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THE PREVIOUS QUESTION—LIMITATION
OF DEBATE—CLOTURE

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

FEBRUARY 13, 1915.



WASHINGTON
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The Senate had under consideration the motion by the Senator from Missouri [Mr. REED] to amend Rule XXII with the amendment pending thereto.

Mr. OWEN. Mr. President, during the last two years, since March, 1913, the Senate of the United States has had one important measure after another brought before it for consideration by the Democratic administration. There was a prolonged and obvious filibuster in the Senate dealing with the tariff bill. In order probably to prevent any action upon the Federal reserve bill, there was a resolute filibuster even on the question of allowing a water supply for the city of San Francisco; there was a filibuster, using that bill as a general buffer against proposed progressive legislation, which made it necessary in handling that bill, as well as in handling the tariff bill and the Federal reserve act, for the Senate to meet in the morning and to run until 11 o'clock at night. We had no vacation during the summer of 1913 or during the summer of 1914, because of the vicious filibustering of the Republican Senators. If this method of filibustering shall remain as a practice of the Senate of the United States, obviously the Congress of the United States must remain in continuous session from one year's end to another in order to accomplish even a slight part of what is desired by the people of the United States, and in order in some small degree to enact the important measures which are presented to the Senate for consideration on favorable reports from the committees of the Senate.

I call attention to the large calendar which we have, a calendar of some thirty-odd pages, representing hundreds of measures of importance, which we never arrive at; and even aside from the calendar there are matters of the greatest possible importance, which are not being considered by the body and not being presented by the committees, because it is well known that to make reports upon them would be perfectly useless in view of this now apparently well-established custom of a continuous filibuster against everything desired by the majority party.

This practice of filibustering has not been confined to one side of the Chamber only. I agree with the Senator from Nebraska [Mr. NORRIS] that the filibuster quickly passes from one side of the Chamber to the other as an exigency may arise, according to the desire of those who may be on either side of the aisle. I submit, however, a filibuster favoring the people is not to be compared to a filibuster against the people, although an unjustifiable parliamentary procedure, except under very extraordinary conditions.

It has been offered as a criticism of my view with regard to a cloture rule for the Senate, that on one occasion—March 4, 1911—when the question arose with regard to the admission of New Mexico to statehood with a corporation-written constitution and an unamendable constitution, and the prevention of Arizona at the same time being admitted to statehood, I did not hesitate to use the practice of the Senate to filibuster in order to compel a vote of the Senate jointly upon the admission of Arizona and New Mexico. My use of this bad practice to serve the people does not in any wise change my opinion about the badness of the practice of permitting a filibuster. I acted within the practice, but I think the practice is indefensible, and I illustrated its vicious character by coercing the Senate and compelling it to yield to my individual will.

No one man, no matter how sincere he may be or how patriotic his purpose, should be permitted to take the floor of the Senate and keep the floor against the will of every man in the Senate except himself, and coerce and intimidate the Senate. To do so is to destroy the most important principle of self-government—the right of majority rule.

I wish to submit a brief sketch of what has been the rule with regard to "the previous question." It is an old rule, established for the purpose of preventing an arbitrary and willful individual or minority coercing the majority in a parliamentary body. I call the attention of the Senate to a work printed in 1690, *Lex Parliamentaria*, giving the practice in the British Parliament. On page 292 of that work this language occurs:

If upon a debate it be much controverted and much be said against the question, any member may move that the question may be first made, whether that question shall be put or whether it shall be now put, which usually is admitted at the instance of any member, especially if it be seconded and insisted upon; and if that question being put, it pass in the affirmative, then the main question is to be put immediately, and *no man may speak anything further to it, either to add or alter.*

Mr. President, coming down to the days of the Continental Congress, I read from page 534 of volume 11, 1778, of the Journals of the Continental Congress, giving the rules of that body and showing the purpose of the Continental Congress at that time to prevent any individual or minority unnecessarily consuming the time of that body.

6. No Member shall speak more than twice in any one debate on the same day, without leave of the House.

10. When a question is before the House no motion shall be received unless for an amendment, *for the previous question*, to postpone the consideration of the main question or to commit it.

Sections 13 and 14 read:

13. *The previous question*—that is, that the main question shall be not now put—being moved, the question from the Chair shall be that those who are for the previous question say aye and those against it, no; and if there be a majority of ayes, then the main question shall not be then put, but otherwise it shall.

14. Each Member present shall declare openly and without debate his assent or dissent to a question by aye and no, when required by motion of any one Member, whose name shall be entered as having made such motion previous to the President's putting the question; the name and vote in such cases shall be entered upon the Journal, and the majority of votes of each State shall be the vote of that State.

That was the rule of the Continental Congress. The rule of the House of Representatives is equally well known to clearly and openly recognize the previous question, count a quorum, and by a rule fix a time for voting on any question.

When it came to drafting the Constitution of the United States Mr. Pinckney proposed in his original draft a provision that the yeas and nays of the Members of each House on any question shall, *at the desire of any certain number of Members, be entered on the Journal.*

The committee on detail, page 166 of volume 2 of the records of the Federal convention, by Farrand, reported as follows:

The House of Representatives and the Senate, when it shall be acting in a legislative capacity (each House) shall keep a Journal of its proceedings, and shall from time to time publish them. * * * and the yeas and nays of the Members of each House on any question shall, *at the desire of any Member, be entered on the Journal.*

That was retained throughout as a part of the Constitution and was discussed on Friday the 10th day of August, page 253, as follows:

Mr. Govr. Morris urged that if the yeas and nays were proper at all *any individual ought to be authorized to call for them:* and moved an amendment to that effect, saying that the small States would otherwise be under a disadvantage, and find it difficult to get a concurrence of one-fifth.

That was voted down unanimously, and the following States: New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia voted to agree to the rule that *one-fifth of the Members might call for the record of the yeas and nays as a constitutional right.*

I call the attention of the Senate to the proper interpretation of that language. We have ordinarily held to the practice that the yeas and nays should be called after the vote had been ordered, but the right to have the yeas and nays immediately called under the Constitution of the United States is a constitutional right. As a Senator from Oklahoma, I have a right, being present, if I am supported by one-fifth of the Members of this body, to have my vote and the vote of every other Member of this body recorded on any pending question without having my right denied by an organized filibuster. You can not record a vote on the Journal of the Senate *unless you take the vote;* and, therefore, *the constitutional right to have my vote recorded upon the Journal at the request of one-fifth of the Members* PRESENT carries a PRESENT right and *not a future expectation* or vague hope at some unrecorded future time that it may be recorded, when a minority or an individual may permit it. I have, therefore, a constitutional right, when supported by one-fifth of the Members of this body, to demand the *immediate taking of the yeas and nays on any question pending and the record of that vote in the Journal of the Senate.*

Mr. WILLIAMS. Mr. President, will the Senator allow me to ask him a question?

Mr. OWEN. I yield to the Senator.

Mr. WILLIAMS. Is it not a truth applicable to everything that wherever a right is granted at all it is a right in present and not in futuro, unless the grant is modified by an express statement that it is in futuro?

Mr. OWEN. Absolutely. Now, Mr. President, I want to call the attention of the Senate to what has been done in regard to this question of cloture or limitation of debate by the Senate itself.

The Senate rules, as established at the beginning of this Government, adopted in 1789, are found upon page 20 of the Annals of the First Congress, from 1789 to 1791, volume 1. That volume contains the rules of the Senate as of that date, from No. 1 to 19, and those rules expressly provide against the abuse of the time of the Senate in a number of particulars. First, in paragraph 2, it is provided that—

2. No Member shall speak to another or otherwise *interrupt the business* of the Senate, or read any printed paper, while the Journals or public papers are reading, or when any Member is speaking in any debate.

3. Every Member when he speaks shall address the Chair, standing in his place, and *when he has finished shall sit down*.

It obviously contemplated his finishing within some reasonable time and taking his seat.

4. No Member shall speak more than twice in any one debate on the same day without leave of the Senate.

Showing the intention of the Senate that one man should *not be allowed to monopolize* the time of the Senate.

Paragraph 8 reads:

8. While a question is before the Senate no motion shall be received unless for an amendment, *for the previous question*, or for postponing the main question, or to commit it, or to adjourn.

And paragraph 9 provides:

9. *The previous question being moved and seconded*, the question from the Chair shall be, "Shall the main question be now put?" And if the nays prevail the main question shall not then be put.

On a divided vote the main question was to be put is a necessary consequence that flows from that language. It required a majority vote in the negative to prevent the closure of debate under the original rules of the Senate.

Paragraph 11 reads:

11. *When the yeas and nays shall be called for by one-fifth of the Members present*, each Member called upon shall, unless for special reasons he be excused by the Senate, declare openly and *without debate* his assent or dissent to the question.

Mr. President, that was the rule of the Senate up until 1803. At that time the rules were modified so as to omit the reference to the previous question, not by putting in any rule denying the right of the previous question, but merely omitting the previous question, on the broad theory that courtesy of free speech in the Senate would preclude any Member from the abuse of the courtesy of free speech extended to him by his colleagues, and would preclude a Senator from consuming the time of the Senate unduly, unfairly, or impudently, in disregard of the courtesy extended to him by his colleagues. The failure to move the previous question now *is merely a matter of courtesy* in this body, and carries with it, so long as it lasts, the reciprocal courtesy on behalf of those to whom this courtesy is extended that they shall not impose upon their colleagues who have extended the courtesy to them of freedom of debate or deny their courteous and long-suffering colleagues the right to a vote. Freedom of debate may not under such an interpretation be carried to the point of a garrulous abuse of the floor of the Senate by the reading of old records and endless speechmaking made against time, which has emptied the Senate Chamber and destroyed genuine debate in this body.

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At the time the previous question was dropped from the written rules of the Senate *as a right under such written rules* there had been no need for the "previous question." The previous question had only been moved four times and only used three times from 1789 to 1806—that is, during 17 years.

There is no real debate in the Senate. Occasionally a Senator makes a speech that is worth listening to—occasionally, and only occasionally. The fact is that even speeches of the greatest value which are delivered on this floor have little or no audience now because of this gross abuse of the patience of the Senate, which has been brought to a point where men are no longer willing to be abused by loud-mouthed vociferation of robust-lunged partisans confessedly speaking against time in a filibuster, and are unwilling to keep their seats on this floor to listen to an endless tirade intended not to instruct the Senate, intended not to advise the Senate, intended not for legitimate debate, not for an honest exercise of freedom of speech, but for the sinister, ulterior, half-concealed purpose of killing time in the Senate and thereby preventing the Senate from acting, thus establishing a minority veto under the pretense, the bald pretense, the impudent and false pretense, of freedom of debate.

This courtesy in the Senate was not greatly abused prior to the war, nor until the fierce recent conflict began between the plutocracy and monopoly and the common people. Its abuse during the last century led, however, to various proposals by various distinguished Members of this body of cloture in various forms.

The first one that I care to call attention to is that of Mr. Clay, in 1841, in connection with which Mr. Henry Clay said among other things—this was on the 12th of July, 1841—that—

He was ready at any moment to bring forward and support a measure which should give to the majority the control of the business of the Senate of the United States. Let them denounce it as much as they pleased, its advocates, unmoved by any of their denunciations and threats, standing firm in support of the interests which he believed the country demands, for one he was ready for the adoption of a rule which would place the business of the Senate under the control of a majority of the Senate.

In the first session in the Thirty-first Congress, July 27, 1850, Mr. Douglas, then a Senator of the United States, submitted the following motion for consideration:

Resolved, That the following be, and the same is, adopted as a standing rule of the Senate:

That the previous question shall be admitted when demanded by a majority of the Members of the Senate present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote, first, upon a motion to commit, if such motion shall have been made—

And so forth.

Mr. Hale, on April 4, 1862, brought in a resolution of like purport; Mr. Wade, on June 21, 1864, proposed a like resolution; Mr. Pomeroy, on February 13, 1869; Mr. Hamlin, on March 10, 1870; and various other Senators. I ask, without reading these various proposals, to place them in the RECORD for the information of the Senate of the United States.

The PRESIDING OFFICER (Mr. RANDELL in the chair). Without objection, it will be so ordered.

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The matter referred to is as follows:

LIMITATION OF DEBATE.

[1st sess. 31st Cong., J. of S., 482, July 27, 1850.]

Mr. Douglas submitted the following motion for consideration:

Resolved, That the following be, and the same is, adopted as a standing rule of the Senate.

That the previous question shall be admitted when demanded by a majority of the Members of the Senate present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote, first, upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then, second, upon amendments reported by a committee, if any; then, third, upon pending amendments; and, finally, where such questions shall, or when none shall have been offered, or when none may be pending, then it shall be upon the main question or questions leading directly to a final decision of the subject matter before the Senate. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion no call shall be in order prior to a decision of the main question. On a previous question there shall be no debate. All incidental questions arising after a motion shall have been made for the previous question and, pending such motion, shall be decided, whether on appeal or otherwise, without debate.

