Chapter CCXLIX.[1]

THE MOTION TO LAY ON THE TABLE.

1. **In order before Member presenting a proposition is recognized for debate. Sections 2649, 2650.**
2. **As applied to other motions. Sections 2651–2659.**
3. **As to effect when decide affirmatively. Sections 2656–2659.**
4. **General decisions. Section 2660.**

2649. A motion to lay a proposition on the table is in order before the Member entitled to prior recognition for debate has begun his remarks. The motion to lay on the table is not debatable.

On July 18, 1913,[2] the House having under consideration the resolution (H. Res. 181) instructing the Attorney General to transmit to the House correspondence relating to the prosecution of Maury Diggs and Drew Caminetti, Mr. Henry D. Clayton, of Alabama, asked unanimous consent that there be four hours general debate at the expiration of which time the motion to lay on the table be voted upon.

Mr. Joseph W. Byrns, of Tennessee, moved, as preferential, that the resolution be laid on the table, and objected to further debate.

Mr. James R. Mann, of Illinois, submitted that Mr. Clayton, as Chairman of the Committee reporting the resolution was entitled to one hour, in which to discuss the report and said:

> Mr. Speaker, the resolution having been reported from the Committee on the Judiciary by the gentleman from the Alabama, he having withdrawn his motion to lay on the table, is he not entitled to the floor for the discussion of the resolution ahead of any demands of any person to be recognized for the purpose of moving to lie on the table? It is perfectly patent, Mr. Speaker, when a bill is called up before the House, if any Member on the floor can take off his feet a person in charge of the bill by a motion the bill on the table, it would be a very common method of filibustering.

The Speaker[3] ruled:

> Section 740 of the Manual says:
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> "In debate the members of the committee, except the Committee of the Whole, are entitled to priority of recognition for debate, but a motion to lay a proposition on the table is in order before the Member entitled to prior recognition for debate has begun his remarks."
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> Therefore the motion of the gentleman from Tennessee is in order.

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[1] Supplementary to Chapter CXIX.

[2] First session Sixty-third Congress, Record, p. 2539.

[3] Champ Clark, of Missouri, Speaker.

Mr. Julius Kahn, of California, asked unanimous consent to proceed in debate for two minutes.

The Speaker said:

The motion to lay on the table is not debatable. The question is on the motion of the gentleman from Tennessee to table this resolution.

2650. On August 20, 1921,[1] Mr. W. Bourke Cockran, of New York, offered as involving the privileges of the House, a resolution characterizing as "an unconstitutional violation" of the rights and privileges of the House, a message delivered in the Senate by the President of the United States.

Mr. Frank W. Mondell, of Wyoming, moved that the resolution be laid on the table.

Mr. Cockran submitted that he was entitled to recognition as the proponent of the resolution, and could not be taken from the floor by a motion to lay on the table.

The Speaker[2] said:

The gentleman from New York is mistaken, because it would then be in the power of any Member by offering a resolution to get the floor for an hour's debate. That was the reason for the motion to lay in the table.

2651. The previous question being demanded on a resolution, a motion to lay the resolution on the table was held to be in order and to take precedence.

Discussion of the relative privilege of the motions to adjourn, to lay on the table and for the previous question.

The motion to discharge a committee from the consideration of a resolution is not debatable.

On June 17, 1909[3] Mr. Cordell Hull, of Tennessee, moved to discharge the Committee on Ways and Means from the further consideration of a privileged resolution of inquiry (H. Res. 72) asking for date received through diplomatic correspondence pertaining to wages and manufactures in foreign countries.

In response to a parliamentary inquiry from Mr. Sereno E. Payne, of New York, the Speaker[4] held that the motion was not debatable.

The motion was agreed to, and the resolution being under consideration, Mr. Hull demanded the previous question.

Mr. Payne moved to lay the resolution on the table.

Mr. John J. Fitzgerald, of New York, made the point of order that the question came first on the ordering of the previous question.

The Speaker ruled:

The Chair caused to be read by the Clark Rule XVI, clause 4. The Chair will read it again.

"When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to

[1] First session Sixty-seventh Congress, Record, p. 5357.

[2] Frederick H. Gillett, of Massachusetts, Speaker.

