

Chapter CCLXXII.¹

SUSPENSION OF THE RULES.

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3397. The last six days of a session, in which motions to suspend the rules may be entertained under the rule, can not be determined, other than at the last session of a Congress, until a resolution fixing the date of adjournment has been agreed to in both Houses, and the fact that such resolution has been passed by one House is not to be construed as admitting the motion until the resolution has been adopted by the other House.

On October 4, 1917,² the House agreed to the following concurrent 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 of the Congress by adjourning their respective Houses on Saturday, the 6th day of October, 1917, at 3 o'clock post meridian.

On the following day,³ Mr. Richard W. Austin, of Tennessee, proposed to move to suspend the rules and pass a joint resolution authorizing payment of an extra month's salary to officers and employees of the House and Senate.

The Speaker⁴ declined to recognize him for that purpose and said:

Not now. Whenever the Senate passes the adjournment resolution then a motion to suspend the rules would be in order; but there is no telling when they will pass it.

¹ Supplementary to Chapter CXLII.

² First session Sixty-fifth Congress, Record, p. 7798.

³ Journal, p. 428; Record, p. 7865.

⁴ Champ Clark, of Missouri, Speaker.

3398. Where date of adjournment has been tentatively agreed upon but not formally designated, legislation in order during the last six days of the session has been authorized by consent.

On Tuesday, June 24, 1930,¹ Mr. Bertrand H. Snell, of New York, rising to a question of order, stated that it was generally understood that adjournment would be reached not later than Wednesday, July 2. He therefore submitted a request for unanimous consent that beginning with the following Friday, June 27, for the remainder of the session it should be in order for the Speaker to recognize for motions to suspend the rules as during the last six days of a session.

There being no objection, the request was agreed to.

3399. The House has on occasion, by resolution, provided for suspension of the rules by majority vote.

On February 26, 1909,² the House adopted a resolution reported from the Committee on Rules providing that for the remainder of the session the motion to suspend the rules should be agreed to by a majority instead of by a two-thirds vote.

In presenting the resolution, Mr. John Dalzell, of Pennsylvania, explained:

Mr. Speaker, the propriety of adopting this rule must be apparent to everyone. This is Friday night preceding the Thursday on which the Congress must adjourn. There are a great many bills necessary to be considered.

3400. Under the later of decisions it is held that the right of a Member to have read a paper on which the House is to vote may not be abrogated by a suspension of the rules.

On December 19, 1910,³ Mr. James R. Mann, of Illinois, called up from the Calendar of motions to Discharge Committees a motion to discharge the Committee on the Post Office and Post Roads from the further consideration of the bill (H. R. 21321) to codify the postal laws.

During the reading of the bill, which was of great length, Mr. Eben W. Martin, of South Dakota, moved to suspend the rules and dispense with the further reading of the bill.

Mr. Mann interposed a point of order against the motion.

The Speaker⁴ declined to entertain the motion and said:

The Chair is prepared, not to rule, but to call attention to the decisions that have been made heretofore on questions that seem to be somewhat similar to this. The decisions are in conflict. The Chair calls attention to section 5277 of Hinds' Precedents, volume 5:

"5277. One June 19, 1878, Mr. Joseph G. Cannon, of Illinois, moved to suspend the rules and pass a bill relating to post routes, which he sent to the desk. Mr. Cannon then asked that the reading of the bill be waived.

"Objection being made, the Speaker held:

"So far as the experience of the Chair extends, and certainly according to his own uniform ruling, the right has always been conceded to a Member to have a proposition read upon which he was called to vote, so that he might know what he was to vote on."

"Mr. Benjamin F. Butler, of Massachusetts, asked if the rules might be suspended so as to dispense with the reading.

¹ Second session Seventy-first Congress, Record, p. 11631.

² Second session Sixtieth Congress, Record, p. 3310.

³ Third session Sixty-first Congress, Record, p. 502.

⁴ Joseph G. Cannon, of Illinois, Speaker.

“The Speaker said:

“They can not.”

Now, then, that is the latest ruling. The other rulings are in seeming conflict with this decision by Mr. Speaker Randall. Moreover, the situation now, while alike in principle to that of the precedent of 1878, has peculiar features of its own. There was then no such rule upon the book of rules as to make it in order to move to discharge committees and give such motions precedence over motions to suspend the rules. This rule now operating has taken off the floor a motion to suspend the rules and pass the pension bill, which was made in apt time.

So that a motion to suspend the rules on suspension day awaits the action of any Member to make a motion that would take precedence of it under this rule, and, in view of this being a new rule and these considerations, the Chair declines to recognize the gentleman from South Dakota to make the motion, because the practice has grown up for the last 25 or 30 years, or longer, under all Speakers, that a motion to suspend the rules, an exception to other motions in this respect, awaits recognition upon the part of the Speaker, and all Speakers have exercised the power that they have under the rule and under the practice of the House to recognize such motions. The Clerk will proceed with the reading of the bill.

3401. An exceptional instance in which, in the absence of a question of order, a bill was considered without reading.

On December 20, 1920,¹ Mr. Edward C. Little, of Kansas, by direction of the Committee on Revision of the Laws, moved that the rules be suspended and the bill (H. R. 9389) to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919, a bill of 10,747 sections, be passed, being read by title only.