(Aug. 28. The resolution was laid on the table (ib., 588).)

[2d sess. 37th Cong., J. of S., 370, Apr. 4, 1862.]

Mr. Hale submitted the following resolution for consideration:

Resolved, That the following be added to the rules of the Senate:

The Senate may, at any time during the present rebellion, by a vote of a majority of the Members present, fix a time when debate on any matter pending before the Senate shall cease and terminate; and the Senate shall, when the time fixed for terminating debate arrives, proceed to vote, without debate, on the measure and all amendments pending and that may be offered.

[1st sess. 38th Cong., J. of S., 601, June 21, 1864.]

Mr. Wade submitted the following resolution for consideration:

Resolved, That during the remainder of the present session of Congress no Senator shall speak more than once on any one question before the Senate; nor shall such speech exceed 10 minutes, without leave of the Senate expressly given; and when such leave is asked it shall be decided by the Senate without debate; and it shall be the duty of the President to see that this rule is strictly enforced."

[3d sess. 40th Cong., J. of S., 256, Feb. 13, 1869.]

Mr. Pomeroy submitted the following resolution, which was ordered to be printed:

Resolved, That the following be added to the standing rules of the Senate:

"**RULE** — While the motion for the previous question shall not be entertained in the Senate, yet the Senators, by a vote of three-fifths of the Members, may determine the time when debate shall close upon any pending proposition, and then the main question shall be taken by a vote of the Senate in manner provided for under existing rules."

[2d sess. 41st Cong., J. of S., 347, Mar. 10, 1870.]

Mr. Hamlin submitted the following resolution for consideration:

Resolved, That whenever any question shall have been under consideration for two days it shall be competent, without debate, for the Senate, by a two-thirds majority, to fix a time, not less than one day thereafter, when the main question shall be taken; but each Senator who shall offer an amendment shall be allowed five minutes to speak upon the same, and one Senator a like time in reply."

[ib., 412, Mar. 25, 1870.]

Mr. Wilson submitted the following motion for consideration:

Ordered, That the Select Committee on Rules be instructed to consider the expediency of adopting a rule for the remainder of the session providing that whenever any bill has been considered for two days the question on ordering it to a third reading may be ordered by a two-thirds vote of the Senators present and voting.

[ib., 465, Apr. 7, 1870.]

The Senate next proceeded to consider (the above); and

On motion of Mr. Edmunds,

Ordered, That the said resolution be passed over.

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[Ib., 492, Apr. 14, 1879.]

The Senate next resumed the consideration of the resolution submitted by Mr. Wilson on the 25th of March last, instructing the Select Committee on the Revision of the Rules to consider the expediency of adopting a rule for the remainder of the session fixing a time when the question on ordering a bill to a third reading shall be put; and

The resolution was agreed to.

[2d sess. 41st Cong., J. of S., 778, June 9, 1870.]

Mr. Pomeroy submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That the thirtieth rule of the Senate be amended by adding thereto the following:

"And any pending amendment to an appropriation bill may be laid on the table without affecting the bill.

"It shall be in order at any time when an appropriation bill is under consideration, by a two-thirds vote, to order the termination of debate at a time fixed in respect to any item or amendment thereof then under consideration, which order shall be acted upon without debate.

[2d sess. 42d Cong., J. of S., Apr. 1, 1872.]

Mr. Pomeroy submitted the following resolution for consideration:

Resolved, That upon any amendment to general appropriation bills remarks upon the same by any one Senator shall be limited to five minutes.

[2d sess. 42d Cong., J. of S., 614, Apr. 26.]

Mr. Scott submitted the following resolution, which was ordered to be printed:

Resolved, That during the present session it shall be in order, pending an appropriation bill, to move to confine debate on the pending bill and amendments thereto to five minutes by any Senator on the pending motion, and the motion to limit debate shall be decided without debate.

[Ib., 630, Apr. 29, 1872.]

On motion by Mr. Scott,

The Senate proceeded to consider the resolution submitted by him on the 26th instant, to confine debate on appropriation bills and amendments thereto for the remainder of the session; and the resolution having been modified by Mr. Scott to read as follows:

Resolved, That during the present session it shall be in order, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and the motion to limit debate shall be decided without debate."

After debate,

On motion by Mr. Vickers, to amend the resolution by inserting after the word "thereto," the words "germane to the subject matter of the bill."

[Several proposed amendments to this part of the resolution are omitted.]

On motion by Mr. Edmunds, to amend the resolution by adding thereto the following:

"And no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received."

It was determined in the affirmative—yeas 25, nays 19.

[The names are omitted.]

So the amendment was agreed to.

The resolution having been further amended on motion of Mr. Scott, on the question to agree thereto as amended in the following words:

Resolved, That during the present session it shall be in order to move a recess; and pending an appropriation bill to move to confine debate on amendment thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate; and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received."

It was determined in the affirmative, {Yeas----- 33
Nays----- 13

[The names are omitted.]

So the resolution was agreed to.

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[3d sess. 42d Cong., J. of S., 615, March 18, 1873.]

Mr. Wright submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That the Committee on the Revision of the Rules be instructed to inquire into the propriety of so amending the rules as to provide—

"First. That debate shall be confined and be relevant to the subject matter before the Senate.

"Second. That the previous question may be demanded either by a majority vote or in some modified form.

"Third. For taking up bills in their regular order on the calendar; for their disposition in such order; prohibiting special orders; and requiring that bills not finally disposed of when thus called shall go to the foot of the calendar, unless otherwise directed."

[*Ib.*, 616, Mar. 19, 1873.]

On motion by Mr. Wright, that the Senate proceed to the consideration of the resolution submitted by him on the 17th instant instructing the Select Committee on the Revision of the Rules to inquire into the propriety of so amending the rules of the Senate as to confine debate to the subject matter before the Senate, to provide for a previous question, and the order of the consideration of bills on the calendar, and the disposition thereof;

After debate,

It was determined in the negative.	Yeas-----	25
	Nays-----	30

[The names are omitted.]

So the motion to proceed to the consideration of the said resolution was not agreed to.

[CONGRESSIONAL RECORD, 3d sess. 42d Cong. (spec. sess.) 113-117.]

[*Ib.*, 617, Mar. 20, 1873.]

Mr. Wright submitted the following resolution for consideration; which was ordered to be printed:

"*Resolved*, That the following be added to the rules of the Senate:

"Rule —. No debate shall be in order unless it relate to, or be pertinent to, the question before the Senate.

"Rule —. Debate may be closed at any time upon any bill or measure by the order of two-thirds of the Senators present, after notice of 24 hours to that effect.

"Rule —. All bills shall be placed upon the calendar in their order, and shall be disposed of in such order unless postponed by the order of the Senate. All special orders are prohibited, except by unanimous consent; and bills postponed shall, unless otherwise ordered, go to the foot of the calendar.

[*Ib.*, 618, Mar. 21, 1873.]

On motion by Mr. Wright, that the Senate proceed to the consideration of the resolution yesterday submitted by him, providing additional rules for the Senate.

After debate,

Ordered, That the further consideration of the subject be postponed to the first Monday of December next.

[CONGRESSIONAL RECORD, 3d sess. 42d Cong. (spec. sess.), 135-137.]

[1st sess. 43d Cong., J. of S., 532, May 6, 1874.]

Mr. Edmunds submitted the following resolution, which was referred to the Select Committee on the Revision of the Rules:

"*Resolved*, That the eleventh rule of the Senate be amended by adding thereto the following words: "Nor shall such debate be allowed upon any motion to dispose of a pending matter and proceed to consider another. When a question is under consideration the debate thereon shall be germane to such question or to the subject to which it relates."

[*Ib.*, 578, May 15, 1874.]

Mr. Ferry of Michigan, from the Select Committee on the Revision of the Rules, to whom was referred the resolution submitted by Mr. Edmunds the 6th instant to amend the eleventh rule of the Senate, reported it with an amendment.

[2d sess. 43d Cong., J. of S., 128, Jan. 18, 1875.]

Mr. Morrill of Maine, submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate."

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[Ib., 134, Jan. 19, 1875.]

The Senate proceeded to consider the resolution yesterday submitted by Mr. Morrill of Maine, to limit debate on amendments to appropriation bills; and

After debate,

The resolution was agreed to, as follows:

"Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

(CONGRESSIONAL RECORD, 2d sess., 43d Cong., 560-570.)

[1st sess. 44th Cong., J. of S., 243, Feb. 23, 1876.]

Mr. Morrill of Maine submitted the following resolution for consideration, which was ordered to be printed:

"Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[Ib., 253, Feb. 29, 1876.]

On motion by Mr. Morrill, of Maine,

The Senate proceeded to consider the resolution yesterday submitted by him to confine debate on amendments to appropriation bills; and, having been amended on motion by Mr. Morrill, of Maine,

On motion by Mr. Bayard, to further amend the resolution by adding thereto the following:

"But no amendment to an appropriation bill shall be in order which is not germane to such a bill,"

After debate,

It was determined in the negative, {Yeas..... 25
Nays..... 28

{The names are omitted.}

So the amendment was not agreed to.

No further amendment being proposed, the resolution as amended was agreed to, as follows:

"Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate."

[2d sess. 45th Cong., J. of S., 314, Mar. 20, 1878.]

Mr. Windom submitted the following resolution for consideration:

"Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[2d sess. 45th Cong., J. of S., 319, Mar. 21, 1878.]

On motion by Mr. Windom,

The Senate proceeded to consider the resolution yesterday submitted by him, providing for a limitation of debate on amendments to appropriation bills, and

The resolution was agreed to.

[3d sess. 45th Cong., J. of S., 32, Dec. 5, 1878.]

Mr. Anthony submitted the following resolution for consideration:

"Resolved, That to-day, at 1 o'clock, the Senate will proceed to the consideration of the calendar, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order; and the objection may be interposed at any stage of the proceedings; and this order shall take precedence of special orders or unfinished business unless otherwise ordered."

(The resolution went over, objection being made.)

[3d sess. 45th Cong., J. of S., 114, Jan. 14, 1879.]

Mr. Anthony submitted the following resolution, which was considered, by unanimous consent, and agreed to:

"Resolved, That on Friday next, at 1 o'clock, the Senate will proceed to the consideration of the calendar, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order, and the objection may be interposed at any stage of the proceedings."

(CONGRESSIONAL RECORD, 3d sess. 45th Cong., 427.)

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[3d sess. 45th Cong., J. of S., 138, Jan. 20, 1879.]

Mr. Anthony submitted the following resolution, which was considered, by unanimous consent, and agreed to:

"Resolved, That at the conclusion of the morning business for each day after this day the Senate will proceed to the consideration of the calendar, and continue such consideration until half past 1 o'clock, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order, and the objection may be interposed at any stage of the proceedings."

[3d sess. 45th Cong., J. of S., 189, Jan. 30, 1879.]

Mr. Anthony submitted the following resolution for consideration:

"Resolved, That the order of the Senate of January 20, 1879, relative to the consideration of bills on the calendar shall not be suspended unless by unanimous consent or upon one day's notice."

[3d sess. 45th Cong., J. of S., 325, Feb. 20, 1879.]

Mr. Windom submitted the following resolution for consideration:

"Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[3d sess. 45th Cong., J. of S., 373, Feb. 25, 1879.]

On motion by Mr. Allison, The Senate proceeded to consider the resolution submitted by Mr. Windom on the 20th instant to confine debate on amendments to general appropriation bills; and

The resolution was agreed to.

[2d sess. 46th Cong., J. of S., 594, May 22, 1880.]

The hour of half past 12 o'clock having arrived, the President pro tempore asked the Senate to place its construction upon the order of February 5, 1880, and known as the "Anthony rule," and submitted the following proposition: "Does the consideration of the calendar continue until half past 1 o'clock, notwithstanding the change of the hour of meeting of the Senate?"

[3d sess. 46th Cong., J. of S., 244, Feb. 12, 1881.]

On motion by Mr. Morgan,

The Senate proceeded to consider the resolution submitted by him the 10th instant, limiting debate on a motion to proceed to the consideration of a bill or resolution; and having been modified on the motion of Mr. Morgan, the resolution as modified was agreed to, as follows:

"Resolved, That for the remainder of the present session, on a motion to take up a bill or resolution for consideration, at the present or at a future time, debate shall be limited to 15 minutes, and no Senator shall speak to such motion more than once, or for a longer time than 5 minutes."

[3d sess. 46th Cong., J. of S., 234, Feb. 10, 1881.]

Mr. Morgan submitted the following resolution for consideration:

"Resolved, That on a motion to take up a bill or resolution for consideration at the present or at a future time debate shall be limited to 15 minutes, and no Senator shall speak to such motion oftener than once, or for a longer time than 5 minutes."

[1st sess. 47th Cong., J. of S., 446, Mar. 20, 1882.]

