

Journal be dispensed with after objection was heard to his request that it be dispensed with by unanimous consent, the Speaker<sup>(16)</sup> stated that the motion was not in order.

**§ 11.12 Under the former rule, the House, by unanimous consent, could dispense with the further reading of the Journal and consider it as read and approved.**

On Aug. 8, 1964,<sup>(17)</sup> after a Member had interrupted the reading of the Journal to withdraw his demand that it be read in full, the Speaker<sup>(18)</sup> announced that without objection, the Journal of the proceedings of the previous day would be considered as read and approved. There was no objection.

Likewise on Sept. 11, 1968,<sup>(19)</sup> after the Speaker<sup>(20)</sup> had directed the Clerk to continue with the reading of the Journal following an interruption thereof initiated by a call of the House, a Member requested that the further reading of the Journal be dispensed with

by unanimous consent. There was no objection.

**§ 12. —Propriety of Business Before and During Reading**

The reading and approval of the Journal rank second in the daily order of business prescribed by the rules of the House, coming immediately after the prayer by the Chaplain.<sup>(1)</sup> It is therefore well established that the transaction of business is not in order before the Journal is approved.<sup>(2)</sup> However, the simple motion to adjourn<sup>(3)</sup> and the administration of the oath to a Member-elect<sup>(4)</sup> are both in order prior to the reading of the Journal, and since the Journal may neither be ordered read nor approved in the absence of a quorum,<sup>(5)</sup> a point of no quorum may also be properly made before the Journal is read.<sup>(6)</sup>

Once begun, the reading of the Journal may not be interrupted even by business as highly privi-

16. John W. McCormack (Mass.).

17. 110 CONG. REC. 18630, 88th Cong. 2d Sess.

18. John W. McCormack (Mass.).

19. 114 CONG. REC. 26456, 90th Cong. 2d Sess.

20. John W. McCormack (Mass.).

1. Rule XXIV clause 1, *House Rules and Manual* § 878 (1973). As to approval of the Journal, see § 14, *infra*.

2. See § 12.1, *infra*.

3. See § 12.3, *infra*.

4. See § 12.5, *infra*.

5. See § 11, *supra*.

6. See § 12.6, *infra*.

leged as the presentation of a conference report<sup>(7)</sup> or the consideration of a privileged report from the Committee on Rules.<sup>(8)</sup> It may be interrupted, however, by a point of no quorum,<sup>(9)</sup> a parliamentary inquiry,<sup>(10)</sup> an arraignment of impeachment,<sup>(11)</sup> and a question of privilege of the House.<sup>(12)</sup>

In addition, certain matters may be authorized before or during the reading of the Journal by unanimous consent. For example, the Speaker may be so authorized to declare a recess subject to the call of the Chair prior to the reading of the Journal.<sup>(13)</sup> Likewise, a Member may be granted unanimous consent to extend his remarks and include extraneous matter in the Record prior to the reading of the Journal.<sup>(14)</sup>

### ***Transaction of Business Before Reading***

#### **§ 12.1 The transaction of business, however highly privi-**

7. Rule XXVIII clause 1(a), *House Rules and Manual* § 909 (1973).
8. See § 12.2, *infra*.
9. See § 12.13, *infra*.
10. See § 12.15, *infra*.
11. 6 Hinds' Precedents § 469.
12. See § 12.17, *infra*.
13. See § 12.8, *infra*.
14. See § 12.9, *infra*.

#### **leged, is not in order before the reading and approval of the Journal.**

On Oct. 8, 1968,<sup>(15)</sup> in response to a parliamentary inquiry, the Speaker pro tempore<sup>(16)</sup> held that it would not be in order to recognize a member of the Committee on Rules to present a rule before the completion of the reading of the Journal of the previous day, noting that even with respect to such a highly privileged matter as a conference report it had been previously ruled<sup>(17)</sup> that no business was in order until the Journal had been read and approved.

