

Chapter CCLXX.¹

SESSIONS AND ADJOURNMENTS.

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3363. While neither House may adjourn for more than three days during a session of Congress without the consent of the other, either may adjourn ad libitum with the consent of the other House.

The first instance² in which one House adjourned for more than three days with the consent of the other.

On July 28, 1919,³ Mr. Frank W. Mondell, of Wyoming, being recognized to submit a privileged resolution, offered the following:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Saturday, the 2d day of August, it stand adjourned until 12 'clock meridian, Tuesday, the 9th of September.

Mr. Mondell explained that the legislative program of the House had been practically completed and it was proposed that the House, with the consent of the Senate, stand in recess until the Senate had completed consideration of the pending peace treaty.

After debate, the concurrent resolution was agreed to without division.

3364. On November 18, 1919,⁴ on motion of Mr. Charles Curtis, of Kansas, by unanimous consent, the Senate proceeded to the consideration of the following Senate resolution:

Resolved, That the consent of the Senate is hereby given to an adjournment sine die of the House of Representatives at any time prior to December 1 when the House shall so determine.

¹Supplementary to Chapter CXL.

²There is no previous instance in which this procedure has been followed. Section 6672 of Hinds' Precedents.

³First session Sixty-sixth Congress, Record, p. 3248.

⁴First session Sixty-sixth Congress, Record, p. 8760.

It was suggested by Mr. William F. Kirby, of Arkansas, that adjournment of the House under the authorization proposed by the resolution would render it impossible for the Senate to adjourn at all.

Mr. Curtis explained that it was understood that the House would adopt a similar resolution consenting to the adjournment of the Senate.

The resolution was agreed to.

On the following day,¹ the House agreed to a privileged resolution presented by Mr. Frank W. Mondell, of Wyoming, as follows:

Resolved, That the consent of the House of Representatives is hereby given to an adjournment sine die of the Senate at any time prior to December 1, when the Senate shall so determine.

3365. A concurrent resolution fixing the time of final adjournment is offered as a matter of constitutional privilege.

On May 29, 1928,² in the Senate, Mr. Charles Curtis, of Kansas, submitted, as privileged, the following:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized and directed to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5.30 o'clock p.m.

Mr. Hiram W. Johnson, of California, objected to the present consideration of the concurrent resolution.

The Vice President³ held the concurrent resolution to be privileged, and overruled the point of order.

3366. A Senate resolution consenting to adjournment of the House for more than three days was refused consideration in the Senate on the ground that the House had not requested such consent.

On request of the House, the Senate agreed to a resolution granting its consent to the adjournment of the House for a period in excess of three days.

Adoption of a resolution requesting consent of the Senate to adjournment for more than three days was held not to confer privilege on a motion to adjourn to a certain day.

On June 28, 1922,⁴ in the Senate, Mr. Francis E. Warren, of Wyoming, from the Committee on Appropriations reported favorably the following resolution:

Resolved, That the consent of the Senate is hereby given to an adjournment of the House of Representatives to Tuesday, August 8, 1922.

In debate it was explained that the resolution had been introduced at the request of the floor leader of the House to authorize adjournment by that body during consideration of the tariff bill in the Senate.

Objection was made that such resolution should be preceded by an official request from the House and on that ground the resolution was laid on the table.

¹ Record, p. 8810.

² First session Seventieth Congress, Record, p. 10511; Senate Journal, p. 567.

³ Charles G. Dawes, of Illinois, Vice President.

⁴ Second session Sixty-seventh Congress, Record, p. 9549.

On June 29,¹ in the House, on motion of Mr. Frank W. Mondell, of Wyoming, the following resolution was considered:

Resolved, That the House of Representatives requests the consent of the Senate to an adjournment of the House until Tuesday, August 15, 1922.

Mr. John N. Garner, of Texas, objected that the adoption of the resolution might be interpreted as authorizing arbitrary consideration of a motion to adjourn to a day certain.

The Speaker² held:

The Chair thinks that this motion would not be privileged until some rule had been adopted as to the time of adjournment.

On the same day, the Presiding Officer laid before the Senate the resolution of the House, when on motion of Mr. Charles Curtis, of Kansas, the request of the House was agreed to, and the House was notified of the action of the Senate.

On the following day,³ in the House, Mr. Bertrand H. Snell, of New York, from the Committee on Rules, reported, as privileged, this resolution:

Resolved, That when the House adjourns to-day it adjourns to meet on Tuesday, August 15, 1922, at 12 o'clock meridian.

After debate, the yeas and nays being ordered, the question was taken on agreeing to the resolution, when the yeas were 171, the nays were 43, and the resolution was agreed to.