On motion of Mr. Anthony, to amend the order of the Senate known as the "Anthony rule," so as to extend the time for the consideration of the calendar of bills and resolutions until 2 o'clock p. m., it was determined in the affirmative.

[1st sess. 47th Cong., J. of S., 632, Apr. 26, 1882.]

Mr. Edmunds submitted the following resolution for consideration, which was ordered to be printed:

"Resolved, That the special rule of the Senate for the consideration of matters on the calendar under limited debate be, and the same is hereby, abolished."

Mr. Hoar submitted the following resolution for consideration, which was ordered to be printed:

"Resolved, That the resolve known as the "Anthony rule" shall not hereafter be so construed as to authorize the consideration of any measure under a limitation of debate of five minutes, or to speaking but once by each Senator after objection."

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[2d sess. 47th Cong., J. of S., 282, Feb. 3, 1883.]

Mr. Hale submitted the following resolution for consideration, which was ordered to be printed:

"Resolved, That upon each amendment hereafter offered to the bill entitled 'An act to reduce internal revenue taxation,' each Senator may speak once for five minutes, and no more."

[2d sess. 47th Cong., J. of S., 396, Feb. 23, 1883.]

Mr. Hale submitted the following resolution for consideration:

"Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and said motion shall be decided without debate."

[1st sess. 48th Cong., J. of S., 354, Feb. 26, 1884.]

Mr. Harris submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"Resolved, That the seventh rule of the Senate be amended by adding thereto the following words:

"The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate."

Mr. Harris submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"Resolved, That the eighth rule of the Senate be amended by adding thereto the following words:

"All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate."

[1st sess. 48th Cong., J. of S., 442, Mar. 19, 1884.]

On motion by Mr. Harris,

The Senate proceeded to consider the resolution to amend the eighth rule; and

The resolution was agreed to, as follows:

"Resolved, That the eighth rule of the Senate be amended by adding thereto the following words: 'All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.'"

On motion by Mr. Harris,

The Senate proceeded to consider the resolutions reported from the Committee on Rules on the 7th instant to amend the tenth rule, and having been amended on the motion of Mr. Harris, from the Committee on Rules, by inserting, after the word "order," the words "or to proceed to the consideration of other business."

The resolution as amended was agreed to, as follows:

"Resolved, That the tenth rule of the Senate be amended by adding thereto the following words: 'And all motions to change such order or to proceed to the consideration of other business shall be decided without debate.'"

[1st sess. 48th Cong., J. of S., 431, Mar. 17, 1884.]

Mr. Harris, from the Committee on Rules, to which was referred the resolution submitted by him February 26, 1884, to amend the seventh rule of the Senate, reported it without amendment.

The Senate proceeded, by unanimous consent, to consider the said resolution; and

Resolved, That the Senate agree thereto.

Mr. Harris, from the Committee on Rules, to which was referred the resolution submitted by him February 26, 1884, to amend the eighth rule of the Senate, reported it without amendment.

Mr. Harris, from the Committee on Rules, reported the following resolution for consideration:

"Resolved, That the tenth rule of the Senate be amended by adding thereto the following words: 'And all motions to change such order shall be decided without debate.'"

[2d sess. 48th Cong., J. of S., 359, Feb. 24, 1885.]

Mr. Allison submitted the following order for consideration, which was ordered to be printed:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or sub-

stance. The question on such motion shall be determined without debate

[2d sess. 48th Cong., J. of S., 389, Feb. 26, 1885.]

The President pro tempore laid before the Senate the order submitted by Mr. Allison on the 24th instant to limit debate to five minutes on amendments to appropriation bills for the remainder of the present session.

On motion by Mr. Plumb.
Ordered, That the further consideration thereof be postponed to tomorrow.

[1st sess. 49th Cong., J. of S., 505, Apr. 1, 1886.]

Mr. Ingalls submitted the following resolution, which was referred to the Committee on Rules:

Resolved, That Rule XIII be amended by striking out the words 'without debate,' in the last sentence of clause 1."

[1st sess. 49th Cong., J. of S., 904, June 14, 1886.]

Mr. Edmunds submitted the following resolution, which was referred to the Committee on Rules:

Resolved, That the last paragraph of the first clause of Rule XIII be amended so as to read as follows:

"Any motion to reconsider may be laid on the table without affecting the question in reference to which the same is made, and if laid on the table it shall be a final disposition of the motion."

[1st sess. 49th Cong., J. of S., 945, June 21, 1886.]

Mr. Frye, from the Committee on Rules, reported the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the last paragraph of clause 1, Rule XIII, is hereby amended by striking out the words 'without debate.'

Mr. Frye, from the Committee on Rules, to whom were referred the following resolutions, reported adversely thereon:

The resolution submitted by Mr. Ingalls April 1, 1886, to amend clause 1 of Rule XIII of the Senate; and

The resolution submitted by Mr. Edmunds on the 14th instant to amend clause 1 of Rule XIII of the Senate.

Ordered, That they be postponed indefinitely.

[2d sess. 49th Cong., J. of S., 387, Feb. 21, 1887.]

Mr. Cameron submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That during the remainder of this session no Senator shall speak on any question more than once, and shall confine his remarks to five minutes' duration."

[2d sess. 49th Cong., J. of S., 400, Feb. 22, 1887.]

The President pro tempore laid before the Senate the resolution yesterday submitted by Mr. Cameron, limiting debate during the remainder of the session;

When.

Mr. Edmunds raised a question of order, viz, that the resolution would change the standing rules of the Senate, of which proper notice had not been given, as required by the fortieth rule; and

The President pro tempore sustained the point of order.

[1st sess. 50th Cong., J. of S., 315, Feb. 14, 1888.]

Mr. Blackburn submitted the following resolution, which was referred to the Committee on Rules:

Resolved, That it shall not be in order, except by unanimous consent, for the Committee on Appropriations to report to the Senate for consideration or action any general appropriation bill without having had such bill under consideration for a period of 10 days or more."

[1st sess. 50th Cong., J. of S., 829, May 16, 1888.]

Mr. Edmunds submitted the following resolution, which was referred to the Committee on Rules:

Resolved, That paragraph 3 of Rule XVI be amended by adding thereto the following:

"Whenever any general appropriation bill originating in the House of Representatives shall be under consideration, it shall be the duty of the presiding officer to cause to be stricken out of such bill all provisions therein of a general legislative character other than such as relate to the disposition of the moneys appropriated therein; but such order of the presiding officer shall be subject to an appeal to the Senate as in other cases of questions of order."

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[1st sess. 51st Cong., J. of S., 250, Apr. 23, 1890.]

Mr. Chandler submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

Resolved, That the following be adopted as a standing rule of the Senate:

"Whenever a bill or resolution reported from a committee is under consideration the Senate may, on motion, to be acted on without debate or dilatory motions, order that on a day, not less than six days after the passage of the order, debate shall cease and the Senate proceed to dispose of the bill or resolution; and when said day shall arrive, at 3 o'clock the vote shall be forthwith taken without debate or dilatory motions upon any amendments to the bill or resolution and upon the passage thereof.

"Whenever a quorum of Senators shall not vote on any roll call the presiding officer at the request of any Senator shall cause to be entered upon the Journal the names of all the Senators present and not voting, and such Senators shall be deemed and taken as in attendance and present as part of the quorum to do business; and declaration of the result of the voting shall be made accordingly."

[1st sess. 51st Cong., J. of S., 431, July 16, 1890.]

Mr. Allison submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That during the remainder of the present session of Congress it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate."

[1st sess. 51st Cong., J. of S., 449, Aug. 1, 1890.]

Mr. Blair submitted the following resolution, which was ordered to be printed:

Resolved, That the Committee on Rules be instructed to report a rule within four days providing for the incorporation of the previous question or some method for limiting and closing debate in the parliamentary procedure of the Senate.

[1st sess. 51st Cong., J. of S., 450, Aug. 9, 1890.]

The President pro tempore laid before the Senate the resolution yesterday submitted by Mr. Blair, as follows:

Resolved, That the Committee on Rules be instructed to report a rule within four days providing for the incorporation of the previous question or some method for limiting and closing debate in the parliamentary procedure of the Senate."

Ordered, That it be referred to the Committee on Rules.

(Cong. Rec., 1st sess. 51st Cong., 8048-8050.)

[1st sess. 51st Cong., J. of S., 460, Aug. 9, 1890.]

Mr. Hoar submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

Resolved, That the Rules of the Senate be amended by adding as follows:

"When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once and not exceeding 30 minutes.

"After such demand shall have been made by any Senator, no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate, no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost, or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote on the same shall have intervened."

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[1st sess. 51st Cong., J. of S., 463, Aug. 12, 1890.]

Mr. Edmunds submitted the following order for consideration; which was ordered to be printed:

Ordered, That during the consideration of House bill 9416, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," no Senator shall speak more than once, and not longer than five minutes, on or in respect of any one item in said bill or any amendment proposed thereto without leave of the Senate, such leave to be granted or denied without debate and without any other motion or proceeding other than such as relates to procuring a quorum when it shall appear on a division, or on the yeas and nays being taken, that a voting quorum is not present; and until said bill shall have been gone through with to the point of a third reading no general motion in respect of said bill other than to take it up shall be in order.

All appeals pending the matter aforesaid shall be determined at once, and without debate.

Notice is hereby given, pursuant to Rule XL, that the foregoing order will be offered for adoption in the Senate.

It is proposed to suspend for the foregoing stated purpose the following rules, namely: V, VIII, IX, X, XII, XVIII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

[1st sess., 51st Cong., J. of S., 463, Aug. 12, 1890.]

Mr. Blair submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That the following rule be adopted to fix the limit of debate, namely:

Rule — When a proposition has been under debate two days and not less than four hours, which shall be determined by the presiding officer without debate, it shall be in order to move the previous question, unless the Senate shall otherwise fix the time when debate shall cease and the vote be taken; and in any case arising under this rule the Senator in charge of the measure shall have one hour in which to close the debate.

During the last 14 days preceding the time fixed by law or by concurrent resolution passed by the Senate for the end of the session, a majority of the Senate may close the debate at any time, subject to the right of the Senator in charge of the measure; and any motion for the previous question, or to limit debate and to fix the time for the vote to be taken, shall cease in one hour and be subject to the Anthony rule.

[1st sess. 51st Cong., J. of S., 463, Aug. 12, 1890.]

Mr. Quay submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (the tariff bill) and general appropriation bills, bills relating to public buildings and public lands, and Senate or concurrent resolutions.

Resolved, That the consideration of all bills other than such as are mentioned in the foregoing resolution is hereby postponed until the session of Congress to be held on the first Monday in December, 1890.

Resolved, That the vote on the pending bill and all amendments thereto shall be taken on the 30th day of August instant at 2 o'clock p. m., the voting to continue without further debate until the consideration of the bill and the amendments is completed.

[1st sess. 51st Cong., J. of S., 465, Aug. 13, 1890.]

The President pro tempore laid before the Senate the order and resolutions yesterday submitted, as follows:

"Order by Mr. Edmunds, to limit debate on the pending bill to reduce the revenue and equalize duties on imports and the amendments proposed thereto.

Resolution by Mr. Blair, to amend the rules so as to fix a limit to debate.

Resolution by Mr. Quay, prescribing the measure to be considered during the remainder of the present session; and.

Ordered, That they be referred to the Committee on Rules.

[1st sess. 51st Cong., J. of S., 471, Aug. 16, 1890.]

Mr. Quay gave notice in writing, pursuant to Rule XL, that he would offer the following orders for adoption by the Senate:

Ordered, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation

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bills, pension bills, bills relating to the public lands, to the United States courts, to the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

Ordered, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

Ordered, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

And that it was proposed to modify, for the foregoing stated purpose, the following rules, namely: VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

Ordered, That the notice, with the proposed orders, be printed.

[1st sess., 51st Cong., J. of S., 472, Aug. 18, 1890.]

Mr. Quay, pursuant to notice, submitted the following resolution, which was ordered to be printed:

Resolved, That the following orders be adopted for the government of the Senate during the present session of Congress:

Ordered, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation bills, pension bills, bills relating to the public lands, to the United States courts, to the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

Ordered, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

Ordered, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and to continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.

[1st sess. 51st Cong., J. of S., 476, Aug. 20, 1890.]

The President pro tempore laid before the Senate the resolution submitted by Mr. Quay on the 18th instant, as follows:

Resolved, That the following orders be adopted for the government of the Senate during the present term of Congress:

Ordered, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation bills, pension bills, bills relating to public lands, United States courts, the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

Ordered, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

Ordered, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and to continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.

The Senate proceeded to consider the resolution; and an amendment having been proposed by Senator Hoar, viz: Strike out all after the word "resolved" and in lieu thereof insert "that the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measures shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice will then be given, and

upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon a measure not more than once and not exceeding one hour.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate, no motion shall be in order but a motion to adjourn or to take recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL are modified."