#### **§ 12.2 A privileged report from the Committee on Rules may not be called up for consideration before the reading and approval of the Journal.**

On Oct. 8, 1968,<sup>(18)</sup> before the reading of the Journal had been completed, a Member propounded as a parliamentary inquiry the suggestion that under the House rule<sup>(19)</sup> making it always in order to call up for consideration a re-

15. 114 CONG. REC. 30096 90th Cong. 2d Sess.
16. Wilbur D. Mills (Ark.).
17. 6 Cannon's Precedents § 630.
18. 114 CONG. REC. 30095, 90th Cong. 2d Sess.
19. Rule XI, *House Rules and Manual* § 729 (1973).

port from the Committee on Rules, and in light of the construction given that rule by an early precedent,<sup>(1)</sup> it would be in order at that time for the Chair to recognize a member of the Committee on Rules for the purpose of calling up a special order. The Speaker pro tempore,<sup>(2)</sup> however, noting that the precedent referred to had been superseded by the subsequent ruling<sup>(3)</sup> that no business was in order until the Journal had been read and approved, held that it thus would not be in order for him to recognize a member of the Committee on Rules to present a rule before the reading of the previous day's Journal had been completed.

***Matters Taking Precedence Over Reading***

**§ 12.3 A simple motion to adjourn is in order prior to the reading and approval of the Journal.**

On July 25, 1949,<sup>(4)</sup> before the Journal of the last day's proceedings was read, a Member moved that the House then adjourn, which motion, after the

1. 4 Hinds' Precedents § 2754.
2. Wilbur D. Mills (Ark.).
3. 6 Cannon's Precedents § 630.
4. 95 CONG. REC. 10092, 81st Cong. 1st Sess.

yeas and nays were ordered thereon, was decided in the negative.

Again, on Dec. 7, 1963,<sup>(5)</sup> prior to the reading of the Journal and while a point of order that a quorum was not present was pending, a Member moved that the House adjourn. The motion was then agreed to and the House accordingly adjourned until Dec. 9, 1963, at 12 o'clock noon.

**§ 12.4 The House may adjourn before the Journal is read and approved.**

On Dec. 7, 1963,<sup>(6)</sup> before the Journal was read and pending the point of order that a quorum was not present, a Member moved that the House adjourn. The motion was agreed to, and the House accordingly adjourned until Monday, Dec. 9, 1963, at 12 o'clock noon.

**§ 12.5 The oath of office may be administered to a Member-elect before the Journal is read.**

On Apr. 26, 1948,<sup>(7)</sup> before the Clerk had begun to read the Journal and after a point of no quorum was, at the request of the Speaker,<sup>(8)</sup> withheld in order that he

5. 109 CONG. REC. 23752, 88th Cong. 1st Sess.
6. *Id.*
7. 94 CONG. REC. 4834, 80th Cong. 2d Sess.
8. Joseph W. Martin, Jr. (Mass.).

might swear in a new Member, the Speaker laid before the House a communication from the Clerk attesting to the credentials of the Member-elect concerned, who then appeared at the bar of the House and took the oath of office.

**§ 12.6 The point of no quorum may be made before the Journal is read and approved.**

On Apr. 26, 1948,<sup>(9)</sup> before the Clerk had begun to read the Journal, a Member making the point of order that a quorum was not present refused to withhold it until after the Journal was read, although agreeing to do so until after a new Member was sworn, and therefore, following the administration of the oath by the Speaker,<sup>(10)</sup> a call of the House was ordered. After a quorum had appeared, the House dispensed with further proceedings under the call and the Journal of the previous day was then read and approved.

On Mar. 26, 1965,<sup>(11)</sup> before the Clerk had commenced the reading of the Journal, a Member making the point of order that a quorum

9. 94 CONG. REC. 4834, 80th Cong. 2d Sess.

10. Joseph W. Martin, Jr. (Mass.).

11. 111 CONG. REC. 6094. 89th Cong. 1st Sess.

was not present answered in the affirmative when asked by the Speaker<sup>(12)</sup> whether he was making such point of order before the Journal was read. A call of the House was then ordered, and after a quorum had appeared, further proceedings under the call were dispensed with and the Clerk read the Journal of the previous day.

**§ 12.7 When a point of order as to the absence of a quorum is made before the reading of the Journal, the presence of a quorum is established before the reading begins.**

On Mar. 26, 1965,<sup>(13)</sup> after the Clerk had been directed by the Speaker<sup>(14)</sup> to read the Journal of the previous day but before he had begun to do so, a Member made the point of order that a quorum was not present. A call of the House was then ordered, and after a quorum had appeared in response thereto and further proceedings thereunder had been dispensed with, the Clerk read the Journal.

***Matters Authorized by Unanimous Consent***

**§ 12.8 A recess subject to the call of the Chair may be de-**

12. John W. McCormack (Mass.).

13. 111 CONG. REC. 6093, 89th Cong. 1st Sess.