[3] First session Sixty-first Congress, Record, p. 3411.

[4] Joseph G. Cannon, of Illinois, Speaker.

a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order."

Now, the rule speaks for itself. There can be no mistaking of its language. Now, on the first motion, the Chair again says the gentleman from Tennessee, Mr. Hull, was entitled to an hour. The gentleman yielded the floor by moving the previous question and, then, what motion was in order? It was the motion to adjourn.

The gentleman could not have been taken off of his feet for an hour by a motion to adjourn unless he should yield. No motion to adjourn was made. The second motion is "to lay on the table." What is the third? It is "for the previous question." Now, the gentleman moved the previous question. Can it be contended for a moment that, *pending* that motion, it would not be in order to move to adjourn? Certainly not. By the express terms of the rule, the motion to adjourn would be in order. Again, "to lay on the table," which precedes the "previous question." Now, the gentleman from New York, Mr. Payne, at that point interposes the motion, which is a preferential motion by the express terms of the rule, to lay on the table. If the gentleman could not make the motion at that time, he could not make it at any time until the previous question had been decided. This rule deprives the House of no power. It is a mere question of precedence of motions. If the House desires to dispose of this resolution by a motion to lay on the table, it has the opportunity under the rule to dispose of that business before it orders the previous question, which it ordered, leads up to either the passage of the resolution or the defeat of the resolution.

The Speaker than referred to sections 5409 and 5411 of Hinds' Precedents and continued:

Now, then, let us see where that construction of the rule would take us. The gentleman from Tennessee had the floor for an hour. He could not be taken from the floor to enable anybody to move the previous question. But he moved the previous question, thereby yielding the floor; and then, for the first time, a Member had the right, under the rule, to make the preferential motion—the motion to lay the resolution on the table—the same right that he would have to move to adjourn, second only to the more preferential motion to adjourn. The Chair overrules the point of order. The question is on the motion of the gentleman from New York, that the resolution lie on the table.

2652. It is in order to lay on the table a motion to reconsider.

A motion to reconsider the vote by which an amendment was agreed to may be laid on the table without carrying with it the amendment proposed to be reconsidered.

On July 9, 1913,[1] while the House was considering the resolution (H. Res. 198) providing for the investigation of an alleged lobby, Mr. James R. Mann, of Illinois, moved to reconsider the vote by which an amendment offered by Mr. Jefferson Levy, of New York, had been agreed to earlier in the day.

Mr. Richard W. Austin, of Tennessee, inquired if it would be in order to move to lay on the table the motion to reconsider.

The Speaker[2] replied:

The parliamentary inquiry is whether it is in order to lay this motion on the table. The Chair thinks it is.

Mr. Henry A. Cooper, of Wisconsin, then asked if affirmative action on a motion to reconsider would carry to the table the amendment proposed to be reconsidered.

[1] First session, Sixty-third Congress, Record, p. 2348.

[2] Champ Clark, of Missouri, Speaker.

The Speaker answered in the affirmative but after further consideration ruled:

The gentleman from Wisconsin propounded a parliamentary inquiry a short time ago as to whether a motion to lay the motion of the gentleman from Illinois on the table would carry the resolution with it. After considering the matter, the Chair said he thought it would; but I have reflected on it, and while there do not seem to be any precedents on the subject, by analogy the Chair does not believe that to table this motion of the gentleman from Illinois would table the resolution. There is a very common precedent. We always move to reconsider the vote by which a bill is passed and lay that on the table, and, of course, it does not carry the bill. That is what made the Chair change his opinion about it, and if the question arises he will hold that it does not carry the resolution.

2653. The motion to lay on the table may not be applied to the motion to recommit authorized after the previous question is ordered.

On February 2, 1910,[1] the Committee of the Whole House on the state of the Union reported to the House the bill (H. R. 18364) relative to the provision for the Thirteenth Decennial Census, with an amendment, and with the recommendation that the amendment be agreed to and the bill as amended be passed.

On motion of Mr. Edgar D. Crumpacker, of Indiana, the previous question was ordered on the bill and amendment to final passage.

Mr. Champ Clark, of Missouri, moved to recommit the bill to the Committee on the Census with instructions to report it back forthwith with an amendment prohibiting inquiry on the part of census enumerators as to the political affiliations of persons enumerated.