There being no objection and the question of the reading of the bill not being raised, the motion was unanimously agreed to and the bill was passed.

However, the bill failed to receive the sanction of the Senate and in the following Congress, on May 16, 1921,² by direction of the Committee, Mr. Little again offered a motion to suspend the rules and pass the bill without reading.

Mr. Joseph Walsh, of Massachusetts, called attention to the irregularity of the motion and the necessity of reading any bill on which Members were required to vote.

The Speaker³ said:

The Chair thinks if nobody demands the reading of the bill it can be done.

Without objection, a second will be considered as ordered.

There being no objection and no one having raised a question of order, the motion was unanimously agreed to and the bill was passed.

3402. Recognition to move suspension of the rules on days on which the motion is in order is within the discretion of the Speaker.

Instance wherein the Speaker near the end of a session requested that Members desiring to be recognized to move to suspend the rules submit their request in writing.

On January 28, 1931,⁴ following a call of the House to ascertain the presence of a quorum, the Speaker⁵ announced.

¹ Third session Sixty-sixth Congress, Record, p. 574.

² First session Sixty-seventh Congress, Record, p. 1477.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ Third session Seventy-first Congress, Record, p. 3398.

⁵ Nicholas Longworth, of Ohio, Speaker.

The Chair desires to make this further announcement: When the session draws to a close ordinarily there are quite a number of requests to the Speaker for recognition to move to suspend the rules. Those requests are now coming in rapidly. It is impossible for the Chair to keep in mind all of the requests and the merits of the bills. At the close of the last session the Chair requested all Members desiring to move to suspend the rules to put their requests in writing and to accompany their requests with the bill and report. The Chair will again make that request for the remainder of the session. It worked very well last year, and the Chair hopes that it will this year.

3403. Recognition for motions to suspend the rules is within the discretion of the Speaker.

On February 27, 1915,¹ it being within six days of adjournment, Mr. Patrick D. Norton, of North Dakota, proposed a motion to suspend the rules.

The Speaker² declined to entertain the motion.

Mr. Norton submitted that the motion to suspend the rules during the last six days of a session was privileged.

The Speaker said:

It is if the Chair recognizes the gentleman for that purpose, but it is solely within the discretion of the Chair.

3404. On February 21, 1921,³ during the call of the Consent Calendar, Mr. Alben W. Barkley, of Kentucky, asked recognition to move to suspend the rules and pass the bill (S. 4682) to amend the judicial code.

The Speaker⁴ declined recognition and said:

The Chair will not recognize any gentleman unless the Chair knows about the matter.

The Chair will not recognize the gentleman unless he consults the Chair in advance.

3405. The rule providing for the call of the Consent Calendar on the first and third Mondays does not preclude recognition within the discretion of the Speaker for a motion to suspend the rules, and such motion is in order before the calendar is called or at any time before the call is completed.

A motion may be withdrawn in the House before decision thereon and decision of a question of order is not such "decision" as will prevent withdrawal.

The withdrawal of a motion in Committee of the Whole is by unanimous consent only.

Instance wherein the Speaker of his own initiative submitted to the House for decision a question as to procedure.

On February 28, 1913,⁵ in response to a question raised by Mr. Thomas W. Hardwick, of Georgia, the Speaker⁶ held, tentatively, that on days on which it was in order to call the Calendar for Unanimous Consent the call of the calendar took precedence over motions to suspend the rules.

¹Third session Sixty-third Congress, Record, p. 4887.

²Champ Clark, of Missouri, Speaker.

³Third session Sixty-sixth Congress, Record, p. 3585.

⁴Frederick H. Gillett, of Massachusetts, Speaker.

⁵Third session Sixty-second Congress, Record, p. 4328.

⁶Champ Clark, of Missouri, Speaker.

On the following day,¹ however, it being one of the last six days of the session the question was again raised by Mr. Oscar W. Underwood, of Alabama, who moved to suspend the rules and pass a resolution relating to the order of business.

Mr. Hardwick made the point of order that the motion could not be entertained until the call of the Calendar for Unanimous Consent had been completed.

Debate having been concluded on the point of order, the Speaker submitted the question to the House for its decision and said:

The proposition pending is the point of order made by the gentleman from Georgia against the motion to suspend the rules.

This rule, providing for unanimous consent and suspension of the rules and discharges of committees, is ambiguous. When this point was first raised the other day, the Chair said that if the rule were strictly construed, the contention of the gentleman from Georgia is correct, but that he did not believe that the authors of that rule ever intended to work the Unanimous Consent Calendar ahead of the suspensions in the last six days of the session.

Inasmuch as the House has the right to do what it pleases at any time, and the Chair has no pride of opinion whatever about that quasi ruling, the Chair submits to the House itself the question whether on the last six days of a session the Unanimous Consent Calendar shall take precedence of motions to suspend the rules.

Is the motion made by the gentleman from Alabama to suspend the rules in order at this time? Those who believe that will say "aye."

The question being taken, on a division requested by Mr. Underwood, the vote was yeas 189, noes 23.