On motion by Mr. Hoar to amend the part proposed to be stricken out by inserting, after the words "the pending bill (H. R. 9416)," the words "the bill to amend and supplement the election laws of the United States (H. R. 11045)," and by adding, at the end of the resolutions, the words "and immediately thereafter the bill to amend and supplement the election laws of the United States shall be taken up for consideration, and shall remain before the Senate every day for three days, after the reading of the Journal, to the exclusion of all other business, and on the fourth day of September, at 2 o'clock, voting thereon, and on the then pending amendments, shall begin and shall continue from day to day, to the exclusion of other business, until the same are finally disposed of."

After debate,

On motion by Mr. Spooner, that the resolution, with the proposed amendment, be referred to the Committee on Rules,

Pending debate.

The President pro tempore announced that the hour of 12 o'clock had arrived, and laid before the Senate the unfinished business at its adjournment yesterday, viz, the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

[CONGRESSIONAL RECORD, 1st sess. 51st Cong., 8841-8849.]

[1st sess. 51st Cong., J. of S., Sept. 23, 1890.]

The Senate proceeded to consider the resolution submitted by Mr. Quay August 18, 1890, prescribing an order of business during the remainder of the present session; and

Ordered, That it be postponed indefinitely.

[2d sess. 51st Cong., J. of S., 46, Dec. 23, 1890.]

Mr. Aldrich gave notice, in accordance with the provisions of Rule XL, that he would move certain amendments to the rules, which would modify Rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXXV, and XL, and for that purpose he would hereafter submit the following resolution:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on the bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding 30 minutes.

"After the Senate shall have decided to close debate as herein provide, no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost, or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a

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division or on the taking of the yeas and nays that a quorum is not present and voting.

"Pending proceedings under the foregoing rule, all questions of order, whether on appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceeding of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Ordered, That the proposed resolution be printed.

[2d sess. 51st Cong., J. of S., 51, Dec. 29, 1890.]

Mr. Aldrich, pursuant to notice given on the 23d instant, submitted the following resolution, which was ordered to be printed:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution or other question shall have been under consideration for a considerable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding 30 minutes.

"After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule, no proceeding in respect of the quorum shall be in order until it shall have appeared on a division, or on the taking of the yeas and nays, that a quorum is not present and voting.

"Pending proceedings under the foregoing rule, all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

[2d sess. 51st Cong., J. of S., 87, Jan. 20, 1891.]

On motion by Mr. Aldrich, that the Senate proceed to the consideration of the resolution submitted by him December 29, 1890, to amend the rules so as to provide a limitation of debate under certain conditions, and for that purpose to modify rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

It was determined in the affirmative;

When,

Mr. Harris raised a question of order, namely, that the notice given by Mr. Aldrich was not sufficiently specific to meet the requirements of Rule XL, as it did not specify the parts of the rules proposed to be suspended, modified, or amended, and the purposes thereof, and that the proposed rule materially modifies Rules V and XX, and neither of these rules are mentioned in the notice as rules proposed to be suspended, modified, or amended.

Pending which [the hour of 2 o'clock having arrived, etc.]

[CONGRESSIONAL RECORD, 2d sess., 51st Cong., 1564-1568.]

[2d sess. 51st Cong. J. of S., 89, Jan. 22, 1891.]

On motion by Mr. Aldrich, that the Senate proceed to the consideration of the resolution submitted by him December 29, 1890, to amend the rules so as to provide a limitation of debate under certain conditions, and for that purpose to modify Rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

Mr. Harris raised a question of order, namely, that the unfinished business was the motion of Mr. Gorman, to correct the Journal of the

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day before yesterday, it being a question of the highest privilege, and under Rule III to be proceeded with until it is concluded.

The Vice President overruled the question of order, and stated that he did not find any rule bearing upon the question of amending or approving any other Journal than that of the preceding day, and is therefore of the opinion that the motion made by the Senator from Rhode Island was in order, the morning hour having expired.

From the decision of the Chair Mr. Harris appealed to the Senate; and.

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

It was determined in the affirmative, {Yeas----- 33
{Nays----- 30

On motion by Mr. Cockrell,
The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]

So the decision of the Chair was sustained.
[CONGRESSIONAL RECORD, 2d sess. 51st Cong., 1654-1654.]

[2d sess. 51st Cong., J. of S., 90, Jan. 22, 1891.]

The question recurring on the motion of Mr. Aldrich, that the Senate proceed to the consideration of the resolution.

On motion by Mr. Gorman, to lay the motion on the table,

It was determined in the negative, {Yeas----- 30
{Nays----- 35

On motion by Mr. Gorman,
The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]

So the motion to lay on the table was not agreed to.
Mr. Ransom raised a question of order, namely, that the motion to take up the resolution was not in order because the Journal of the 20th instant as read on the 21st shows that the resolution was taken up on the 20th, and if that be true, it then became and now is the unfinished business.

The Vice President overruled the question of order.
From the decision of the Chair Mr. Ransom appealed to the Senate; and.

On the question, Shall the decision of the Chair stand as the judgment of the Senate?

It was determined in the affirmative, {Yeas----- 36
{Nays----- 27

On motion by Mr. Ransom,
The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,
[The names are omitted.]

So the question of order was overruled.
Mr. Gorman asked that the motion of Mr. Aldrich be put in writing.
The motion having been reduced to writing, and the question recurring on agreeing on the same.

It was determined in the affirmative, {Yeas----- 36
{Nays----- 32

On motion by Mr. Aldrich,
The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]

So the motion was agreed to; and
The Senate resumed the consideration of the resolution; and
The question being on the point of order raised by Mr. Harris on the 20th instant, namely, that the notice given by Mr. Aldrich was not sufficiently specific to meet the requirements of Rule XI, as it did not specify the parts of the rules supposed to be suspended, modified, or amended, and the purposes thereof; and that the proposed rule materially modifies Rules V and XX, and neither of these rules is mentioned in the notice as rules proposed to be suspended, modified, or amended.

The Vice President overruled the question of order, and decided that it was not well taken, as in the opinion of the Chair the purpose and spirit of the rule are stated in the resolution submitted by Mr. Aldrich.

From the decision of the Chair Mr. Faulkner appealed to the Senate, and

After debate,
At 2 o'clock and 35 minutes p. m., Mr. Gorman raised a question as to the presence of a quorum;

Whereupon,
The Presiding Officer (Mr. Manson in the chair) directed the roll to be called.

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When

Fifty-one Senators answered to their names.

A quorum being present, and the question recurring upon the appeal taken by Mr. Faulkner from the decision of the Chair,

After further debate.

On motion by Mr. Aldrich that the appeal lie on the table,

Mr. Gorman asked that the motion be put in writing; and

The motion having been reduced to writing by Mr. Aldrich,

On the question to agree to the same.

It was determined in the affirmative, {Yeas_____ 83
{Nays_____ 28

On motion by Mr. Gorman,

The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]

So the motion was not agreed to.

The question recurring on agreeing to the resolution submitted by Mr. Aldrich.

Pending debate.

(CONGRESSIONAL RECORD, 2d sess. 51st Cong., 1864-1862.)

[2d sess. 51st Cong., J. of S., 91, Jan. 22, 1891.]

The Senate resumed the consideration of the resolution submitted by Mr. Aldrich to amend the rules so as to provide a limitation of debate.

An amendment having been proposed by Mr. Stewart,

On motion by Mr. Faulkner, the yeas and nays were ordered.

Pending debate.

On motion by Mr. Aldrich, at 5 o'clock and 15 minutes p. m.,

The Senate took a recess until 12 m., Monday.

MONDAY, 12 o'clock m.

The Senate resumed the consideration of the resolution submitted by Mr. Aldrich to amend the rules so as to provide a limitation of debate; and

The question being on the amendment proposed by Mr. Stewart,
[CONGRESSIONAL RECORD, 2d sess., 51st Cong., 1862-1738.]

[2d sess. 51st Cong., J. of S., 91, Jan. 22, 1891.]

The Senate resumed the consideration of the motion submitted by Mr. Gorman to amend the Journal of the proceedings of Tuesday, the 20th instant, by striking out, after the motion submitted by Mr. Aldrich that the Senate resume the consideration of the resolution to amend the rules so as to provide a limitation of debate, the words "It was determined in the affirmative"; when,

By unanimous consent, the order for the yeas and nays was withdrawn; and,

The motion to amend having been agreed to,

The Journal was approved.

The Senate resumed the consideration of the question of the approval of the Journal of the proceedings of Wednesday, the 21st instant; and The Journal was approved.

[2d sess. 51st Cong., J. of S., 178, Feb. 26, 1891.]

On motion by Mr. Allison,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. 13462) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes;

When,

On motion by Mr. Allison and by unanimous consent,

Ordered, That during the consideration of the pending bill debate on amendments thereto shall be limited to five minutes for each Senator on the pending question, and that no Senator shall speak more than once on the same amendment.

Mr. OWEN. Now, Mr. President, that record which I have submitted without reading comes down to 1891, when Mr. Aldrich proposed a cloture rule for the limitation of debate. I want to call attention to several other propositions which have been made since that time, one by the Senator from New Hampshire [Mr. GALLINGER], now representing the State of New Hampshire in this body, on October 14, 1893, found on page 2504 of the CONGRESSIONAL RECORD, Fifty-third Congress, first session, as follows:

When any bill or resolution reported from a standing or select committee is under consideration, if a majority of the entire membership

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of the Senate submit a request in writing, through the Chair, that debate close, such papers shall be referred to the Committee on Rules, and it shall be the duty of said committee within a period not exceeding five days from the date of said reference to report an order naming a day and hour when a vote shall be taken, and action upon said report shall be had without amendment or debate.

Senator GALLINGER was very much in favor of a cloture in those days.

Senator Hoar also proposed a resolution on cloture. Nor were they alone in that respect as distinguished leaders of the opposition, but Senator LORGE also proposed the following rule in order to prevent the abuse of the floor of the Senate:

And it shall not be in order at any time for any Senator to read a speech, either written or printed.

Senator Vest, of Missouri, in 1893 introduced the following resolution, the most moderate form of terminating so-called debate (CONGRESSIONAL RECORD, p. 45, Dec. 5, 1894):

Amendment intended to be proposed to the rules of the Senate, namely, add to Rule 1 the following section:

"Sec. 2: Whenever any bill, motion, or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days, amounting in all to 30, it shall be in order for any Senator to move that a time be fixed for the taking of a vote upon such bill, motion, or resolution, and such motion shall not be amendable or debatable, but shall be immediately put; and if adopted by a majority vote of all the Members of the Senate, the vote upon such bill, motion, or resolution, with all the amendments thereto which may have been proposed at the time of such motion, shall be had at the date fixed in such original motion without further debate or amendment, except by unanimous consent, and during the pendency of such motion to fix a date, and also at the time fixed by the Senate for voting upon such bill, motion, or resolution no other business of any kind or character shall be entertained, except by unanimous consent, until such motion, bill, or resolution shall have been finally acted upon."

Hon. Orville H. Platt, on September 21, 1893, introduced the following resolution (p. 1636):

Whenever any bill or resolution is pending before the Senate as unfinished business the presiding officer shall, upon the written request of a majority of the Senators, fix a day and hour, and notify the Senate thereof, when general debate shall cease thereon, which time shall not be less than five days from the submission of such request, and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution and any amendment thereto without further debate, the time for taking the vote to be not more than two days later than the time when general debate is to cease, and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes nor more than once upon the same proposition.

And, among other things, said:

The rules of the Senate, as of every legislative body, ought to facilitate the transaction of business. I think that proposition will not be denied. The rules of the Senate as they stand to-day make it impossible, or nearly impossible, to transact business. I think that proposition will not be denied. We as a Senate are fast losing the respect of the people of the United States. We are fast being considered a body that exists for the purpose of retarding and obstructing legislation. We are being compared in the minds of the people of this country to the House of Lords in England, and the reason for it is that under our rules it is impossible or nearly impossible to obtain action when there is any considerable opposition to a bill here.

I think that I may safely say that there is a large majority upon this side of the Senate who would favor the adoption of such a rule at the present time.

Mr. Hoar, of Massachusetts (1893), submitted to the committee a proposed substitute, as follows (p. 1637):

Resolved, That the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for more than one day it shall be in order for any Senator to demand

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that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once and not exceeding one hour.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate no motion shall be in order, but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. LODGE, of Massachusetts, also then, as now, Senator of the United States from Massachusetts, supported this proposal, using the following language (p. 1637):

It is because I believe that the moment for action has arrived that I desire now simply to say a word expressive of my very strong belief in the principle of the resolution offered by the Senator from Connecticut, Mr. PLATT.

We govern in this country in our representative bodies by voting and debate. It is most desirable to have them both. Both are of great importance. But if we are to have only one, then the one which leads to action is the more important. To vote without debating may be hasty, may be ill considered, may be rash, but to debate and never vote is imbecility.