Mr. Crumpacker moved to lay the motion on the table.

Mr. Oscar W. Underwood, of Alabama, raised a question of order against the motion.

The Speaker[2] sustained the point of order and said:

It seems to the Chair that the motion to lay on the table a motion to recommit is not in order.

2654. It is in order to lay on the table a motion to postpone to a day certain.

On March 18, 1910,[3] Mr. Joseph H. Gaines, of West Virginia, moved to postpone the pending subject of discussion to the next day.

Mr. Oscar W. Underwood, of Alabama, moved to lay on the table the motion to postpone.

The Speaker[4] expressed at first doubt as to whether or not the motion was in order, but decided to admit it.

Subsequently,[5] in discussing this decision, the Speaker held:

In some cases one privileged motion is not applicable to another. Thus it would undoubtedly not be in order to move to lay on the table a motion to adjourn or for the previous question, as they are not debatable or amendable. But as the motion to postpone is both debatable and amendable, there is an advantage to it a motion to lay on the table.

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[1] Second session Sixty-first Congress, Record, p. 1416.

[2] Joseph G. Cannon, of Illinois, Speaker.

[3] Second session Sixty-first Congress, Record, p. 3416.

[4] Joseph G. Cannon, of Illinois, Speaker.

[5] Third session Sixty-first Congress, Record, p. 2794.

2655. The motion to lay on the table was held not to be applicable to the motion to recommit.

The previous question being ordered on a bill to final passage on motion to lay the bill on the table was not entertained.

On May 26, 1920,[1] the Committee of the Whole House on the state of the Union reported to the House the bill (S. 3451) for payment of claims of wooden-ship builders.

On motion of Mr. William S. Greene, of Massachusetts, the previous question was ordered on the bill and amendments to final passage.

Mr. Ewin L. Davis, of Tennessee, moved to lay the bill on the table.

The Speaker[2] held:

That motion is not in order. It would be in order if the previous question had not been ordered. The previous question has been ordered. So now the question is on the engrossment and third reading of the bill.

Mr. Green moved to recommit the bill to the committee on the Merchant Marine and Fisheries.

Mr. Davis moved to lay that motion on the table.

The Speaker said:

The Chair does not think that motion is in order.

Mr. Finis J. Garrett, of Tennessee, submitted that the motion was in order as the previous question had not been ordered on the motion to recommit.

The Speaker ruled:

A citation has just been shown to the Chair saying that a motion to lay on the table is not in order. The gentleman from Massachusetts moves to recommit the bill to the Committee on the Merchant Marine and Fisheries, and on that he moves the previous question.

2656. A proposed amendment being laid on the table carries with it the pending measure to which offered.

On January 8, 1909,[3] during consideration of the resolution (H. Res. 478) relating to certain messages from the President of the United States with reference to the Secret Service, Mr. Augustus P. Gardner, of Massachusetts, proposed an amendment to the pending resolution.

Mr. John S. Williams, of Mississippi, offered a motion to lay the amendment on the table.

Mr. Speaker[4] said:

To lay the amendment on the table, the Chair suggests, would lay everything on the table.

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[1] Second session Sixty-sixth Congress, Record, p. 7708.

[2] Frederick H. Gillett, of Massachusetts, Speaker.

[3] Second session Sixtieth Congress, Record, p. 682.

[4] Joseph G. Cannon, of Illinois, Speaker.

2657. Laying on the table the motion to postpone consideration of Senate amendments was held not to carry to the table pending motions for their disposition.

The motion to postpone to a day certain may be laid upon the table.

The motion to postpone to "the next legislative day" was construed as a motion to postpone to a day certain.

On February 17, 1911,[1] the House was considering Senate amendments to the Indian appropriation bill.

Mr. Charles H. Burke, of South Dakota, moved that the House further insist on its disagreement to the pending Senate amendment.

Mr. Louis B. Hanna, of North Dakota, offered a motion to recede from disagreement to the amendment and concur therein.

Thereupon Mr. Charles C. Carlin, of Virginia, moved that further consideration be postponed until the next legislative day.

Mr. James R. Mann, of Illinois, made the point of order that the motion to recede and concur tended to bring the two Houses together and therefore took precedence of the motion to postpone to a day certain.