The Speaker announced:

The ayes have it, and the House decides that the motion to suspend the rules is in order at this time.

Whereupon, Mr. Underwood explained that his purpose in submitting the motion to suspend the rules was to secure a decision on the question of order, and asked to withdraw his motion.

Mr. Hardwick objected that it was not in order to withdraw the motion except by unanimous consent.

The Speaker ruled:

The gentleman can withdraw it without permission in the House, although he could not in Committee of the Whole. In the House a Member making a motion may withdraw it at any time before it is voted on or amended.

3406. Adoption of a motion to suspend the rules suspends all rules, including the unwritten law and practice of the House.

A motion to suspend the rules and pass a conference report does not admit the point of order that the conference report contains matter not in disagreement between the two Houses.

On May 12, 1909,² Mr. George E. Foss, of Illinois, moved to suspend the rules and take from the Speaker's table the conference report on the naval appropriation bill and agree to the same.

¹ Record, p. 4454.

² First session Sixtieth Congress, Record, p. 6147.

The conference report having been read, Mr. John Sharp Williams, of Mississippi, made the point of order that the report contained matter not in disagreement between the two Houses, relating to an increase in the pay of the Marine Corps.

Mr. James A. Tawney, of Minnesota, submitted that the incorporation in a conference report of provisions not in settlement of any dispute between the two Houses was merely a matter of custom and precedent and was not a formal rule of the House and therefore not affected by a motion to suspend the rules.

The Speaker¹ ruled:

The motion to suspend the rules, if agreed to by a proper vote of the House, suspends all the rules which otherwise would prevent the consideration of the pending matter. There is no rule of the House or the Senate touching this matter. The practice has grown up in the House—and the Chair believes it is a wise practice—that the Chair on a point of order being made that the conferees have acted without jurisdiction, or upon a matter of legislation not before them, shall rule on the point of order, which, if sustained, vacates the conference report as much as a vote of the House would vacate it.

Now, the Chair, acting in harmony with this rule, following the precedents of former Speakers, has rigidly, whenever the point of order has been made, sustained it, where the facts warranted the point of order. The practice in the Senate is different from what it is in the House. A point of order is only sustained by a vote of the Senate on the report itself. The presiding officer does not decide the point of order; it is for the Senate by vote to determine whether or not they will reject a report if the report covers matters not committed to the conferees.

Formerly the practice of the House was unsettled, but it has been very well settled for almost a generation.

This motion is to suspend all rules, which otherwise might forbid consideration of the report; and that includes all practice, all parliamentary precedents; for a precedent or practice manifestly is not of higher dignity than a formal rule of the House. Therefore, in the opinion of the Chair, the point of order under this condition is not well taken. The Chair overrules the point of order.

3407. On a motion to suspend the rules the Speaker in recognizing a Member to demand a second gives priority to one opposed to the motion, but if no one rises in opposition, recognizes for that purpose a member favoring the proposition.

On June 3, 1918,² Mr. John E. Raker, of California, was recognized to move to suspend the rules and pass the bill (S. 2380) granting to the Legislature of the Territory of Hawaii powers to authorize woman suffrage.

Miss Jeannette Rankin, of Montana, demanded a second.

The Speaker³ inquired if the lady was opposed to the bill and, being told that she favored it, said:

The chair will recognize somebody who is opposed to it, if there is anybody, in accordance with the rule; otherwise the chair will recognize the lady from Montana.

The second being ordered, the Speaker announced:

The gentleman from California is entitled to 20 minutes and the lady from Montana is entitled to 20 minutes.

¹ Joseph G. Cannon, of Illinois, Speaker.

² Second session Sixty-fifth Congress, Record, p. 7325.

³ Champ Clark, of Missouri, Speaker.

3408. On a motion to suspend the rules a member of the committee opposing the bill is entitled to priority in demanding a second, but members of the committee favoring the bill yield to its opponents in the right to demand a second.

In qualifying for recognition to demand a second it is not sufficient to express conditional or partial opposition to the bill, but it is necessary to announce unconditional opposition.

On June 3, 1920,¹ the Speaker recognized Mr. Halvor Steenerson, of Minnesota, to move to suspend the rules and pass the bill (H. R. 14338) providing for the reclassification of post-office salaries.

Mr. John A. Moon, of Tennessee, the ranking minority member of the committee reporting the bill, asked recognition to demand a second.

Mr. Henry M. Goldfogle, of New York, not of the Committee, also sought recognition to demand a second.

In response to the Speaker's inquiry, Mr. Moon said that he was not opposed to the bill. Mr. Goldfogle said that he opposed certain provisions in the bill, but declined to state that he would vote against it.

The Speaker² held that Mr. Goldfogle had not qualified as an unconditional opponent of the bill and recognized Mr. Moon as the ranking member of the committee.

3049. On motion to suspend the rules one opposed to the bill has prior right to recognition to demand a second over a member of the committee reporting the bill who favors the motion.

On June 20, 1921,³ Mr. Stephen G. Porter, of Pennsylvania, moved a suspension of the rules for the purpose of passing the joint resolution (S. J. Res. 34) creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru.