I am well aware that there are measures now pending, measures with reference to the tariff, which I consider more injurious to the country than the financial measure now before us. I am aware that there is a measure which has been rushed into the House of Representatives at the very moment when they are calling on us Republicans for nonpartisanship which is partisan in the highest degree and which involves evils which I regard as infinitely worse than anything that can arise from any economic measure, because it is a blow at human rights and personal liberty. I know that those measures are at hand. I know that such a rule as is now proposed will enable a majority surely to put them through this body after due debate and will lodge in the hands of a majority the power and the high responsibility which I believe the majority ought always to have. But, Mr. President, I do not shrink from the conclusion in the least. If it is right now to take a step like this, as I believe it is, in order to pass a measure which the whole country is demanding, then, as it seems to me, it is right to pass it for all measures. If it is not right for this measure, then it is not right to pass it for any other.

I believe that the most important principle in our Government is that the majority should rule. It is for that reason that I have done what lay in my power to promote what I thought was for the protection of elections, because I think the majority should rule at the ballot box. I think equally that the majority should rule on this floor—not by violent methods, but by proper dignified rules, such as are proposed by my colleague and by the Senator from Connecticut. The country demands action and we give them words. For these reasons, Mr. President, I have ventured to detain the Senate in order to express my most cordial approbation of the principle involved in the proposed rules which have just been referred to the committee.

Senator DAVID B. HILL, of New York (1893), proposed the following amendment (p. 1639):

Add to Rule IX the following section:

"Sec. 2. Whenever any bill or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days amounting in all to 30 days, it shall be in order for any Senator to move to fix a date for the taking of a vote upon such bill or

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resolution, and such motion shall not be amended or debatable; and if passed by a majority of all the Senators elected the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be immediately had without further debate or amendment, except by unanimous consent."

Only last Congress. April 6, 1911, the distinguished Senator from New York, Mr. Root, introduced the following resolution:

Resolved, That the Committee on Rules be, and it is hereby, instructed to report for the consideration of the Senate a rule or rules to secure more effective control by the Senate over its procedure, and especially over its procedure upon conference reports and upon bills which have been passed by the House and have been favorably reported in the Senate. (CONGRESSIONAL RECORD, vol. 47, pt. 1, p. 107.)

And Senator LODGE argued very strongly in favor of a cloture.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. If the Senator will turn to pages 1637 and 1638 of the same volume that he holds in his hands, he will find, if my memory serves me right, a resolution upon the subject offered by Mr. LODGE, or else a speech in favor of a resolution previously offered by Senator Platt—a speech which contains a great deal of matter which is pertinent to the present situation.

Mr. OWEN. Senator Platt, on the 20th of September, 1893, proposed the following resolution:

Resolved, That Rule IX of the Senate be amended by adding the following section:

SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business the Presiding Officer shall, upon the written request of a majority of the Senators, fix a day and hour and notify the Senate thereof when general debate shall cease thereon, which time shall not be less than five days from the submission request, and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution and any amendment thereto without further debate; the time for taking the vote to be not more than two days later than the time when general debate is to cease, and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes or more than once upon the same proposition.

Senator Platt argued strongly for this; nor was he alone. Senator LODGE, on page 2536, made an argument in favor of cloture, to this effect:

I believe, of course, that the proper way is to go straight at it and to put in the hands of the majority of the Senate the power to close debate and the power to take a vote after due debate.

But as it appears that there is not a majority in the Senate for closure, as no action has been taken by the Committee on Rules in that direction, and as there appears to be a prejudice against any method of bringing the Senate to a vote because it is in conflict with Senate traditions, I have ventured to offer two amendments which I think will at least tend to prevent obstruction, although they are not as thorough and complete as they ought to be.

This question of obstruction has culminated in the great representative bodies of the English-speaking people within the last few years. It has been met and disposed of in the House of Commons by the closure rules, which recently have been applied in practice at every stage of the home-rule bill. It has been met and disposed of in the House of Representatives. Those two great representative bodies of the English-speaking people, owing to reforms which have been carried out within the last half dozen years, are able to-day to transact business, to transact it according to the will of the majority, and thereby to place upon the majority the public responsibility which they ought to bear.

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And more to like effect from the distinguished Senator from Massachusetts.

The Senator from Massachusetts was not content with expressing himself in that respect in the United States Senate, but he wrote a very interesting article for the North American Review, in the issue of November, 1893, page 523, in which he sets up with great force the importance of allowing a majority to rule, in which he advocates the Reed rules in the House of Representatives, which since that time have been, wisely enough, adopted by every succeeding Congress, whether Democratic or Republican, because the common sense of a parliament requires that the majority shall not be throttled by the minority, for the simple reason the majority must be permitted to exercise the functions for which they are chosen by the American people, if representative government is to stand. I shall ask to put this short article by Mr. Lodge as an addendum to my remarks, if there is no objection. It is a very short one.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. OWEN. Mr. Lodge, after arguing strenuously for the cloture—

Mr. GALLINGER. Will the Senator give the date of that article?

Mr. OWEN. November, 1893.

After arguing strenuously for the cloture, Mr. Lodge points out the practice of the previous question, and says:

But the essence of a system of courtesy is that it should be the same at all points. The two great rights in our representative bodies are voting and debate. If the courtesy of unlimited debate is granted, it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case, the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure; but if we are forced to choose between them, the right of action must prevail over the right of discussion. *To vote without debating is perilous, but to debate and never vote is imbecile.*

I commend the language of the Senator from Massachusetts to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, if the Senator will yield—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator has quoted an amendment to the rules which I wrote shortly after coming into this body, which was sent to the Committee on Rules and never came out of that committee. I did hold to that view at that time; but I listened to a wonderful speech from Senator Turpie, of Indiana, about that time in opposition to cloture, which did very much toward converting me to the opposite view.

The Senator from Massachusetts [Mr. Lodge] came into the Senate fresh from the House in 1893, imbued with the idea that the Reed rules were the acme of perfection, and he advocated that practice. It was during a famous debate on the repeal of the silver-purchase clause in the law that was then on the statute books, and our Democratic friends were filibustering against it with great earnestness and with a good deal of success.

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Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. I simply wish to remind the Senator from New Hampshire that that filibuster was not a party filibuster. There were a great many Senators upon the Republican side engaged in it. One was from my State, who afterwards took his seat upon this side. It was not a Democratic filibuster.

Mr. GALLINGER. There were four or five so-called Republicans at that time—

Mr. THOMAS. Oh, there were more than that. Mr. President, and there was nothing "so called" about them. They were Republicans.

Mr. GALLINGER. Mr. President, I thank the Senator for permitting me the opportunity of saying that when I first came here I did entertain the view the Senator has attributed to me; but I listened very attentively to the views of Senators, many of whom had been here a long time, and I found that they were almost unanimously against that procedure. They assured me that no harm had ever come from it, and I changed my views, and I have entertained those changed views from that day to the present time.

Mr. OWEN. Mr. President, against the views of Mr. Turpie, the Senator referred to by the Senator from New Hampshire, I wish to quote the language of another distinguished Senator of that date on the Democratic side—Senator White, now the Chief Justice of the Supreme Court of the United States. He said, on October 13, 1893 (CONGRESSIONAL RECORD, p. 2477), in commenting on the filibuster of that date:

Sir, we have for days and days in this great body, upon which the eyes of the whole world have been turned in the past as the most exalted and the most dignified and the most responsible legislative body on the face of God's earth, witnessed scenes in it which, in my judgment, have made it an object of contempt to every civilized man and to every honest judgment. So far as I am concerned, I hope that this action to-night will initiate the first step to reach a point in which this great body, gathering its self-respect about it, will so deport itself as to save at least some of the honor and some of the character which has been its ornament for so many years. While it is sought to drag it down in the mire and dust, I hope it will so deport itself as to vindicate its duty. If gentlemen sit in this room and call attention to the absence of a quorum, and then remain silent on the roll called to ascertain whether there is a quorum, I hope there will be firmness and manhood here to visit that punishment which, in my judgment, such conduct deserves. If it be done, then, sir, those who use such methods will seek some other field for their display than this. If it be not done, the self-respect of this body is, in my judgment, gone.

Senator David B. Hill likewise objected very strongly to the abuse of the time of the Senate by the filibuster, and he was not alone in that. I call attention to the proposal of Senator Hill in 1893, page 1639:

Add to Rule IX the following section:

"SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days amounting in all to 30 days, it shall be in order for any Senator to move to fix a date for the taking of a vote upon such bill or resolution, and such motion shall not be amended or debatable; and if passed by a majority of all the Senators elected the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be immediately had without further debate or amendment, except by unanimous consent."

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Nor does this by any means end the matter on the two sides of the Chamber. There are many distinguished Senators who, in the course of the debates on these questions, expressed similar sentiments. I shall not encumber the Record with making quotations from them, except to show that the leaders on both sides of this Chamber, as the exigencies seemed to require, have not hesitated to urge amendment of the rules to provide for a previous question after reasonable debate has been had.*

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Massachusetts?

Mr. OWEN. I yield to the Senator from Massachusetts.

Mr. WEEKS. I wish to ask the Senator if any Senator has ever made that contention when he was in the minority party of the Senate? Has it not always been when he was in the majority?

Mr. OWEN. Oh, I think so, very generally. That does not change the force of the opinions and arguments cited, however. If you gentlemen, through your leadership on that side, declare vehemently in favor of the virtue of a cloture when you are in the majority, and if the gentlemen on this side declare vigorously in favor of a cloture when they are in the majority, does it not argue that both sides have committed themselves earnestly to the reasonable, common-sense rule that the majority shall command this Chamber? And if both sides have committed themselves, with what face will you deny the reason of the rule which you have yourselves advocated with such force and with such earnestness? Do you wish to argue that both sides were fraudulently making the argument and that neither side is entitled to the respect of honest men, and that their opinions are worthless because merely indicating a desire for partisan advantage?

If this be true, let us follow the rule of all other great parliamentary bodies—of Great Britain, of France, of Germany, of Austria, of Italy, of Switzerland, of Hungary, of Spain, of Denmark—of the great States of our own Union, who do not permit filibuster or the rule of the minority over the majority.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Florida?

Mr. OWEN. I yield to the Senator from Florida.

Mr. FLETCHER. May I ask the Senator if he does not think that when the rule was originally adopted providing that a Senator could speak once in one day upon a question in debate, it was contemplated that the speech would be confined to the question pending and then before the Senate?

Mr. OWEN. Oh, absolutely. No one imagined in the early days of the Senate that the minority would have the shameless impudence to try to rule the majority.

Mr. FLETCHER. And does not the Senator think this abuse has grown up not because the rule ever contemplated such abuse, but rather in spite of it, and that the abuse consists largely in the fact that nowadays the so-called debate or discussion or speech is not confined at all to the question before the Senate, but all latitude is given for the discussion of any old subject at any old time, whether it is really before the Senate or not? Does not the Senator think that is really the

abuse, and that that was never contemplated by the Senate when the rules were originally adopted?

Mr. OWEN. That is quite true. When the rules of the Senate were adopted in 1789 they had the "previous question" coming from the Continental Congress, which had the previous question coming from the Parliament of Great Britain, which had the previous question in 1690. The Senate maintained the previous question for 17 years. It was then a small body of very courteous men, only 34 in number, and they dropped the previous question as not needed in so small a body of such very courteous men. They had only used it three times in 17 years, and as a matter of courtesy they merely omitted the previous question from the printed rules. It still was permissible under the general parliamentary law. They never imagined the Senator from Ohio speaking for 9 hours, the Senator from California speaking for long hours on the shipping bill, but confining his rambling observations to a dissertation on Christian science, followed by the Senator from Utah by a 13-hour speech, and speech after speech consuming days for the shameless purpose of killing time and killing majority rule and defeating popular government.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him further?

Mr. OWEN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will suggest to the Senator from Florida that if he should enforce that rule it would prevent the Senator from Oklahoma from making his very interesting discussion to-day.

Mr. OWEN. Oh, that may be true, Mr. President. I agree with the Senator from New Hampshire that a speech on the cloture would not be very much in point on the pending question of the shipping bill, but—

Mr. FLETCHER. But that is the pending question.

Mr. OWEN. Yes; it is so far in point that the Senator from Missouri [Mr. REED] has moved a temporary, particular, and special cloture for the purpose of bringing to a conclusion the endless filibuster on that side of the Chamber and getting a vote on the shipping bill. I am not far afield in discussing cloture in this way, for cloture is needed to get the vote on the shipping bill.

Mr. FLETCHER. That is the precise question.

Mr. OWEN. I think I am really much more in point than the Senator from New Hampshire would indicate.

Mr. President, I wish to submit for the Record the practice of every State in the Union. I have in my hand a compilation of the rules on the "previous question" of the various States comprising this Republic, and I submit them to show that the common sense of the people of this Republic, the common sense moving the legislatures of the various States, has spoken in regard to this matter; and only when they have had no trouble from an unfair filibuster is there the absence of a rule of cloture; that is, where the rule of courtesy carries with it the reciprocal courtesy of permitting the majority to vote after reasonable debate has been had.