Mr. Mann also contended that as the date of "the next legislative day" was subject to change, the motion to postpone to the next legislative day was a motion to postpone indefinitely rather than a motion to postpone to a day certain.

The Speaker[2] ruled:

Paragraph 4 of Rule XVI, page 383, of the Manual, says:

"When a question is under debate no motion shall be received but to adjourn, to lay on the table, from the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely."

Now, this question is under debate. Two preferential motions have been made, one by the gentleman from South Dakota and one by the gentleman from North Dakota. Now the gentleman from Virginia makes another motion, applying to a differently class of preference, because the other two motions were motions to being the House to a disposition of these particular amendments, and may be said to be incidental to these amendments, but the motion of the gentleman from Virginia is to postpone to the next legislative day, and has relation not alone to this bill but to the general order of business in the House. He might have moved, if you choose, in the same order of motion, to postpone indefinitely or to lay on the table.

The Speaker then cited section 5393 of Hinds' Precedents, and concluded:

The Chair thinks the precedent is in point, and therefore overrules the point of order.

Mr. Mann moved to lay on the table the motion to postpone.

Mr. Carlin made the point of order that the motion to lay on the table might not be applied to the motion to postpone.

The speaker referred to a decision on a similar question decided on March 18, 1910, and overruled the point of order and announced:

The Chair entertains the motion of the gentleman from Illinois to lay on the table the motion of the gentleman from Virginia.

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[1] Third session Sixty-first Congress, Record, p. 2794.

[2] Joseph G. Cannon, of Illinois, Speaker.

Mr. Swagar Sherley, of Kentucky, as a parliamentary inquiry, asked if affirmative action on the motion to table the motion to postpone consideration would carry with it the motion to further insist and the motion to recede and concur.

The Speaker replied:

Certainly not. They are entirely independent motions. The judgment of the Chair is no. A motion to reconsider may lay on the table, and is frequently made, without carrying anything with it. The question is on the motion of the gentleman from Illinois.

2658. Affirmative action on a motion to lay on the table a resolution instructing conferees was held not to carry to the table with the resolution the bill in disagreement.

The motion to lay on the table has precedence of the motion for the previous question.

On November 10, 1921,[1] by unanimous consent, the bill H. R. 8245, the internal revenue tax bill, was taken from the Speaker's table, Senate amendments were disagreed to, and the conference asked by the Senate was granted.

Mr. Finis J. Garrett, of Tennessee, offered a resolution to instruct the managers on the part of the House to agree to Senate amendment No. 122, increasing surtax rates from 32 per cent to 50 per cent.

After debate, Mr. Garrett demanded the previous question on the resolution, and Mr. Frank Mondell, of Wyoming, offered a motion to lay the resolution on the table.

Mr. Charles R. Crisp, of Georgia, submitted an inquiry as to whether affirmative action on the motion to lay on the table would carry the bill to the table with the resolution.

The Speaker pro tempore[2] held:

In the view of the Chair this is an independent motion operating only on those who shall be made the managers on the part of the House, as a guide for their action, and while it may limit the freedom of action on the part of the conferees, it is not directly and intimately related to the bill which has been sent to conference, in such a manner, as in the opinion of the Chair, would carry the bill to the table. When a motion to reconsider the vote by which a bill is passed is laid on the table it does not carry the bill to the table, and this would seem to be an independent motion of a character which if tabled does not carry with it a bill to which it is related.

Mr. Garrett made the point of order that the demand for the previous question took precedence of the motion to lay on the table.

The Speaker pro tempore said:

The Chair will state that the same question arose on June 17, 1909, when Mr. Speaker Cannon ruled that at the close of an hour's debate, the previous question being moved, the Member moving it thereby yielded the floor, and then a Member had the right under the rules to make the preferential motion, the motion to lay the resolution on the table, the same right that he would have had if he had moved to adjourn, and that the motion to lay upon the table takes precedence over the motion for the previous question.

The Chair overrules the point of order made by the gentleman from Tennessee, Mr. Garrett. The question is upon the motion to lay the motion to instruct the conferees on the table.

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[1] First session Sixty-seventh Congress, Record, p. 7620.

[2] Joseph Walsh, of Massachusetts, Speaker pro tempore.