Mr. Henry D. Flood, of Virginia, the ranking minority member of the Committee on Foreign Affairs, which reported the joint resolution, and Mr. Thomas L. Blanton, of Texas, who was not a member of that committee, simultaneously requested recognition to demand a second.

The Speaker pro tempore⁴ decided:

The gentleman from Texas, who is opposed to the bill, is recognized to demand a second.

3410. Under the later practice authorization by a committee is not requisite to recognition to move suspension of the rules on committee suspension day.

On February 21, 1921,⁵ the third Monday of the month, the Speaker² recognized Mr. James S. Parker, of New York, to move to suspend the rules and pass the joint

¹ Second session Sixty-sixth Congress, Record, p. 8383.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ First session Sixty-seventh Congress, Record, p. 2774.

⁴ Joseph Walsh, of Massachusetts, Speaker pro tempore.

⁵ Third session Sixty-sixth Congress, Record, p. 3576.

resolution (S. J. Res. 161) authorizing the operation of the New York State Barge Canal, with certain amendments.

Mr. Otis Wingo, of Arkansas, made the point of order that this being committee suspension day, motions to suspend the rules must be authorized by the committees having jurisdiction, and the proposed resolution as amended was without the sanction of the Committee on Military Affairs.

The Speaker held that authorization by the committee was not required and overruled the point of order.

3411. A motion to suspend the rules pending and undisposed of at adjournment recurs as unfinished business on the next day when such business is again in order.

On Monday, June 9, 1930,¹ Mr. Royal C. Johnson, of South Dakota, asked recognition to move to suspend the rules and pass the bill (S. 1372) for payment of the claims of certain Indian tribes, on which a second had been ordered at adjournment on the previous Monday.²

The Speaker³ reminded:

It is not necessary for the gentleman to make that motion. As the Chair understands the parliamentary situation, the gentleman moved last Monday to suspend the rules and pass the bill, S. 1372, and debate thereon had been exhausted. The question is on the motion of the gentleman from South Dakota to suspend the rules and pass the bill.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

3412. A motion to suspend the rules on which a second has been ordered remaining undisposed of at adjournment recurs as the unfinished business on the next day on which such motion is again in order.

Where a quorum fails on a vote by tellers on seconding a motion to suspend the rules and a count by the Speaker discloses the presence of a quorum, the second is ordered.

Debate on a motion to suspend the rules is limited to 20 minutes on each side, and if adjournment is taken before the 40 minutes have been consumed, the time remaining is available when the motion is again considered.

Reference to a discussion as to the function and importance of the motion to suspend the rules.

On February 28, 1931,⁴ one of the last six days of the session, Mr. Thomas A. Jenkins, of Ohio, moved to suspend the rules and pass the joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States.

Mr. Samuel Dickstein, of New York, having demanded a second, and the vote being taken, the tellers announced 153 ayes and 2 noes.

¹ Second session Seventy-first Congress, Record, p. 10337.

² Record, p. 9919.

³ Nicholas Longworth, of Ohio, Speaker.

⁴ Third session Seventy-first Congress, Record, p. 6575

Mr. Fiorello LaGuardia, of New York, made the point of order that a quorum was not present. The Speaker,¹ after counting, announced that 238 Members were present, a quorum, and the second was ordered.

Mr. Bertrand H. Snell, of New York, inquired what would be the status of the pending measure if the House adjourned after the second was ordered.

The Speaker held that in such event the motion to suspend the rules would be the unfinished business at the next meeting of the House.

The Speaker then recognized Mr. Jenkins, as the mover of the motion, and Mr. Dickstein, as the demander of a second, for 20 minutes each.

During debate Mr. Henry W. Temple, of Pennsylvania, as a parliamentary inquiry, asked what disposition would be made of the time remaining for debate if the House adjourned before the 40-minute period was concluded.

The Speaker replied that any portion of the 40 minutes remaining unconsumed at adjournment would be available when the House again convened.

Thereupon, on motion of Mr. Snell, the House adjourned.

When the House met on the next legislative day, the Speaker announced:

When the House adjourned on Saturday there was pending a motion by the gentleman from Ohio to suspend the rules and pass a bill. The gentleman from New York has 10 minutes remaining and the gentleman from Ohio has 12 minutes remaining.

The Speaker continued:

If the House will indulge the Chair, this mass of papers on the Chair's desk represents the requests for suspension of the rules, which the Chair has tentatively promised. Beyond that there are probably 40 or 50 Senate bills on the Speaker's table, similar House bills having been reported and now on the Calendar, for which the Chair will grant recognition at some time or another. Besides that, there are a number of conference reports pending, there may be messages from the President, and but few hours remaining before final adjournment.

Now, on Saturday night when the Chair recognized the gentleman from Ohio to suspend the rules, intimation was made that the Chair was unfair.

The situation was that some gentlemen were exercising their parliamentary rights, under the rules as they exist, to interpose objections to the passage of the bill and to delay it as much as possible. The Chair thinks that any Member is not only within his rights, but it is his duty, where he is opposed to a measure, to adopt all proper parliamentary methods to prevent the passage of the bill; but in the interest of the speeding up of the business of the House, it is equally the right of Members in favor of the bill to use all proper parliamentary methods to speed its passage. One of these parliamentary methods which has been repeatedly used is the motion to suspend the rules.

