. Proofs of “leaves to print” and advance speeches will not be furnished on the night of the day on which the copy is received, but will be sent on the following day, should it be possible to do so without causing delay in the publication of the regular proceedings of Congress.

<sup>1</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>2</sup> The act of March 3, 1873 (17 Stat. L., p. 510) had provided that “until a contract for publishing the debates of Congress is made, such debates shall be printed by the Congressional Printer, under the direction of the Joint Committee on Public Printing on the part of the Senate.” An act of February 8, 1881 (21 Stat. L., pp. 516, 517), placed the indexing of the Record under charge of the Joint Committee on Printing. And finally, the act of January 12, 1895 (28 Stat. L., p. 603), provides that the Joint Committee on Printing “shall have control of the arrangement and style of the Congressional Record, and while providing that it shall be substantially a verbatim report of the proceedings, shall take all needed action for the reduction of unnecessary bulk, and shall provide for the publication of an index of the Congressional Record semimonthly during the sessions of Congress and at the close thereof.”

Fourth. Corrections in speeches for the bound edition of the Record should be sent to the Public Printer within four days after the delivery of the speech to be corrected, as it is then stereotyped.

Fifth. If copy or proofs have not been returned within the time above mentioned, the Public Printer will insert the words “Mr. ——— withholds his remark for revision, and they will appear hereafter,” and proceed with the printing of the Record.

Sixth. The Public Printer is not authorized to insert any maps or diagrams in the Record without the approval of the Joint Committee on Printing. All requests for such approval should be referred to

the Joint Committee on Printing, and may be submitted to the chairman of the Committee on Printing on the part of the Senate or of the House, in whichever the speech illustrated may have been delivered, and no maps or diagram shall be inserted that exceed in size a page of the Record.

Seventh. The Public Printer will arrange the contents of the Record as follows: First, the Senate proceedings; second, the House proceedings; third, the speeches withheld for revision: *Provided*, That should the copy of the regular proceedings, either in the Senate or in the House, be delayed, the Public Printer is authorized to at once begin the make-up, on the first page, with either Senate or House proceedings or with such speeches as are on file, giving precedence to those first received, in their order.