The PRESIDING OFFICER. Is there objection to the insertion of the statement in the Record?

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Mr. GALLINGER. Mr. President, before agreeing to the insertion I will ask the Senator, with his permission, if he has given the rules of the State senates as well as the houses of representatives?

Mr. OWEN. Yes; both are given—both the senate and house, wherever it occurs. I had it compiled by the legislative reference division of the Library of Congress for the use of the Senate.

Mr. GALLINGER. I will say to the Senator that I chance to know that we have not a previous question in the State Senate of New Hampshire.

Mr. OWEN. In the State Senate of New Hampshire, I take it, the Senator will not allege that any filibusters have been carried on so as to defeat the will of the majority. If so, I shall be glad to have the Senator say that that is a fact.

Mr. GALLINGER. I think probably the Senator is correct. We do not have before the Legislature of New Hampshire the great questions that we have before this body.

Mr. OWEN. And therefore there is no need for the rule of cloture, because your senate does not violate the courtesy of freedom of debate by a filibuster—

Mr. GALLINGER. I do not know that there has been any prolonged filibuster, but I do know that unlimited debate is allowed under the rules. That is all I know about it.

The PRESIDING OFFICER. Is there objection to the insertion in the RECORD of the matter referred to by the Senator from Oklahoma? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

PREVIOUS QUESTION IN STATE LEGISLATURES.

ALABAMA.

Senate.

No rule.

House.

20. The previous question shall be in the following form: "Shall the main question be now put?" If demanded by a vote of a majority of the members present, its effect shall be to cut off all debate and bring the house to a direct vote; first, upon the pending amendments, if there are any in their order, and then on the main question, but the mover of the question or the chairman of the committee having charge of the bill or resolution shall have the right to close the debate after the call of the previous question has been sustained for not more than 15 minutes. (House rules, 1915, p. 8.)

ARIZONA.

Senate.

32. There shall be a motion for the previous question, which being ordered by a majority of senators voting, if a quorum be present, shall have the effect to cut off all debate and bring the senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the president to entertain and submit a motion to commit, with or without instructions, to a standing or select committee. (Senate journal, 1912, p. 75.)

House.

Information not available.

ARKANSAS.

Senate.

19. The previous question shall not be moved by less than three members, and shall be stated in these words, to wit: "Shall the main

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question be now put?" If the previous question is lost, the main question shall not thereby be postponed, but the senate shall proceed with the consideration of the same. If the previous question is carried, the original mover of the main question, or, if the bill or resolution originated in the other house, then the chairman of the committee reporting the same shall have the right to close the debate and be limited to 30 minutes; and should the previous question be ordered on a subject debatable, before the same has been debated, the friends and the opponents of the measure shall have 30 minutes on either side in which to debate the question if desired. (Senate Journal, 1901, p. 33.)

House.

53. When any debatable question is before the house any member may move the previous question, but it shall be seconded by at least five members whether that question (called the main question) shall now be put. If it passes in the affirmative, then the main question is to be put immediately, and no member shall debate it further, either to add to or alter: *Provided further*, When the previous question shall have been adopted the mover of the main question or chairman of the committee shall have the privilege of closing the debate and be limited to one-half hour: *Provided further*, When the previous question has been ordered on a debatable proposition which has not been debated 15 minutes in the aggregate shall be allowed the friends and opponents of the proposition each before putting the main question. (House Journal, 1913, p. 28.)

CALIFORNIA.

Senate.

57. The previous question shall be put in the following form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the senators present upon a division; and its effect shall be to put an end to all debate, except that the author of the bill or the amendment shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the senate, a call of the senate shall be in order. (List of members and rules, 1913, p. 59.)

Assembly.

45. The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it. (List of members and rules, 1913, p. 119.)

COLORADO.

Senate.

X. 2. Debate may be closed at any time not less than one hour from the adoption of a motion to that effect, and upon a three-fifths vote of the members elect an hour may be fixed for a vote upon the pending measure. On either of these motions not more than 10 minutes shall be allowed for debate, and no senator shall speak more than 3 minutes; and no other motion shall be entertained until the motion to close debate or to fix an hour for the vote on the pending question shall have been determined. (Senate Journal, 1907, p. 101.)

House.

XXVI. 1. When there shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, it shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked or ordered. The previous question may be asked and ordered upon a single motion, a series of motions, allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions and amendments, and a motion to lay upon the table shall be in order on the second or third reading of the bill.

2. A call of the house shall not be in order after the previous question is ordered unless it shall appear upon the actual count by the speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (House Journal, 1907, p. 215.)

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CONNECTICUT.

Senate.

In the senate of 1911 the previous question was called for, and the point was raised that the previous question does not prevail in the senate; the president pro tempore (Leck) ruled the point well taken. (S. J., 1911, p. 555; register and manual, 1914, p. 133.)

House.

23. When a question is under debate no motion shall be received except—

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone indefinitely.
5. To close the debate at a specified time.
6. To postpone to a time certain.
7. To commit or recommit.
8. To amend.
9. To continue to the next general assembly.

Which several motions shall have precedence in the order in which they stand arranged in this rule, and no motion to lay on the table, commit, or recommit, to continue to next general assembly, or to postpone indefinitely, having been once decided, shall be again allowed at the same sitting and at the same stage of the bill or subject matter. (Register and manual, 1914, p. 113.)

DELAWARE.

Senate.

5. All motions shall be subject to debate, except motions to adjourn, to lay on the table, and for the previous question.

25. When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, and to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged. (Senate rules, 1915, pp. 30, 34.)

House.

35. A motion for the previous question shall not be entertained, except at the request of five members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained it shall not cut off any pending amendment. The vote shall be taken, without debate, first on the amendments in their order and then on the main question. (House rules, 1915, pp. 43-44.)

FLORIDA.

Senate.

No rule.

House.

12. He shall put the previous question in the following form: "Shall the main question be now put?" And all debate on the main question and pending amendments shall be suspended, except that the introducer of a bill, resolution, or motion shall, if he so desire, be allowed five minutes to discuss the same, or he may divide his time with or may waive his right in favor of some other one member before the previous question is ordered. After the adoption of the previous question the sense of the house of representatives shall forthwith be taken on pending amendments in their regular order and then put upon the main question.

13. On the previous question there shall be no debate. (House journal, 1911, p. 259.)

GEORGIA.

Senate.

50. The motion for the previous question shall be decided without debate and shall take precedence of all other motions except motions "to adjourn" or "to lay on the table," and when it is moved, the first question shall be, "Shall the call for the previous question be sustained?" If this be decided by a majority vote in the affirmative, the motion "to adjourn" or "to lay on the table" can still be made, but they must be made before the next question, to wit, "Shall the main question be now put?" is decided in the affirmative; and after said last question is affirmatively decided by a majority vote said motions will be out of order, and the Senate can not adjourn until the previous question is exhausted or the regular hour of adjournment arrives.

51. When the previous question has been ordered, the Senate shall then proceed to act on the main question without debate, except that

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before the main question is put 20 minutes shall be allowed to the committee whose report of the bill or other measure is under consideration to close debate. When the report of the committee is adverse to the passage of the bill or other measure, the introducer of the bill shall be allowed 20 minutes before the time allowed to the committee for closing the debate. The chairman of the committee, or the introducer of the bill or other measure, may yield the floor to such senators as he may indicate for the time, or any part of it, allowed under this rule.

52. After the main question is ordered any senator may call for a division of the senate in taking the vote, or may call for the yeas and nays; but on all questions on which the yeas and nays are called the assent of one-fifth of the number present shall be necessary to sustain the call, and when such call is sustained, the yeas and nays shall be entered on the Journal.

53. The effect of the order that the "main question be now put" is to bring the senate to a vote on pending questions in the order in which they stood before it was moved.

54. After the main question has been ordered no motion to reconsider shall be in order until after the vote on the main question is taken and announced.

55. In all cases of contested election, where there is a majority and a minority report from the committee on privileges and elections, if the previous question is ordered, there shall be 20 minutes allowed to the member of said committee whose name is first signed to said minority report, or to such member or members as he may indicate, for the time so allowed, or any part of it, before the 20 minutes allowed to the chairman submitting the majority report.

56. The previous question may be called and ordered upon a single motion or an amendment, or it may be made to embrace all authorized motions or amendments and include the entire bill to its passage or rejection.

57. A call of the senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the president that a quorum is not present.

58. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1900-1901, pp. 30-32.)

House.

64. The motion for the previous question shall be decided without debate, and shall take precedence of all other motions except motions "to adjourn" or "to lay on the table," and when it is moved the question shall be, "Shall the motion for the previous question be sustained?" If this be decided by a majority vote in the affirmative, the motion "to adjourn" or "to lay on the table" can still be made, but they must be made before the next question, to wit, "Shall the main question be now put," is decided in the affirmative, and after said last question is affirmatively decided, by a majority vote, said motion will be out of order, and the House can not adjourn until the previous question is exhausted or the regular hour of adjournment arrives.

65. When the previous question has been ordered the House shall proceed to act on the main question without debate, except that before the main question is put 20 minutes shall be allowed to the committee whose report of the bill or other measure is under consideration to close the debate. Where the report of the committee is adverse to the passage of the bill or other measure the introducer of the bill shall be allowed 20 minutes before the time allowed to the committee for closing the debate. The chairman of the committee or the introducer of the bill or other measure may yield the floor to such Members as he may indicate for the time, or any part of it allowed under this rule. This rule shall not be construed to allow the 20 minutes above referred to to be used but once on any bill or measure, and then on the final passage of the bill or measure.

66. After the main question is ordered, any Member may call for a division of the House in taking the vote, or may call for the yeas and nays; if the call for the yeas and nays is sustained by one-fifth of the Members voting, the vote shall be taken by the yeas and nays and so entered on the Journal.

67. The effect of the order that the "main question be now put," is to bring the House to a vote on pending questions in the order in which they stood before it was moved.

68. After the main question has been ordered, no motion to reconsider shall be in order until after the vote on the main question is taken and announced.

69. In all cases where a minority report has been submitted on any question, if the previous question is ordered, there shall be 20 minutes

allowed to the Member whose name is first signed to said minority report, or to such Member or Members as he may indicate, for the time so allowed, or any part of it, before the 20 minutes allowed to the chairman submitting the majority report.

70. The previous question may be called and ordered upon a single motion or an amendment, or it may be made to embrace all authorized motions or amendments and include the entire bill to its passage or rejection.

71. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

72. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual 1900-1901, pp. 106-108.)

IDAHO.

Senate.

IV. 2. When a question is under debate the president shall receive no motion but—

To adjourn.

To take a recess.

To proceed to the consideration of the special order.

To lay on the table.

The previous question.

To close debate at a special time.

To postpone to a certain day.

To commit.

To amend or postpone indefinitely.

And they shall take precedence in the order named. (Rules, 1915, pp. 21-22.)

House.

14. Upon the previous question being ordered by a majority of the members present, if a quorum, the effect shall be to cut off debate and bring the house to a direct vote upon the pending question. It shall be in order, pending the motion for or after the previous question shall have been ordered, for the speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee, which motion shall be decided without debate.

15. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of.

16. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion or after the house shall have determined that the main question shall be put, shall be decided, whether an appeal or otherwise, without debate. (Rules, 1915, pp. 3-4.)

ILLINOIS.

Senate.

62. The previous question shall be stated in this form: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments or debate. When it is decided that the main question shall now be put, the main question shall be considered as still remaining under debate.

63. The effect of the main question being ordered shall be to put an end to all debate and bring the senate to a direct vote, first upon all amendments reported or pending, in the inverse order in which they are offered. After the motion for the previous question has prevailed, it shall not be in order to move for a call of the senate unless it shall appear by the yeas and nays as taken on the main question that no quorum is present, or to move to adjourn, prior to a decision on the main question. (Senate Journal, 1911, p. 13.)

House.

60. The previous question shall be put in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When it is decided that the main question shall now be put, the main question shall be considered as still remaining under debate.

The effect of the main question being ordered shall be to put an end to all debate and bring the house to a direct vote, first, upon all amendments reported or pending in the inverse order in which they are offered. After the motion for the previous question has prevailed it shall not be in order to move for a call of the house unless it shall

appear by yeas and nays, as taken on the main question, that no quorum is present, or to move to adjourn prior to a decision of the main question: *Provided*, If a motion to postpone is pending the only effect of the previous question shall be to bring the House to a vote upon such motion. (House Journal, 1913, p. 318.)

INDIANA.

Senate

18. The previous question shall be put in this form: "Shall the main question be now put?" Until it is decided it shall preclude all debate and the introduction of all further amendments. The previous question having been ordered, the main question shall be the first question in order, and its effect shall be to put an end to all debate and bring the senate to a direct vote on the subsidiary questions then pending in their order, and then on the main question. When operating under the previous question there shall be no debate or explanation of votes. (Legislative Manual for 1913, p. 67.)