14. John W. McCormack (Mass.).

**clared by the Speaker, if properly authorized, prior to the reading and approval of the Journal.**

On Apr. 9, 1964,<sup>(15)</sup> before the Clerk had begun to read the Journal of the previous day's proceedings, the Speaker<sup>(16)</sup> (pursuant to authorization by unanimous consent)<sup>(17)</sup> declared a recess, subject to the call of the Chair, for the purpose of permitting Members to proceed to the Rotunda to witness the conclusion of the lying-in-state ceremonies for the late General of the Army Douglas MacArthur. After the expiration of the recess, the House was called to order by the Speaker, and at his direction, the Clerk read the Journal.

**§ 12.9 A Member's request for unanimous consent to extend his remarks and include extraneous matter in the Record may be entertained and acted upon prior to the reading and approval of the Journal.**

On Dec. 7, 1963,<sup>(18)</sup> after the prayer by the Chaplain and before

15. 110 CONG. REC. 7354, 88th Cong. 2d Sess.

16. John W. McCormack (Mass.).

17. 110 CONG. REC. 7119, 88th Cong. 2d Sess.

18. 109 CONG. REC. 23751, 88th Cong. 1st Sess.

the Journal of the previous day's proceedings had been read, a Member asked unanimous consent to extend his remarks at that point in the Record and include extraneous matter therein. There was no response to the Speaker's<sup>(19)</sup> call for objections.

***Requests Entertained Before Reading***

**§ 12.10 A request that Calendar Wednesday business be dispensed with by unanimous consent may be entertained prior to the reading and approval of the Journal.**

On Sept. 19, 1962,<sup>(20)</sup> before the Clerk had begun to read the Journal and pending the renewal of a point of no quorum which was being withheld, a Member asked unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on that day. Following the Speaker's<sup>(1)</sup> interrogative, an objection was heard and the request accordingly denied.

**§ 12.11 The Speaker may decline requests for unanimous consent to insert material in the Record until after the**

19. John W. McCormack (Mass.).

20. 108 CONG. REC. 19940, 87th Cong. 2d Sess.

1. John W. McCormack (Mass.).

**Journal has been read and approved.**

On Sept. 19, 1962,<sup>(2)</sup> before the Clerk had begun to read the Journal of the preceding session, a Member, having unsuccessfully sought unanimous consent for dispensing with Calendar Wednesday business on that day, asked unanimous consent to insert in the Record with his own remarks a letter from the Secretary of State addressed to the Speaker of the House. The Speaker<sup>(3)</sup> stated that unanimous-consent requests would have to wait until after the Journal had been read.

***Reception of Messages Prior to Reading***

**§ 12.12 A message from the Senate may be received before the reading of the Journal.**

On Sept. 19, 1962,<sup>(4)</sup> before the Clerk had begun to read the Journal of the preceding session, a point of order that a quorum was not present was made and, at the request of the Speaker,<sup>(5)</sup> then withheld in order to permit the re-

2. 108 CONG. REC. 19940, 87th Cong. 2d Sess.
3. John W. McCormack (Mass.).
4. 108 CONG. REC. 19940, 87th Cong. 2d Sess.
5. John W. McCormack (Mass.).

ception of a message from the Senate. Following the communication of the message to the Chair, the point of no quorum was renewed, and after a call of the House had been ordered and a motion to dispense with further proceedings thereunder agreed to, the Clerk commenced the reading of the Journal.

Again, on Apr. 9, 1964,<sup>(6)</sup> a message from the Senate was received after a point of no quorum made before the Clerk had begun to read the Journal was withheld solely for that purpose at the request of the Speaker.<sup>(7)</sup>

And on Sept. 11, 1968,<sup>(8)</sup> following a call of the House ordered before the reading of the Journal was begun, and while a motion to dispense with further proceedings under the call was pending, the Speaker<sup>(9)</sup> received a message from the Senate.

***Matters Which May Interrupt Reading***

**§ 12.13 A point of order of no quorum is in order during the reading of the Journal.**

On Dec. 18, 1970,<sup>(10)</sup> after a Member had interrupted the read-

6. 110 CONG. REC. 7353, 88th Cong. 2d Sess.
7. John W. McCormack (Mass.).
8. 114 CONG. REC. 26453, 90th Cong. 2d Sess.
9. John W. McCormack (Mass.).
10. 116 CONG. REC. 42505, 91st Cong. 2d Sess.

ing of the Journal to make the point of order that a quorum was not present, the Speaker pro tempore<sup>(11)</sup> announced the intention of the Chair to conduct a count, thereby prompting another Member to ask, by way of parliamentary inquiry, whether it was in order for a Member to be recognized during the reading of the Journal. The Speaker pro tempore replied that a point of order that a quorum is not present is always in order.