Thereupon, pursuant to the resolution, and the concurrent resolution previously agreed to, on motion of Mr. Mondell, the House adjourned until Tuesday, August 15, 1922, a 12 o'clock noon.

3367. A motion to take from the Speaker's table a concurrent resolution providing for a recess of more than three days, while privileged, is not debatable.

On July 6, 1918,⁴ Mr. Claude Kitchin, of North Carolina, moved to take from the Speaker's table the concurrent resolution (S. Con. Res. 20) providing for a recess of 30 days for the two Houses while the Committee on Ways and Means formulated the tariff bill.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses of Congress adjourn on Saturday, the calendar day of July 6, they adjourn to meet at 12 o'clock meridian on August 12, 1918, unless sooner convened by the President of the United States.

Mr. William B. Bankhead, of Alabama, submitted a parliamentary inquiry as to whether the motion was debatable.

The Speaker⁵ held that it was not debatable.

3368. In computing the days of a session the period during which the Congress stands adjourned for more than three days is treated as dies non.

¹ Record, p. 9684.

² Nicholas Longworth, of Ohio, Speaker.

³ Record, p. 9877.

⁴ Second session Sixty-fifth Congress, Record, p. 8835.

⁵ Champ Clark, of Missouri, Speaker.

The week's time required to make a resolution of inquiry privileged consists of seven days on which the House is holding legislative sessions.

On January 3, 1927,¹ Mr. Fiorello H. LaGuardia, of New York proposed to call up, as a matter of privilege, a resolution of inquiry requesting information from the Secretary of the Treasury relating to the enforcement of the prohibition law.

Mr. Bertrand H. Snell, of New York made the point of order that the resolution was not privileged for the reason that it had not been introduced the required number of days. Mr. Snell submitted that the week required by the rule should be interpreted as seven legislative days and that the resolution having been introduced on the day on which Congress adjourned for the Christmas recess, seven legislative days had not yet elapsed.

The Speaker² ruled:

The Chair will first decide the point originally raised by the gentleman from New York as to whether the 7-day rule applies in this case, and how. The Chair is very certain that this precise point has never arisen before in his service of the House and is unable to find any precedent for it since the beginning.

The Chair does not think the precedent cited by the gentleman from New York is in point here, that precedent occurring while the House was in session; the failure of a committee to receive a resolution within the prescribed seven days did not vitiate the privilege of moving to discharge the committee from its consideration. This is a different question. This question has involved in it, as it seems to the Chair, whether during the holidays of the House adjournment sine die or adjournment for some specific time by concurrent resolution when both the Senate and the House act there is involved the duty of every committee of the House to remain here and take up any resolutions that may be referred to it.

The gentleman from Tennessee, Mr. Garrett, as the Chair understood, admitted that if this resolution had been introduced on the 3d of July last it could not have been called up on the 6th of December, so that the question raised by the gentleman from Tennessee was that there was at least a technical difference between an adjournment sine die and an adjournment by concurrent resolution.

The Chair appreciates that there might be a technical difference, but in making a precedent, as we do here to-day, the Chair thinks that this matter should be construed in a broad way and one particularly in the interest of the House and the machinery through which the House functions, namely, its committees. The Chair does not think that the question raised with respect to an adjournment of three days by the House would affect this case.

The question here involves a resolution that was introduced on the last day of the second session of this Congress. It is called up on the first day after we meet, under a concurrent resolution, providing for an adjournment over the holidays. Clearly seven days have elapsed, but should those seven days be taken into consideration as prescribing whether a motion to discharge the committee from further consideration of this resolution is privileged in the sense that the rule provides? The Chair thinks not, and the Chair has less hesitation in ruling, as he expects to rule from the fact that the gentleman from New York is not prejudiced in his rights, assuming that this is in fact a privileged motion. The gentleman can call it up after seven working days have elapsed, in the contemplation of the rule, from the date of its introduction.

The Chair thinks it would be extremely unfortunate if the Chair should hold or if the House should decide that the seven days under this rule should be construed as being a part of a period fixed by the House and Senate acting jointly for these two bodies to be in recess. Any other construction, it seems to the Chair, would be a highly technical one, and, further, would impose

¹Second session Sixty-ninth Congress, Record, p. 1001.

²Nicholas Longworth, of Ohio, Speaker.

upon chairmen of committees and on committees themselves duties which ought not to be imposed on them. The Chair is very clear that in the ruling which he is about to make he is establishing a precedent which will be for the best interests of the House in future. The Chair therefore sustains the point of order.

3369. The House has by standing order provided that it should meet on two days only of each week instead of daily.

In providing for merely formal sessions, the House has authorized the Speaker to designate a date on which the regular routine of the House should be resumed.