House.

60. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the house to a direct vote upon a motion to commit if such motion shall have been made, and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. But its only effect, if a motion to postpone is pending, shall be to bring the house to a vote upon such motion. On the previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. And after a demand for the previous question has been seconded by the house no motion shall be entertained to excuse a member from voting. The ordering of the previous question shall not prevent a member from explaining his vote, but no member under this rule shall be permitted more than one minute for that purpose. (Legislative Manual for 1913, p. 82.)

IOWA.

Senate.

11. A motion to adjourn, to lay on the table, and for the previous question shall be decided without debate, and all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided—whether an appeal or otherwise—without debate.

12. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the senate to a direct vote upon pending amendments and then upon the main question, unless otherwise indicated by the motion and ordered by the senate, except that the member in charge of the measure under consideration shall have 10 minutes in which to close the discussion immediately before the vote is taken upon the main question. If the previous question is decided in the negative, the senate shall proceed with the matter before it the same as though the previous question had not been moved. (Official Register, 1911-12, p. 179.)

House.

26. The previous question shall always be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and to bring the house to a direct vote upon amendments and then upon the main question, unless otherwise indicated by the motion and ordered by the house, except that the member in charge of the measure under consideration shall have 10 minutes in which to close the discussion before the vote is taken. On a motion for the previous question, and prior to seconding the same, a call of the house shall be in order; but after such motion shall have been adopted no call shall be in order prior to the decision of the main question. If the previous question is decided in the negative, the house shall proceed with the matter before it the same as though the previous question had not been moved.

27. Motions to lay on the table, to adjourn, and for the previous question shall be decided without debate. (Official Register, 1911-12, p. 185.)

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KANSAS.
Senate.

15. Any five senators shall have the right to demand the previous question. The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When on taking the previous question the senate shall decide that the main question shall not be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending the question shall first be taken upon such amendments in their order; and when amendments have been adopted in committee of the whole and not acted on in the senate, the question shall be taken upon such amendments in like order, and without further debate or amendment. But the previous question can be moved on a pending amendment, and, if adopted, debate is closed on the amendment only; and after the amendment is voted on the main question shall again be open to debate and amendments. In this case the question shall be, "Shall the vote now be taken on the pending amendment?" (Senate rules, 1913, 1st ed., p. 5.)

House.

51. The "previous question" shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendment or debate. When, on taking the previous question, the house shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order; and when amendments have been adopted by the committee of the whole and not acted on in the house, the question shall be taken upon such amendments in like order, and without further debate or amendment. (House Rules, 1913, p. 16.)

KENTUCKY.
Senate.

53. When the "previous question" has been moved, seconded, and adopted a vote shall be immediately taken upon the pending measure and such pending amendments as are in order.

The effect of the "previous question" shall therefore be to put an end to all debate; to prevent the offering of additional amendments, and to bring the senate to an immediate vote upon the measure as aforesaid.

The previous question may be ordered by a majority of the senators voting on that question. On the call of the roll no senator shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered a senator, whose bill or amendment or motion—if debatable—is pending, may speak not exceeding 10 minutes thereon, and one senator of the opposition may speak not exceeding 10 minutes. (Directory, 1914, p. 244.)

House.

24. The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put. The effect of the previous question shall be to put an end to all debate except on the final passage of the measure under consideration; then the opponents of the measure shall have 10 minutes to debate the proposition and the proposer of the measure shall be limited to 10 minutes to close the debate, unless his time be extended by consent of the house, and bring the house to a direct vote on amendments proposed by a committee, if any; then on pending amendments and all amendments which have been read for information of the house by the clerk shall be regarded as pending amendments; and then upon the main question (Directory, 1914, p. 253.)

LOUISIANA.

Information not available.

MAINE.
Senate.

No rule.

House.

31. When motion for the previous question is made the consent of one-third of the members present shall be necessary to authorize the speaker to entertain it. No debate shall be allowed until the matter

of consent is determined. The previous question shall be submitted in the following words: "Shall the main question be put now?" No member shall speak more than five minutes on the motion for the previous question, and while that question is pending a motion to lay on the table shall not be decided without debate. A call for the yeas and nays or for division of a question shall be in order after the main question has been ordered to be put. After the adoption of the previous question the vote shall be taken forthwith upon amendments, and then upon the main question. (Maine Register, 1914-15, pp. 186-187.)

MARYLAND.

Senate.

No rule.

House.

19. There shall be a motion for the previous question, which, being ordered by a majority of the members present, shall preclude all further debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked and ordered. It may be asked and ordered upon any debatable motion or a series of motions to and embracing the main question, if desired. (Maryland Manual, 1912, p. 287.)

MASSACHUSETTS.

Senate.

47. Debate may be closed at any time not less than one hour from the adoption of a motion to that effect. On this motion not more than 10 minutes shall be allowed for debate, and no member shall speak more than 3 minutes. (Manual for the General Court, 1913, p. 533.)

House.

81. The previous question shall be put in the following form: "Shall the main question be now put?" and all debate upon the main question shall be suspended until the previous question is decided.

82. On the previous question debate shall be allowed only to give reasons why the main question should not be put.

83. All questions of order arising after a motion is made for the previous question shall be decided without debate, excepting on appeal; and on such appeal no member shall speak more than once, without leave of the house.

84. The adoption of the previous question shall put an end to all debate, except as provided in rule 86, and bring the house to a direct vote upon pending amendments, if any, in their regular order, and then upon the main question.

85. Debate may be closed at any time not less than 30 minutes from the adoption of a motion to that effect. In case the time is extended by unanimous consent, the same rule shall apply at the end of the extended time as at the time originally fixed.

86. When debate is closed by ordering the previous question or by a vote to close debate at a specified time, the member in charge of the measure under consideration shall be allowed to speak 10 minutes and may grant to any other member any portion of his time. When the measure under consideration has been referred to the committee on ways and means, under house rule 44, the member originally reporting it shall be considered in charge, except where the report of the committee on ways and means is substantially different from that referred to them, in which case the member originally reporting the measure and the member of the committee on ways and means reporting thereon shall each be allowed to speak five minutes, the latter to have the close. When the member entitled to speak under this rule is absent, the member standing first in order upon the committee reporting the measure who is present and joined in the report shall have the right to occupy such time. (Manual for the General Court, 1913, pp. 566-568.)

MICHIGAN.

Senate.

41. The mode of ordering the previous question shall be as follows: Any senator may move the previous question. This being seconded by at least one other Senator, the chair shall submit the question in this form, "Shall the main question now be put?" This shall be ordered only by a majority of the senators present and voting. The effect of ordering the previous question shall be to instantly close debate and bring the senate to an immediate vote on the pending question or questions in their regular order. The motion for the previous question may be limited by the mover to one or more of the questions preceding the main question itself, in which case the form shall be, "Shall the question, as limited, be now put?" The yeas and nays may be demanded on

any vote under this rule, and a motion for a call of the senate shall be in order at any time prior to the ordering of the previous question. Any question of order or appeal from the decision of the chair, pending the previous question, shall be decided without debate. When the question is on motion to reconsider, under the operation of the previous question and it is decided in the affirmative, the previous question shall have no operation upon the question to be reconsidered. If the senate refuses to order the previous question, the consideration of the subject shall be resumed, as if no motion therefor had been made. (Michigan Manual, 1913, p. 586.)

House.

51. The method of ordering the previous question shall be as follows: Any member may move the previous question. This being seconded by at least 10 members, the chair shall put the question, "Shall the main question now be put?" This shall be ordered only by a majority of the members present and voting. After the seconding of the previous question, and prior to ordering the same, a call of the house may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending questions, except demands for yeas and nays, points of order, and appeals from the decision of the chair, which shall be decided without debate. The effect of the previous question shall be to put an end to all debate and bring the house to a direct vote upon all pending questions in their order down to and including the main question. When a motion to reconsider is taken under the previous question, and is decided in the affirmative, the previous question shall have no operation upon the question to be reconsidered. If the house shall refuse to order the main question, the consideration of the subject shall be resumed, as though no motion for the previous question had been made. (Michigan Manual, 1913, p. 594-595.)

MINNESOTA.

Senate.

25. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending questions in their order, and then upon the main question. On a motion for the previous question, and prior to the ordering of the same, a call of the senate shall be in order, but after a majority shall have ordered such motion, no call shall be in order prior to the decision of the main question.

26. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, Minnesota, 1913, p. 156.)

House.

30. (a) The previous question shall be in this form: "The gentleman from ——— moves the previous question. Do 10 members second the motion?" If the motion be properly seconded, the question shall be stated, as follows: "As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No.'"

There shall be a motion for the previous question which, being ordered by a majority of all members present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions upon which it has been asked or ordered.

The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments; or it may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection.

(b) A call of the house shall not be in order after the previous question is ordered unless it shall appear that a quorum is not present.

(c) When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting unless sooner disposed of by taking a vote on the question or in some other manner. (Legislative Manual, Minnesota, 1913, p. 169.)

MISSISSIPPI.

Information not available.

MISSOURI.

Senate.

47. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted on demand of two senators and sustained by a vote of a majority of the senators present.

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and its effect shall put an end to all debate and bring the senate to a direct vote upon a motion to commit if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. On demand of the previous question, a call of the senate shall be in order, but after a majority have sustained such a motion no call shall be in order prior to the decision on the main question.

48. On motion for the previous question no debate shall be allowed, and all incidental questions of order arising after the motion is made for the previous question, and, pending such motion, shall be decided, on appeal or otherwise, without debate. If, on a vote for the previous question, a majority of the senators vote in the negative, then the further consideration of the subject matter shall be in order. (Senate Journal, 1911, p. 37.)

House.

57. The previous question shall be in this form: "Shall the question now under immediate consideration be now put?" It may be moved and seconded like any other question, but it shall only prevail when supported by a majority of the members present, and, until decided, shall preclude amendment and debate; and a failure to sustain the same shall not put the matter under consideration from before the house, but the house shall proceed as if said motion had not been made. (House Journal, 1911, p. 21.)

MONTANA.

Senate.

30. The previous question shall be in this form: "Shall the main question be now put." It shall only be admitted when demanded by a majority of the senators present, upon division, and its effect shall be to put an end to all debate and bring the senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the senate shall be in order, but after a majority of the senators have seconded such motion no call shall be in order prior to the decision of the main question. If the previous question is negatived, the senate shall proceed in the same manner as if the motion had not been made.

31. On a motion for the previous question and under the previous question there shall be no debate; and all incidental questions of order arising after a motion is made for the previous question (or while acting under the previous question) shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1895, pp. 23-24.)

House.

XXIII. 1. There shall be a motion for the previous question, which, being ordered by a majority, if a quorum be present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked or ordered: *Provided*, That when the previous question is ordered on any proposition on which there has been no debate it shall be in order to debate the proposition to be voted on for 30 minutes, one-half of such time to be given to debate in favor of and one-half in debate in opposition to such proposition. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, and include the bill to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the speaker to entertain and submit motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

2. A call of the house shall not be in order after the previous question is ordered unless it shall appear upon an actual count by the speaker that a quorum is not present.

3. All incidental questions of order arising from, after a motion is made for the previous question, and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1895, pp. 34-35.)

NEBRASKA.

Senate.

16. When a question is under debate no motion can be received but to adjourn, for the previous question, to lay on the table, to postpone indefinitely, to postpone to a certain day, to commit, or amend, which several motions shall have precedence in the order they stand arranged. (Legislative Manual, 1911-12, p. 112.)

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House.

26. The previous question shall be in this form: "Shall the debate now close?" It shall be admitted when demanded by five or more members and must be sustained by a majority vote, and until decided shall preclude further debate and all amendments and motions except one motion to adjourn and one motion to lay on the table.

27. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1911-12, p. 153.)

NEVADA.

Senate.

18. The previous question shall not be put unless demanded by three Senators, and it shall be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall put an end to all debate and bring the senate to a vote on the question or questions before it, and all incidental questions arising after the motion was made shall be decided without debate. (Appendix to Journals, 1911, v. 1, p. 125.)

Assembly.

33. The previous question shall be in this form: "Shall the main question be now put?" and its effect, when sustained by a majority of the members elected, shall be to put an end to all debate and bring the house to a vote on the question or questions before it.

34. All incidental questions arising after a motion is made for the previous question and pending such motion or previous question shall be decided, whether on appeal or otherwise, without debate.

35. The previous question shall only be put when demanded by three members. (Appendix to Journals, 1911, v. 1, p. 141.)

NEW HAMPSHIRE.

Senate.

No rule.

House.

23. The speaker shall put the previous question in the following form: "Shall the main question now be put?" and all debate upon the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the house shall forthwith be taken upon pending amendments, in their regular order, and then upon the main question. The motion for the previous question shall not be put unless demanded by three members.

