

Chapter CLI.¹

PROCEDURE AND POWERS OF THE MEMBERS-ELECT IN ORGANIZATION.

1. Privilege of resolution affecting organization of the House. Section 3.
 2. The seating of Members. Section 4.
 3. As to when Congress is assembled. Section 5.
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3. A resolution affecting the organization of the House is privileged, and takes precedence of a motion that the House resolve itself into the Committee of the Whole to consider a revenue bill.—On May 13, 1909,² Mr. Sereno E. Payne, of New York, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Philippine tariff bill.

Pending this motion, Mr. Finis J. Garrett, of Tennessee, offered as privileged the following resolution:

Resolved, That the Speaker be, and he is hereby, respectfully requested to appoint the Committee on Insular Affairs forthwith.

Thereupon Mr. Payne submitted the point that the resolution offered by Mr. Garrett was not privileged.

The Speaker³ said:

This resolution, as well as the motion of the gentleman from New York, Mr. Payne, is privileged under the rules, yet it occurs to the Chair that the resolution of the gentleman from Tennessee, Mr. Garrett, affects the organization of the House and would take precedence of the privileged motion of the gentleman from New York.

4. Members are not assigned to particular seats in the House, and the seating of Members is no longer governed by rule.

Tables are provided for the use of members of the committee in charge of the business before the House.

Formerly individual desks were provided for the use of Members in the Hall of the House, and a rule⁴ provided for the assignment of seats by lot at the commencement of each Congress. The last drawing of seats under the rule was held at the organization of the Sixty-second Congress.⁵

¹Supplementary to Chapter IV.

²First session Sixty-first Congress, Record, p. 1997.

³Joseph G. Cannon, of Illinois, Speaker.

⁴Sec. 119 of Vol. 1.

⁵First session Sixty-second Congress, Record, p. 8.

When the membership of the House was increased in 1913, the desks were removed and benches were substituted¹ in preparation for the first session of the Sixty-third Congress. The substitution of benches for desks was found to have rendered the assignment of seats impracticable and unnecessary, and the provision for assignment was specifically excepted in the resolution² adopting the rules of the Sixty-third Congress. Members are no longer assigned to particular seats and may choose any vacant seat, although it is customary for a Member to be seated in the section occupied by his party.

Tables for the use of members of the committee in charge of the business before the House are provided on either side, but in speaking at length Members usually take a position in front of the Speaker in the well of the House instead of speaking from the tables or from their seats as was the custom before the desks were removed.

On April 7, 1913,³ Mr. A. Mitchell Palmer, of Pennsylvania, in conformity with long-established custom, submitted a request for unanimous consent that the party leaders be permitted to select their seats, but omitted the names of certain members of long service usually included in such requests.

In explanation he said:

The plan in this Congress is to have all seats free, so that Members may sit where they wish. The only thing that is sought to be accomplished by this request is that the leaders of the three parties and the chairman and ranking members of the most important committees of the House, which have the most business before the House, may be certain of their seats when they come upon the floor.

The tables provided for the use of committees and of Members having business before the House will give ample room for papers and documents which Members addressing the House may desire to have before them.

Since there are to be no regularly assigned seats to every Member it did not seem necessary to extend the courtesy to those Members of the House who have been long in service.

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

The commission which provided for the reseating of the Hall designed these tables primarily for committees that had charge of a bill on the floor of the House and those in opposition to the bill, so that the majority members of a committee in charge of a bill would have a table on that side of the House, and any gentlemen in opposition would have a right to have their papers on a table on this side of the House.

Thereupon, Mr. Palmer withdrew his request, and no proposition for an assignment of seats has since been received in the House.

However, by general acquiescence, the aisle seats at the center tables on either side of the chamber are reserved for the use of the majority and minority leaders, respectively.

5. The Congress is not assembled until both House and Senate are in session with a quorum present.—On December 1, 1913,⁴ in the Senate, at the beginning of the second session, after the Senate had transmitted to the House the

¹ Third session Sixty-second Congress, Journal, p. 110; Record, p. 1357.

² First session Sixty-third Congress, Journal, p. 8; Record, p. 69.

³ First session Sixty-third Congress, Record, p. 68.

⁴ Second session Sixty-third Congress, Record, p. 3.

usual message announcing the presence of a quorum and that the Senate was ready to proceed to business but before a similar message had been received from the House, Mr. John Sharp Williams, of Mississippi, demanded the regular order, which was the morning business.

Mr. Reed Smoot, of Utah, said:

It has always been the rule that the Senate has taken a recess to wait until they have received notice from the House of Representatives that it is in session and also a report from the committee appointed to wait upon the President. This is a session of Congress; it is not merely a session of the Senate; and by right we ought to know whether or not Congress is in session, and the only way to know that is to receive notification from the other House of its organization.

Mr. Williams replied:

Usually that course is necessary, and I understand that precedent is followed on the meeting of a new Congress; but in this instance both Houses have organized and everybody knows it. This is the second session of this Congress, and all we have to do is to go ahead with the regular order.

The Vice-President ¹ held:

The Constitution of the United States requiring the Congress of the United States to assemble upon the first Monday in December of each year, the Chair rules that the Congress of the United States is not assembled until both the Senate and the House of Representatives are in session with a constitutional quorum present for the transaction of business, and that no legislative business can be transacted by the Senate of the United States until that time has arrived.

¹Thomas R. Marshall, of Indiana, Vice-President.