The Chair agrees that suspension of the rules is not a normal legislative procedure. In a sense it is a trifle unfair in that it limits debate and does not permit the right of amendment. If anybody thinks that the Chair covets the right to recognize or not to recognize motions to suspend the rules in the last six days of a session, he is far from being correct. It is one of the most burdensome, unpleasant duties that can fall to the lot of a Member of Congress. It is always unpleasant for the present occupant of the Chair to say no, four out of five times, as he is compelled to do.

But there are times when suspension of the rules is vitally necessary to dispatch public business. It is going to be vitally necessary in the next few hours because very few hours remain before adjournment, and the Chair must use his discretion, when he believes it is in the interest of a large majority of the House to use the right of suspension.

I think the Chair is safe in saying that not more than three or four times since his incumbency of his office for the past six years has the motion to suspend the rules, out of hundreds of cases, received less than the necessary two-thirds; in other words, the Chair was in fact aiding the House to carry out its will.

¹Nicholas Longworth, of Ohio, Speaker.

3413. On a motion to suspend the rules a demand for a second is not in order until the bill has been read.

On June 3, 1920,¹ Mr. Halvor Steenerson, of Minnesota, moved to suspend the rules and pass the bill (H. R. 14338) to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation.

The Clerk having read the title of the bill, Mr. Henry M. Goldfogle, of New York, demanded a second.

The Speaker² declined to entertain the demand and said:

A second can not be demanded until the bill has been read. The Clerk will report the bill.

3414. Instance in which the 40 minutes of debate allowed on a motion to suspend the rules were increased by unanimous consent.

On February 7, 1916,³ the House was considering a motion made by Mr. Lemuel P. Padgett, of Tennessee, to suspend the rules and pass the bill (H. R. 9224) providing for an increase in the number of midshipmen at the United States Naval Academy.

Mr. Padgett, to whom 20 minutes had been allotted under the rule, yielded to Mr. Champ Clark, of Missouri, who had not completed his remarks when the 20 minutes expired.

On motion of Mr. James R. Mann, of Illinois, by unanimous consent, Mr. Clark was permitted to proceed without the time being taken from the 40 minute debate permitted under the rule.

3415. Where the time allowed for debate on a motion to suspend the rules was extended by unanimous consent, the Speaker divided the additional time on the ratio governing division of the original 40 minutes provided by the rule.

While the Speaker in recognizing Members to demand a second on a motion to suspend the rules, in the absence of the other considerations, gives priority to members of the committee and to the political minority, the determining qualification is opposition to the motion and members of the political majority opposing the proposition will be recognized in preference to members of the political minority favoring the proposition.

In the allotment of time for debate on a motion to suspend the rules and pass a bill, a member of the committee reporting the bill has prior to recognition over one not a member of the committee.

On June 27, 1921,⁴ Mr. Andrew J. Volstead, of Minnesota, moved to suspend the rules and pass the bill (H. R. 7294) supplemental to the national prohibition act.

The Speaker² announced:

The Chair understands it has been agreed that there shall be 2 hours on a side instead of the usual 20 minutes on a side. The Chair thinks that the ordinary procedure to be followed is for the Chair to follow the same course that is adopted where there is 20 minutes on a side. The Chair would recognize some member of the committee to demand a second who is opposed to the bill.

¹ Second session Sixty-sixth Congress, Record, p. 8381.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ First session Sixty-fourth Congress, Record, p. 2240.

⁴ First session Sixty-seventh Congress, Record, p. 3095.

Mr. Hatton W. Sumners, of Texas, the ranking minority member of the committee favored the bill. Mr. Anthony J. Griffin, of New York, opposed the bill, but was not a member of the committee. Mr. David G. Classon, of Wisconsin, qualified both as a member of the committee and as opposed to the bill, and was recognized to demand a second.

Mr. Finis J. Garrett, of Tennessee, the minority leader, protested:

Mr. Speaker, on the bill that passed the House just a few minutes ago the parliamentary situation resulted in two gentlemen on the majority side of the Chamber having control of the time. Whether it was the result of that or not, the fact is that the minority side of the House received during that debate of 40 minutes 8 minutes of time, 5 minutes of that time being yielded to a gentleman in favor and 3 minutes to one opposed. Now, the present question before us is not a party question. All efforts that have been made to make it a party question have failed. It seems to me that it should be arranged so that we can be assured of an equal division of time between those in favor and those against the measure, and that the political minority of the House should have its proper recognition.

The Speaker replied:

The Chair has stated to gentlemen who approached him for recognition that he would prefer to recognize a member of the minority inasmuch as the gentleman from Minnesota is on the majority side, but inasmuch as there is no member of the minority of the committee opposed to the bill, the Chair feels constrained to recognize the gentleman from Wisconsin.

3416. Where the proponent of a motion to suspend the rules is opposed to the proposition, a Member who favors it will be recognized to control the 20 minutes of debate on that side.

If no one qualifies to demand a second on a motion to suspend the rules, and no minority Member seeks recognition for that purpose, the Speaker recognizes at his discretion.