**§ 12.14 The reading of the Journal may be interrupted by a call of the House.**

On Aug. 27, 1962,<sup>(12)</sup> after the reading of the Journal had been interrupted by a Member making the point of order that a quorum was not present and the Speaker<sup>(13)</sup> had confirmed such fact by making a count, a call of the House was ordered. Following the appearance of a quorum, further proceedings under the call were dispensed with, and the Clerk then concluded the reading of the Journal.

Again, on Nov. 3, 1967,<sup>(14)</sup> after the Clerk had begun to read the

- 11. W.J. Bryan Dorn (S.C.).
- 12. 108 CONG. REC. 17654, 87th Cong. 2d Sess.
- 13. John W. McCormack (Mass.).
- 14. 113 CONG. REC. 31081, 90th Cong. 1st Sess.

Journal of the preceding day, a Member made the point of order that a quorum was not present. A call of the House was then ordered, and after a quorum had appeared in response thereto and further proceedings thereunder had been dispensed with by unanimous consent, the Clerk read the Journal.

**§ 12.15 A Member may interrupt the reading of the Journal to propound a parliamentary inquiry.**

On Apr. 9, 1964,<sup>(15)</sup> a Member who interrupted the reading of the Journal to submit a parliamentary inquiry was recognized for that purpose by the Speaker.<sup>(16)</sup>

**§ 12.16 The status of the Clerk's progress in reading the Journal of proceedings of the previous day is a proper subject for a parliamentary inquiry.**

On Oct. 8, 1968,<sup>(17)</sup> in response to a parliamentary inquiry asking how many pages of the Journal had been read and how many remained to be read, the Speaker<sup>(18)</sup>

- 15. 110 CONG. REC. 7356, 88th Cong. 2d Sess.
- 16. John W. McCormack (Mass.).
- 17. 114 CONG. REC. 30100, 90th Cong. 2d Sess.
- 18. John W. McCormack (Mass.).

characterized the inquiry as a proper one, and following a further expression of interest in the reading by the Member making the inquiry, advised him of the total number of pages to be read and the number already read by the Clerk.

**§ 12.17 The reading of the Journal may be interrupted by a question of privilege affecting the House collectively.**

On Oct. 9, 1968,<sup>(19)</sup> in declining recognition to a Member who interrupted the reading of the Journal with a point of personal privilege, the Speaker<sup>(20)</sup> advised that a question of personal privilege should be made after the Journal had been disposed of but that a matter of privilege of the House was an entirely different situation.

**§ 12.18 A Member, by unanimous consent, may secure recognition during the reading of the Journal.**

On Apr. 9, 1964,<sup>(1)</sup> a Member propounding a parliamentary inquiry interrupted the reading of

19. 114 CONG. REC. 30214, 90th Cong. 2d Sess.

20. John W. McCormack (Mass.).

1. 110 CONG. REC. 7356. 88th Cong. 2d Sess.

the Journal to ask whether there was any way under the rules by which he might at that point be recognized for one minute. The Speaker<sup>(2)</sup> advised that such recognition might be obtained by unanimous consent, and after the Member had made a request to that end without any objection thereto being heard, declared him so recognized.

***Reception of Messages During Interruption of Reading***

**§ 12.19 A message from the Senate may be received during an interruption in the reading of the Journal which is occasioned by a point of no quorum.**

On Aug. 27, 1962,<sup>(3)</sup> after the reading of the Journal had been interrupted by a point of no-quorum which at the request of the Speaker<sup>(4)</sup> was then withheld, a message from the Senate was communicated to the Chair. A call of the House was then conducted, and after proceedings thereunder had been dispensed with, the Clerk continued with the reading of the Journal at the direction of the Speaker.

**§ 12.20 A message from the President may be received**

2. John W. McCormack (Mass.).

3. 108 CONG. REC. 17651, 87th Cong. 2d Sess.