2659. A motion to lay on the table a motion to reconsider the vote by which an amendment to a pending motion was rejected does not carry to the table the motion to which the amendment was offered.

The motion to lay on the table is applicable to the motion to reconsider.

On May 5, 1924,[1] the Committee on the Whole House on the state of the Union rose and reported that they had had under consideration the bill (H. R. 7358) to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and had come to no resolution thereon.

Mr. Alben W. Barkley, of Kentucky, moved that general debate on the bill in the Committee of the Whole be limited to three hours.

Mr. Thomas L. Blanton, of Texas, offered a substitute limiting debate to 24 hours.

The proposed substitute being rejected, yeas 95, nays 205, Mr. Carl R. Chindblom, of Illinois, entered a motion to reconsider the vote.

Mr. Barkley moved to lay the motion to reconsider on the table.

In response to an inquiry by Mr. Finis J. Garrett, of Tennessee, as to the effect of laying on the table the motion to reconsider, the Speaker[2] held:

> The Chair thinks it would just carry that motion to reconsider. The Chair thinks it simply carries the motion to reconsider and nothing else. The question is on the motion of the gentleman from Kentucky to lay the motion on the table.

The question being submitted to the House was decided in the affirmative, and the motion to reconsider was laid on the table.

The question then recurred on the motion to limit debate to three hours, which was agreed to.

2660. Laying on the table a resolution providing for adverse disposition of a matter does not carry to the table the original matter proposed to be disposed of.

An instance in which it was held that the motion to table might be applied to a proposition to lay on the table when that proposition was incidental to other provisions relating to the subject proposed to be tabled.

Affirmative action on the motion to lay on the table, while not a technical rejection, is in effect an adverse disposition equivalent to rejection.

The motion to lay on the table has precedence over the motion for the previous question.

A demand for the previous question takes precedence of a motion to amend.

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[1] First session Sixty-eighth Congress, Record, p. 7897.

[2] Frederick H. Gillett, of Massachusetts, Speaker.

On January 25, 1923,[1] at the conclusion of general debate on the resolution (H. Res. 425) proposing impeachment of Harry M. Daughtery, Attorney General of the United States, Mr. Andrew J. Volstead, of Minnesota, submitted the following:

Resolved, That the Committee on the Judiciary be discharged from further consideration of the charges and proposed impeachment of Harry M. Daugherty, Attorney General, and that H. Res. 425 be laid upon the table.

Mr. Volstead demanded the previous question.

Mr. Finis J. Garrett, of Tennessee, moved to lay on the table the resolution proposed by Mr. Volstead.

Mr. William H. Stafford, of Wisconsin, submitted that the motion to lay on the table was not in order pending the demand for the previous question.

The Speaker[2] held:

The Chair thinks not. Anybody who wishes to move to lay upon the table has always the prior right of recognition over a person moving the previous question.

Mr. Frank W. Mondell, of Wyoming, made the point of order that it was not in order to move to lay on the table a proposition to lay on the table.

The Speaker ruled:

This is not a resolution such as is referred to in the citation (V, 5426), nor is it an amendment. This is a resolution disposing of the whole matter. This is a resolution laying the whole subject on the table. It seems to the chair at first blush that a motion to lay that on the table, if it carried, would be equivalent to rejecting it. It would be rejecting a motion to lay the impeachment proceedings on the table, and it seems to the Chair that it would still leave the impeachment matter pending. If the motion of the gentleman from Minnesota were simply a motion to lay upon the table, then the Chair thinks it would not be in order for the gentleman from Tennessee to move to lay it on the table; but the Chair thinks that the resolution offered by the gentleman from Minnesota is much more than that, that it is an independent resolution which disposes of the whole subject and which couples with the motion to lay on the table other factors. Therefore the Chair believes the motion of the gentleman from Tennessee is in order, although to adopt it would be simply to refuse to dispose of the subject and would leave it exactly where it is now. The Chair will recognize the gentleman from Tennessee if he wishes to make the motion, for it is a preferential motion on which the leader of the minority is entitled to recognition.

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[1] Fourth session Sixty-seventh Congress, Record, p. 2449.

[2] Frederick H. Gillett, of Massachusetts, Speaker.