Requests for recognition to demand a second to a motion to suspend the rules come too late after the second has been ordered.

On June 27, 1921,¹ Mr. Thomas B. Dunn, of New York, chairman of the Committee on Roads, which had reported the bill (S. 1072) providing Federal aid to the States in the construction of rural post roads, moved to suspend the rules and pass that bill with House amendments.

On demand of Mr. Robert I. Doughton, of North Carolina, a second was ordered. Pending the motion, Mr. Dunn inquired.

I would like to have a ruling of the Chair as to whether anyone is entitled to take charge of the bill who is against the provisions of the bill, even though he is chairman of the committee?

Mr. Thomas L. Blanton, of Texas, raised a question of order and submitted that under the statement of the chairman of the Committee on Roads he was not entitled to control the time in debate allowed under the rule.

The Speaker pro tempore² said:

The Chair will state that it was within the right of the gentleman from New York as chairman of the Committee on Roads, to move a suspension of the rules and pass the bill, which he did. The question now is as to how the time of 40 minutes under the rule, 20 minutes in favor thereof and 20 minutes against, shall be allotted. It has been the uniform practice for a gentleman moving

¹ First session Sixty-seventh Congress, Record, p. 3085.

² William H. Stafford, of Wisconsin, Speaker pro tempore.

a suspension of the rules to have charge of the time in favor, because it is the presumption that as he moved to suspend the rules to pass the bill, he naturally favored the passage of the bill, else he would not have moved its passage.

But the Chair is confronted with an unusual condition, unknown to him in his 14 years of service in the House, wherein a like situation has never occurred.

It is within the power of the gentleman from New York to yield, if he desires, the 20 minutes to any Member he sees fit who is in favor of the bill, or to allot the time individually to those whom he believes are in favor of the bill.

Subsequently, however, he ruled:

Since the Chair has made his last statement in relation to the control of the time, he has had his attention called to a precedent that is somewhat in point. It is found in Second Hinds' Precedents, paragraph 1449, the syllabus of which is as follows:

"The chairman of a committee, having in committee opposed a bill, must in the House yield prior recognition to a member of his committee, who has favored the bill."

The Chair holds that the gentleman from New York when recognized by the Speaker had the right to move the suspension of the rules, as he did to pass the bill, but upon his statement that he is opposed to the bill and the statement of the gentleman from Kentucky, Mr. Robsion, that he is in favor of it and was directed by the Committee on Roads to take charge of the bill, will recognize the gentleman from Kentucky for 20 minutes in favor of the bill, and the gentleman from New York Mr. Snyder in opposition for 20 minutes.

Mr. Finis J. Garrett, of Tennessee, made the point of order that Mr. Homer P. Snyder, of New York, was a member of the majority and was not entitled to recognition as against members of the minority who opposed the proposition.

The Speaker pro tempore reminded:

The Chair will refresh the memory of the leader of the minority by stating that when the motion of the gentleman from New York was made to suspend the rules and a second was demanded by the gentleman from North Carolina the Chair asked the gentleman from North Carolina if he was opposed to the bill and he said he was not. He did not qualify.

No member of the minority rose to claim recognition in opposition to the bill. If he had, the present occupant of the Chair would have recognized him under the uniform practice of party division. But no member of the minority having arisen to demand a second, the Chair recognized the gentleman from New York.

Whereupon, Mr. Garrett proposed to request recognition for Mr. Sam Rayburn, of Texas, a minority member opposed to the bill.

The Speaker pro tempore declined to entertain the request and said:

Ah, but the gentleman comes too late with that. The demand should have been made at the time when a second was demanded. The Chair cannot set aside the order of the House whereby a second has been considered as ordered, and dispossess the only gentleman rising in opposition and demanding recognition of the time, which under the invariable practice has been under his control.

3417. Time yielded by a Member in control of half of the 40 minutes of debate on motion to suspend the rules may not be reserved or yielded to a third Member.

On January 20, 1930,¹ the House was considering a motion by Mr. Schuyler Otis Bland, of Virginia, to suspend the rules and pass the bill (S. 1784) providing for the improvement of Wakefield, the birth place of George Washington.

¹Second session Seventy-first Congress, Record, p. 1993.

Mr. Louis C. Cramton, of Michigan, who had been allotted 20 minutes of the 40 minutes of debate allowed under the rule, yielded 10 minutes to Mr. William H. Stafford, of Wisconsin.

At the expiration of five minutes, Mr. Stafford proposed to reserve the remainder of the time yielded to him.

Mr. Cramton made the point of order that time so yielded could not be reserved or yielded to another.

The Speaker¹ said:

The Chair thinks the gentleman can not yield the balance of the time yielded to him. The Chair thinks that the practice is, when two gentlemen are recognized to control the time—and in this case they are the gentlemen from Michigan, Mr. Cramton, and the gentleman from Virginia, Mr. Bland, no other gentleman can control any of the time that has been yielded to him by either one of those gentlemen.

3418. A motion to suspend the rules may be entertained although a bill on which the previous question has been ordered may be pending.