4. John W. McCormack (Mass.).

**during an interruption of the reading of the Journal for a call of the House.**

On Aug. 27, 1962,<sup>(5)</sup> following the interruption of the reading of the Journal for a call of the House, the Speaker<sup>(6)</sup> received a message from the President prior to ordering the Clerk to resume the reading of the Journal.

***Resumption of Reading After Interruption***

**§ 12.21 Once the reading of the Journal has been interrupted for a call of the House under Rule XV,<sup>(7)</sup> it may not be resumed even though a quorum has responded to such call until the House has agreed to dispense with further proceedings thereunder.**

On Oct. 8, 1968,<sup>(8)</sup> in response to a parliamentary inquiry as to whether or not the reading of the Journal could proceed if a quorum was present after a call of the House had been made under Rule XV clause 2, the Speaker<sup>(9)</sup> replied that the reading of the Jour-

5. 108 CONG. REC. 17653, 87th Cong. 2d Sess.

6. John W. McCormack (Mass.).

7. Rule XV clause 2(a), *House Rules and Manual* §768 (1973).

8. 114 CONG. REC. 30094, 90th Cong. 2d Sess.

9. John W. McCormack (Mass.).

nal could not be resumed until further proceedings under the call had been dispensed with.

**§ 12.22 When the reading of the Journal is resumed after having been interrupted, the Clerk continues to read from the point of interruption.**

On Sept. 19, 1962,<sup>(10)</sup> a Member interrupted the reading of the Journal to make the point of order that the Clerk had not resumed the reading of the Journal at the point where he concluded when interrupted by a call of the House. The Speaker<sup>(11)</sup> ordered the Clerk to continue the reading of the Journal from the point of the first interruption.

Again, on Sept. 13, 1965,<sup>(12)</sup> following several parliamentary inquiries and a demand that the Journal be read in full, the reading of the Journal was resumed and continued until again interrupted by a Member who submitted that the Clerk was not reading in full the names of those who failed to answer the particular roll call being read at the time of the previous interruption. The Speaker pro tempore<sup>(13)</sup> ad-

10. 108 CONG. REC. 19943, 87th Cong. 2d Sess.

11. John W. McCormack (Mass.).

12. 111 CONG. REC. 23598, 89th Cong. 1st Sess.

13. Carl Albert (Okla.).

vised that the Clerk took up the reading exactly where first interrupted.

***Matters Not in Order Until Reading Completed***

**§ 12.23 A request that the Record be corrected is not in order during the reading of the Journal.**

On June 1, 1934,<sup>(14)</sup> in response to a Member who interrupted the reading of the Journal with a parliamentary inquiry as to the propriety of asking at that time that the Record be corrected, the Speaker<sup>(15)</sup> advised that it would not be proper at that time.

**§ 12.24 The motion to dispense with Calendar Wednesday business is not in order during a reading of the Journal.**

On Sept. 19, 1962,<sup>(16)</sup> before the Clerk had completed his reading of the Journal, a Member moved that business in order under the Calendar Wednesday rule be dispensed with after an objection was voiced to his request that such business be dispensed with by unanimous consent. The

14. 78 CONG. REC. 10226, 73d Cong. 2d Sess.

15. Henry T. Rainey (Ill.).

16. 108 CONG. REC. 19943, 87th Cong. 2d Sess.

Speaker<sup>(17)</sup> ruled that the motion was not in order until after the Journal was read.

**§ 13. Effecting Corrections**

Jefferson's Manual<sup>(18)</sup> states that on information of an incorrect or omitted entry in the Journal, a committee may be appointed to examine and rectify it, and report it to the House. However, in practice, the correction of the Journal is accomplished without utilizing such procedure, being done simply either by motion<sup>(19)</sup> or unanimous consent.<sup>(20)</sup> The latter method is employed usually, if not exclusively, when the Journal to be corrected is that of a day prior to the previous legislative day.<sup>(1)</sup> For example, when the Journal of a day preceding the previous legislative day fails through oversight to indicate that the Speaker signed a particular enrolled bill,<sup>(2)</sup> or which shows an incorrect placement of an amendment to a bill,<sup>(3)</sup> it may be corrected by unanimous consent.

17. John W. McCormack (Mass.).

18. *House Rules and Manual* §583 (1973).

19. See, for example, § 13.1, *infra*.

20. See, for example, § 13.4, *infra*.

1. See §§ 13.4 et seq., *infra*.

2. See § 13.5, *infra*.

3. See § 13.7, *infra*.