Instance in which an arrangement for a virtual recess of the House was successively prolonged.

On June 19, 1929,¹ the House agreed to a resolution providing that after September 23, 1929, the House should meet only on Mondays and Thursdays of each week until October 14, 1929, and authorizing the Speaker in his discretion to designate a date prior to that time for resumption of business by the House.

Pursuant to this resolution the Clerk of the House, on September 27, addressed the following communication to Members.

DEAR SIR: I am desired to inform you that the Speaker and the majority and minority floor leaders, respectively, have deemed it advisable to notify Members of the House that on October 14 the majority leader, Mr. Tilson, will ask unanimous consent to extend the period of 3-day recesses of the House until Monday, October 28, 1929, no business to be transacted until that date. In other words, that the present arrangement can be continued, to which it is thought there will be no objection.

Yours sincerely,

WILLIAM TYLER PAGE.

However, on October 14,² the standing order was supplemented by a further resolution extending the arrangement to the date of November 11, 1929.

On November 11,³ the Senate not having yet completed consideration of the tariff bill, on motion of Mr. John Q. Tilson, of Connecticut, by unanimous consent, the time was further extended to November 21, inclusive.

3370. The House has adjourned for the holiday recess as of the legislative day.

On December 16, 1926,⁴ Mr. John Q. Tilson, of Connecticut, the majority floor leader, offered, as privileged, the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), that when the two Houses adjourn on the legislative day of December 22, 1926, they stand adjourned until 12 o'clock meridian, Monday, January 3, 1927.

The concurrent resolution was agreed to without debate or division.

3371. First instance in which a Congress convened for four sessions. In early days extra sessions were held on dates fixed by law rather than at the call of the President.

¹First session Seventy-first Congress, Record, p. 3228.

²Record, p. 4531.

³Record, p. 5422.

⁴Second session Sixty-ninth Congress, Record, p. 623.

On Monday, December 4, 1922,¹ a day prescribed by the Constitution of the United States for the annual meeting of Congress, the Sixty-seventh Congress assembled for its fourth session, the first instance in which any Congress had convened in more than three sessions.

From the First to the Sixtieth Congresses two sessions were the rule, three sessions being held in the First, Fifth, Eleventh, Thirteenth, Twenty-fifth, Twenty-seventh, Thirty-fourth, Thirty-seventh, Fortieth, Forty-first, Forty-second, Forty-fifth, Forty-sixth, Fifty-third, Fifty-fifth and Fifty-eighth Congresses. Beginning with the Sixty-first Congress two sessions became the exception and with the exception of the Sixty-fourth, three sessions were held in all from the Sixty-first to the Sixty-seventh, which convened in four sessions.

In the early days the extra sessions were held on dates fixed by law rather than at the call of the President, Congress itself deciding if and when extra sessions were necessary. Under the constitutional provision that Congress assemble March 4, 1789, and thereafter in every year on the first Monday in December, unless they shall by law appoint a different day, 18 acts were passed up to and including May 20, 1820,² providing for the meeting of Congress on other days in the year. Since that year Congress has met regularly on the first Monday in December.

3372. A resolution providing for a sine die adjournment is not debatable.

On November 20, 1913,³ Mr. Robert Y. Thomas, of Kentucky, presented, as a privileged question, a concurrent resolution providing for sine die adjournment on November 22, 1913.

Mr. Thomas was proceeding in debate when Mr. James R. Mann, of Illinois, rising to a parliamentary inquiry, asked if the proposition was debatable.

The Speaker⁴ replied that he had been unable to find a precedent in point but that he was inclined to consider the question debatable.

However, on November 22,⁵ speaking by consent, he said:

The Chair desires to correct a ruling that he made on Thursday, November 20. On that day the gentleman from Kentucky, Mr. Thomas offered the following privileged resolution:

Resolved by the House of Representatives (the Senate concurring). That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22nd day of November, 1913, at 1 o'clock p.m."

In answer to a parliamentary inquiry, the Chair ruled that the resolution was debatable. That ruling was made hurriedly, without opportunity to examine the authorities and without time for reflection, and the question had never been raised before during the 19 years in which the present occupant of the chair has been in the House.

It turns out that on March 23, 1871, Mr. Speaker Blaine held a similar resolution to be not debatable. This is the only decision on the point that the Chair has been able to find after thorough investigation, but that decision of Mr. Speaker Blaine has been accepted by the House for 42 years. But aside from the decision, upon mature reflection and reasoning from analogy, the Chair thinks the resolution is not debatable, because if declared debatable such resolutions might be converted into instruments of troublesome filibustering, just as a motion to recess was used until deprived of its privileged character. Therefore the decision of Mr. Speaker Blaine is affirmed.