On April 20, 1908,² Mr. Dalzell, of Pennsylvania, submitted from the Committee on Rules, the resolution (H. Res. 344) providing for an investigation, by a special committee to be appointed by the Speaker, of the price of wood pulp and print paper.

On motion of Mr. Dalzell, the previous question was ordered on agreeing to the resolution, yeas 149, nays 114.

After debate Mr. John Sharp Williams, of Mississippi, proposed to demand a division of the question on the preamble and the various substantive propositions contained in the resolution.

Thereupon, Mr. Dalzell moved to suspend the rules and pass the resolution.

Mr. John J. Fitzgerald, of New York, made the point of order that after the previous question was ordered on a pending proposition a motion to suspend the rules was not in order until the pending proposition was disposed of.

The Speaker³ directed attention to section 6827 of Hinds' Precedents and said:

The previous question was ordered on agreeing to the resolution. This motion to suspend the rules covers both the preamble and the resolution. Therefore the Chair again refers to Mr. Speaker Crisp's ruling, as follows:

"The Speaker overruled the point of order, holding that this being the first Monday of the month it was in order to entertain motions to suspend the rules: that the object of such motion was to suspend all the rules, and the effect was to bring the House to an immediate vote on the pending motion."

The Chair believes that that ruling of Mr. Speaker Crisp was correct, and this motion of the gentleman from Pennsylvania is to suspend all rules and pass not only the resolution but the preamble as well, upon which preamble the previous question has not been ordered. And in principle it comes within the ruling of Mr. Speaker Crisp. It is a proceeding to dispense with all rules of every nature and pass the bill. The Chair overrules the point if order.

¹Nicholas Longworth, of Ohio, Speaker.

²First session Sixtieth Congress, Record, p. 5029.

³Joseph G. Cannon, of Illinois, Speaker.

3419. A motion to suspend the rules may be withdrawn at any time before a second is ordered, even after tellers are appointed on seconding the motion.

On December 19, 1921,¹ Mr. Albert Johnson, of Washington, moved to suspend the rules and pass the joint resolution (H. J. Res. 237) authorizing the Secretary of Labor to stay temporarily the deportation of certain aliens.

Mr. Finis J. Garrett, of Tennessee, demanded a second, and tellers were appointed, when, pending the count of the vote by the tellers, Mr. Johnson withdrew the motion.

Mr. Garrett raised a question of order on the right to withdraw the motion after tellers had been ordered.

The Speaker² held that withdrawal was in order at any time prior to the ordering of a second.

3420. After a second is ordered on a motion to suspend the rules the motion may be withdrawn or modified by unanimous consent only.

On June 9, 1930,³ Mr. James S. Parker, of New York, moved to suspend the rules and pass the bill (S. 3619) to organize the Federal Power Commission, with amendments.

The Clerk having read the bill as proposed, a second was demanded and ordered, when Mr. Parker asked unanimous consent that section 2 of the bill be again read.

There was no objection, and section 2 of the bill was read a second time.

Mr. George Huddleston, of Alabama, raised the question of order that the section as read the second time did not conform to the section as originally read.

Mr. George S. Graham, of Pennsylvania, explained that there had been a change of but two words and that the substitution had been made to remedy an inadvertence.

Mr. Huddleston submitted that after a second was ordered the bill was not subject to amendment and insisted on his point of order.

The Speaker⁴ sustained the point of order.

Mr. Carl E. Mapes, of Michigan, asked unanimous consent that the motion to suspend the rules be withdrawn.

Mr. Huddleston objected.

Whereupon, the proposal was considered in its original form and, two-thirds voting in the affirmative, passed as first read by the Clerk.

3421. A motion to suspend the rules may provide for the passage of a bill regardless of whether it has been reported or referred to any calendar or even previously introduced.

On July 19, 1909,⁵ Mr. James R. Mann, of Illinois, being recognized for that purpose, moved to suspend the rules and pass a bill authorizing the construction of various bridges across certain navigable waters.

¹ Second session Sixty-seventh Congress, Record, p. 634.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Second session Seventy-first Congress, Record, p. 10331.

⁴ Nicholas Longworth, of Ohio, Speaker.

⁵ First session Sixty-first Congress, Record, p. 4511.

Mr. Thomas W. Hardwick, of Georgia, made the point of order that the bill had not been reported by a committee of the House and had not been placed on any calendar.¹

The Speaker² ruled:

This is a motion to suspend the rules. It being the third Monday, it is in order to move to suspend the rules and pass a bill whether it has been reported by a committee or not. The Chair apprehends that this has never been introduced, but the Chair is not sure about that. Is a second demanded?

3422. Pending the decision of a question of order raised against a conference report it is in order to move to suspend the rules and agree to the report.

On February 25, 1911,³ the House was considering the conference report on the District of Columbia appropriation bill, when Mr. Ben Johnson, of Kentucky, made the point of order that the conferees had exceeded their authority by including in the report a provision relating to the construction of street paving which had not been passed by either House.

After debate on the question of order and pending the decision of the Speaker, Mr. Albert S. Burleson, of Texas, moved to suspend the rules and agree to the conference report as submitted.

Mr. Johnson raised a further question of order against entertaining the motion to suspend the rules while the point of order was pending.