¹ Fourth session Sixty-seventh Congress, Record, p. 1.

² First session Sixteenth Congress, Annals, p. 222; Journal p. 507.

³ First session Sixty-third Congress, Record, p. 5953.

⁴ Champ Clark, of Missouri, Speaker.

⁵ Record, p. 5986.

3373. On June 21, 1926,¹ Mr. Bertrand H. Snell, of New York, submitted, as privileged, the following:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 30th day of June, 1926, at 5 o'clock p.m.

Mr. Martin B. Madden, of Illinois, inquired if the resolution was subject to debate.

Mr. Carl R. Chindblom, of Illinois, contended that the proposition was debatable and recited instances in the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses in which similar concurrent resolutions had been debated.

After exhaustive discussion, the Speaker² ruled:

The Chair recalls himself a number of the instances cited by the gentleman from Illinois where debate was had on such a resolution as this, as a matter of course the point of order not being raised. The trouble here is that the point of order being made the Chair must decide it not at all on the merits of the resolution, not at all on the question whether or not it would be wise to have debate on the resolution, but solely on the parliamentary situation. There is but one precedent which exactly fits this case. The wording of that resolution in that case was identical with this. There is no precedent to the contrary either before or since. Under the circumstances the Chair thinks he certainly would not "fall from grace," as suggested by the gentleman from Illinois, in following a decision rendered by so eminent an authority as Speaker Clark, and therefore he has no alternative but to sustain the point of order.

3374. On November 21, 1929,³ Mr. John Q. Tilson, of Connecticut, called up a concurrent resolution (S. Con. 19) reading:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session of the Congress by adjourning their respective Houses on Friday, November 22, 1929, at the following hours, namely: The Senate at the hour of 10 o'clock p.m., and the House at such hour as it may by order provide.

The Speaker having recognized Mr. Tilson to debate the resolution, Mr. John E. Rankin, of Mississippi, objected that the question was not debatable.

The Speaker⁴ overruled the point of order, but subsequently, on December 4,⁵ withdrew that ruling and said:

The Chair desires to make a statement touching the rules and precedents of the House. On November 21, 1929, when the adjournment resolution was before the House, some debate having been had on it, the gentleman from Mississippi, Mr. Rankin, propounded a parliamentary inquiry to the Chair as to whether the resolution was debatable or not, and the present occupant of the chair ruled it was debatable. had the Chair paused to reflect a moment he would not have made that answer.

On June 21, 1926, the same question exactly was before the House, and the gentleman from Illinois, the late Mr. Madden, desired to debate it. The gentleman from New York, Mr. Snell, made the point of order that the resolution was not debatable, quoting a decision by Mr. Speaker Clark.

¹ First session Sixty-ninth Congress, Record, p. 11698.

² Nicholas Longworth, of Ohio, Speaker.

³ First session Seventy-first Congress, Record, p. 5916.

⁴ Nicholas Longworth, of Ohio, Speaker.

⁵ Second session Seventy-first Congress, Record, p. 100.

The Speaker then read the decision by Speaker Clark and held:

The Chair does not think this is a matter of very vital importance, the question having only been raised four times in history, so far as the Chair knows; and yet the Chair thinks that in the interest of order and the preservation of precedents he should make this statement, so that there may be no further question that a resolution of adjournment is not debatable.

3375. A special session continuing until the constitutional day for annual meeting ends automatically on that date.

Instance wherein one session of Congress followed another without appreciable interval.

Pursuant to a proclamation of the President of the United States, the first session of the Sixty-third Congress assembled on April 17, 1913, and remained in session until November 29, 1913,¹ when Mr. Oscar W. Underwood, of Alabama, in the House made the following motion:

Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, and accordingly, at 12 o'clock and 55 minutes p. m., calendar day of Sunday, November 30, 1913, the House adjourned without notification either to the President or the Senate.

In the Senate, on the same legislative day,² the hour of 12 o'clock, meridian, calendar day of December 1, 1913, having arrived, the Vice President³ announced:

The hour having arrived at which, in accordance with the Constitution of the United States the Congress of the United States is required to assemble in regular session, the Chair declares the extraordinary session adjourned sine die.

Thereupon the Vice President called the Senate to order for the second session of the Sixty-third Congress.

Simultaneously the Speaker called the House to order, the roll was called by States, and resolutions were agreed to authorizing notification of the Senate and the President.

¹ Second session Sixty-third Congress, Record, p. 1.

² Record, p. 6053.

³ Thomas R. Marshall, of Indiana, Vice President.