The Speaker² overruled the point of order and recognized Mr. Burleson as follows:

The gentleman has made a point of order, but if the rules should be suspended it will not be subject to the point of order. It is a motion to suspend the rules and give the House an opportunity to dispose of this report.

3423. A motion to suspend the rules and agree to a conference report proposes suspension of all rules inconsistent with the adoption of the report, including the rule requiring printing before consideration.

On May 23, 1908,⁴ Mr. Frank W. Mondell, of Wyoming, moved that the rules be suspended for the calling up and adoption of the conference report on the bill (S. 6155) providing for an enlarged homestead.

Mr. William A. Reeder, of Kansas, made the point of order that the conference report had not been printed as required by the rules and therefore was not subject to consideration.

The Speaker² overruled the point of order and said:

It is not necessary to print under the rules of the House, because this is the motion to suspend the rules of the House and agree to the conference report. And the motion to suspend all rules

¹No committee had yet been appointed except the Committees on Ways and Means, Accounts and Mileage.

²Joseph G. Cannon, of Illinois, Speaker.

³Third session Sixty-first Congress, Record, p. 3418.

⁴First session Sixtieth Congress, Record, p. 6831.

means the suspension of such rules as otherwise would stand in the way of immediate consideration of the report. The rule requiring printing would stand in the way, but the motion now offered removes that obstacle.

3424. The fact that a proposition is subject to points of order does not preclude its passage under a suspension of the rules.

On February 21, 1910,¹ Mr. James A. Tawney, of Minnesota, by direction of the Committee on Appropriations called up the conference report on the urgent deficiency appropriation bill, and moved to pass the report as presented.

The report having been read by the Clerk, Mr. Charles B. Law, of New York, made the point of order that the conferees had exceeded their powers by including provisions relating to the salaries of certain Federal judges, not in disagreement between the two Houses.

The Speaker² ruled:

This is a motion to suspend all rules touching this report which would prevent its present consideration. The point of order made by the gentleman from New York would prevent the present consideration of the report. This is a motion to suspend the rules and agree to the report. There was a ruling in the last Congress, quite a lengthy one, and the Clerk will read from it.

The Clerk read as follows:

“This motion is to suspend all rules which otherwise might forbid consideration of the report; and that includes all practice, all parliamentary precedents; for the precedent or practice manifestly is not of higher dignity than a former rule of the House. Therefore, in the opinion of the Chair, the point of order under this condition is not well taken.”

Having a precedent which the Chair thinks is a correct precedent, the Chair overrules the point of order.

3425. Instance wherein a motion to suspend the rules was utilized in taking a bill from the Speaker's table and agreeing to Senate amendments.

A Senate amendment is not subject to the point of order in the House that it is not germane to the House bill.

On March 3, 1931,³ Mr. Gilbert N. Haugen, of Iowa, asked unanimous consent that the bill (H. R. 16836) imposing a tax on oleomargarine, with Senate amendment thereto, be taken from the Speaker's table, and the Senate amendments agreed to.

Objection being made, Mr. Haugen moved to suspend the rules, take the bill from the Speaker's table, and concur in the Senate amendments.

Mr. Adolph J. Sabath, of Illinois, made the point of order that the Senate amendments were not germane to the bill.

The Speaker pro tempore⁴ ruled:

Senate amendments are not subject to a point of order in the House on the ground that they are not germane to the text of the House bill.

Thereupon a second was ordered, and, after debate, two-thirds having voted in the affirmative, the rules were suspended and the Senate amendments were agreed to.

¹ Second session Sixty-first Congress, Record, p. 2177.

² Joseph G. Cannon, of Illinois, Speaker.

³ Third session Seventy-first Congress, Record, p. 7196.

⁴ Bertrand H. Snell, of New York, Speaker pro tempore.

3426. Suspension of the rules to pass a bill suspends all rules inconsistent with its purpose and the provision of clause 5 of Rule XXI admitting a question of order at any time is not applicable to the motion.

On February 7, 1921,¹ Mr. Sam R. Sells, of Tennessee, by direction of the Committee on Roads, moved to suspend the rules and pass the bill (H. R. 15873) authorizing appropriation of additional sums for Federal aid in construction of post roads.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the bill had been improperly reported and was not entitled to a place on the calendar, in that it proposed to dispose of money previously appropriated by Congress, making available funds which otherwise would be returned to the Treasury, and that the motion to suspend the rules did not preclude the point of order for the reason that it was specifically provided in section 5 of Rule XXI² that such question of order could be "raised at any time."

After debate the Speaker³ overruled the point of order and said:

The Chair would state that, in his judgment, the reason why the point of order is not valid is that the rule allowing suspension suspends all rules. The Chair thinks that applies to the rule relied upon by the gentleman from Massachusetts as well as others. It is not necessary that the bill should have been reported by the committee. The gentleman from Tennessee moves to suspend the rules and pass the bill which the Clerk had reported, and the Chair thinks that suspends every rule, and the point of order does not lie. Is a second demanded?

¹Third session Sixty-sixth Congress, Record, p. 2742.

²Now section 4 of Rule XXI.

³Frederick H. Gillett, of Massachusetts, Speaker.