24. All incidental questions of order arising after a motion for the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

25. If the previous question is decided in the negative, it shall not be again in order until after adjournment, but the main question shall be left before the house and disposed of as though the previous question had not been put. (Manual for the General Court, 1913, pp. 407-408.)

NEW JERSEY.

Senate.

No rule.

House.

33. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be, if decided affirmatively, to put an end to all debate, and bring the house to a direct vote upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question; if decided in the negative, to leave the main question and amendments, if any, under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1914, p. 84.)

NEW MEXICO.

Information not available, except that before inauguration of statehood previous question in both houses was allowed. (Council Rules, 1907, p. 8; House Rules, 1901, p. 11.)

NEW YORK.

Senate.

32. When any bill, resolution, or motion shall have been under consideration for six hours it shall be in order for any senator to move

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to close debate, and the president shall recognize the senator who wishes to make such motion. Such motion shall not be amendable or debatable and shall be immediately put, and if it shall receive the affirmative votes of a majority of the senators present, the pending measure shall take precedence over all other business. The vote shall thereupon be taken upon such bill, motion, or resolution, with such amendments as may be pending at the time of such motion according to the rules of the senate, but without further debate, except that any senator who may desire so to do shall be permitted to speak thereon not more than once and not exceeding one-half hour. After such motion to close debate has been made by any senator, no other motion shall be in order until such motion has been voted upon by the senate. After the senate shall have adopted the motion to close debate, as hereinbefore provided, no motion shall be in order but one motion to adjourn and a motion to commit. Should said motion to adjourn be carried, the measure under consideration shall be the pending question when the senate shall again convene and shall be taken up at the time of such adjournment. The motion to close debate may be ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill, resolution, or motion to its passage or rejection. All incidental questions of order, or motions pending at the time such motion is made to close debate, whether the same be on appeal or otherwise, shall be decided without debate. (Red Book, 1914, pp. 627-628.)

House.

29. The "previous question" shall be put as follows: "Shall the main question now be put?" and until it is decided, shall preclude all amendments or debate. When on taking the previous question the house shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be the advancement or passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order. (Red Book, 1914, p. 659.)

NORTH CAROLINA.

Senate.

24. The previous question shall be as follows: "Shall the main question be put?" and, until it is decided, shall preclude all amendments and debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending the question shall be taken upon such amendments, in their order, without further debate or amendment. However, any senator may move the previous question and may restrict the same to an amendment or other matter then under discussion. If such question be decided in the negative, the main question shall be considered as remaining under debate.

25. When the motion for the previous question is made, and pending the second thereto by a majority, debate shall cease, and only a motion to adjourn or lay on the table shall be in order, which motions shall be put as follows: Previous question; adjourn; lay on the table. After a motion for the previous question is made, pending a second thereto, any member may give notice that he desires to offer an amendment to the bill or other matter under consideration, and after the previous question is seconded, such member shall be entitled to offer his amendment in pursuance of such notice. (Manual, 1913, p. 21.)

House.

56. The previous question shall be as follows: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments and debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration, but when amendments are pending, the question shall be taken upon such amendments, in their order, without further debate or amendment. If such question be decided in the negative, the main question shall be considered as remaining under debate: *Provided*, That no one shall move the previous question except the member submitting the report on the bill or other matter under consideration, and the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the house at the time the bill or other matter under consideration is reported to the house or taken up for consideration.

When a motion for the previous question is made, and pending the second thereto by a majority, debate shall cease; but if any member obtains the floor he may move to lay the matter under consideration on the table, or move an adjournment, and when both or either of these motions are pending the question shall stand:

(1) Previous question.

(2) To adjourn.

(3) To lay on the table.

And then upon the main question, or amendments, or the motion to postpone indefinitely, postpone to a day certain, to commit, or amend, in the order of their precedence, until the main question is reached or disposed of; but after the previous question has been called by a majority no motion, amendment, or debate shall be in order.

All motions below the motion to lay on the table must be made prior to a motion for the previous question; but, pending and not after the second thereof, by the majority of the house, a motion to adjourn or lay on the table, or both, are in order. This constitutes the precedence of the motion to adjourn and lay on the table over other motions in rule 25.

Motions stand as follows in order of precedence in rule 26: Lay on the table, previous question, postpone indefinitely, postpone definitely, to commit or amend.

When the previous question is called all motions below it fall, unless made prior to the call, and all motions above it after its second by a majority required. Pending the second, the motions to adjourn and lay on the table are in order, but not after a second. When in order and every motion is before the house, the question stands as follows: Previous question, adjourn, lay on the table, postpone indefinitely, postpone definitely, to commit, amendment to amendment, amendment, substitute, bill.

The previous question covers all other motions when seconded by a majority of the house, and proceeds by regular gradation to the main question, without debate, amendment, or motion, until such question is reached or disposed of. (House Rules, 1915, pp. 8-10.)

NORTH DAKOTA.

Senate.

8. When a question is under debate no motion shall be received except to adjourn, to lay on the table, to move for the previous question, to move to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are named, and no motion to postpone to a day certain, to commit, to postpone indefinitely, having been decided, shall be entertained on the same day and at the same stage of the bill or proposition. (Senate Rules, 1915, p. 11.)

House.

14. The previous question shall be in this form: "Shall the main question be now put?" It shall be admitted only when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the house to a direct vote upon the amendments reported by a committee, if any, upon the pending amendments and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the house shall be in order, but after a majority shall have seconded such motion no call shall be in order prior to decision of the main question.

15. When the previous question is decided in the negative it shall leave the main question under debate for the remainder of the sitting unless sooner disposed of in some other manner.

16. All incidental questions of order arising after motion is made for the previous question, during the pendency of such motion, or after the house shall have determined that the main question shall be now put shall be decided, whether on appeal or otherwise, without debate. (House Rules, 1915, pp. 13-14.)

OHIO.

Senate.

105. A motion for the previous question shall be entertained only upon the demand of three senators. The president shall put the question in this form: "The question is, Shall the debate now close?" and until decided it shall preclude further debate and all amendments and motions, except one motion to adjourn, one motion to take a recess, one motion to lay on the table, and one call of the senate.

106. All incidental questions or questions of order arising after the demand for the previous question is made shall be decided without debate and shall not be subject to appeal.

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107. After the demand for the previous question has been sustained no call or motion shall be in order, but the senate shall be brought to an immediate vote, first upon the main question.

108. Agreement to a motion to reconsider a vote on a "main question" shall not revive the "previous question," but the matter shall be subject to amendment and debate. (Legislative Manual, 1912, pp. 22-23.)

House.

52. The previous question shall be in this form: "Shall the debate now close?" It shall be permitted when demanded by five or more members, and must be sustained by a majority vote, and, until decided, shall preclude further debate, and all amendments and motions, except one motion to adjourn, and one motion to lay on table.

53. All incidental questions or questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided without debate and shall not be subject to appeal.

54. On a motion for the previous question, and prior to voting on the same, a call of the house shall be in order; but after the demand for the previous question shall have been sustained no call shall be in order; and the house shall be brought to an immediate vote, first upon the pending amendments in the inverse order of their age, and then upon the main question.

55. If a motion for the previous question be not sustained, the subject under consideration shall be proceeded with the same as if the motion had not been made. (Legislative Manual, 1912, pp. 69-79.)

OKLAHOMA.

Senate.

33 (a) There shall be a motion for the previous question, which shall be stated in these words, to wit, "Shall the main question be now put?" which, being ordered by a majority of the members voting, if a quorum be present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, and include the bill to its passage or rejection. It shall be in order, pending the motion for or after the previous question, for the president to entertain and submit a motion to commit with or without instructions to a standing or select committee. (Jefferson's Manual, sec. 34.)

(b) If the previous question is carried, the original mover of the main question, or, if the bill or resolution originated in the other house, then the chairman of the committee reporting the same, shall have the right to close the debate and be limited to 15 minutes, and should the previous question be ordered on a subject debatable before the same has been debated the friends and opponents of the measure shall have 30 minutes on either side in which to debate the question if desired. (Jefferson's Manual, sec. 34; Red Book, 1912, v. 2, p. 109.)

House.

44. When any debatable question is before the house any member may move the previous question, but before it is put it shall be seconded by at least five members whether that question (called the main question) shall now be put. If it passes in the affirmative, then the main question is to be put immediately, and no member shall debate it further, either add to it or alter: *Provided*, That after the previous question shall have been adopted the mover of the main question or the chairman of the committee shall have the privilege of closing the debate and be limited to one-fourth hour: *Provided further*, That when the previous question has been ordered on a debatable proposition which has not been debated 15 minutes in the aggregate shall be allowed the friends and opponents of the proposition each before putting the main question. (Red Book, 1912, v. 2, p. 96.)

OREGON.

Senate.

37. The previous question shall be put in the following form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the senators present, and its effect shall be to put an end to all debate, except that the author of the bill or other matter before the senate, shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question, prior to a vote of the senate being taken, a call of the senate shall be in order. (Senate Journal, 1911, p. 359.)

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House.

30. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and, until it is decided, shall preclude all amendment and further debate on the main question except by the mover of the original motion, who shall be allowed 10 minutes. On a motion for the previous question, a roll call shall be in order if demanded by two members.

31. On a previous question there shall be no debate; all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise, without debate. (House rules, 1909, p. 7.)

PENNSYLVANIA.

Senate.

9. The motion for the previous question, for postponement, for commitment, and for amendment, shall take precedence in the order mentioned, and a motion for the previous question shall preclude any of the other motions from being made; a motion to postpone shall preclude a motion to commit; or to amend a motion to commit shall preclude a motion to amend. The motion for the previous question, postponement (other than indefinite postponement), or commitment shall preclude debate on the original subject. The previous question shall not be moved by less than four members.

10. When a call for the previous question has been made and sustained, the question shall be upon pending amendments and the main question in their regular order, and all incidental questions of order arising after a motion for the previous question has been made, and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Smull's Legislative Handbook, 1914, p. 1006.)

House.

21. The previous question shall not be moved by less than 20 members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained it shall not cut off any pending amendment, but the vote shall be taken without debate, on the amendments in their order and then on the main question. (Smull's Legislative Handbook, 1914, p. 1031.)

RHODE ISLAND.

Senate.

20. There shall be a motion for the previous question, which shall not be debatable, and which may be asked and ordered upon any bill or section thereof, amendment, motion, resolution, or question which is debatable, any of which shall be considered as the main question for the purpose of applying the previous question. All incidental questions of order arising after a motion for the previous question has been made, and before the vote has been taken on the main question, shall be decided, whether on appeal or otherwise, without debate.

When the previous question has been ordered a motion to reconsider such vote shall not be in order, and no motion to adjourn while a quorum is present shall be entertained between the taking of such vote and the taking of the vote on the main question, but 10 minutes shall be allowed for further debate upon the main question, during which no member shall speak more than 3 minutes, and a further period of 10 minutes, if desired, shall be allowed for debate to the member introducing the bill or question to be acted upon, or to the member or members to whom he may yield the floor, at the close of which time, or at the close of the first 10 minutes, in case the introducer does not desire to so use his time, the vote on the main question shall be taken. If incidental questions of order are raised after the previous question has been ordered, the time occupied in deciding such questions shall be deducted from the time allowed for debate. (Manual, 1914, p. 359.)

House.

29. There shall be a motion for the previous question, which shall not be debatable, and which may be moved, and ordered upon any bill or section thereof, amendment, motion, resolution, or question which is debatable, any of which shall be considered as the main question for the purpose of applying the previous question. When a motion for the previous question has been made, no other motion shall be entertained by the speaker until it has been put to the house and decided. All incidental questions of order arising after a motion for the previous question has been made, and before the vote has been taken on the main question, shall be decided, whether on appeal or otherwise, without debate. When the previous question has been ordered a motion to reconsider such vote

shall not be in order, and no motion to adjourn or to take a recess while a quorum is present shall be entertained between the taking of such vote and the taking of the vote on the main question, but 10 minutes shall be allowed for further debate upon the main question, during which no member shall speak more than 3 minutes, and a further period of 10 minutes, if desired, shall be allowed for debate to the member introducing the bill or question to be acted upon, or to the member or members to whom he may yield the floor, at the close of which time, or at the close of the first 10 minutes, in case the introducer does not desire to so use his time, the vote on the main question shall be taken. If incidental questions of order are raised after the previous question has been ordered, the time occupied in deciding such questions shall be deducted from the time allowed for debate. (Manual, 1914, p. 367.)

SOUTH CAROLINA.

No information available.

SOUTH DAKOTA.

Senate.

62. The previous question shall be stated in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When it is decided the main question shall not be now put, the main question shall be considered as still remaining under debate.

63. The effect of the main question being ordered shall be to put an end to all debate and bring the senate to a direct vote, first, upon all amendments reported or pending in the inverse order in which they are offered. After a motion for the previous question has prevailed, it shall not be in order to move a call of the senate or to move to adjourn, prior to a decision of the main question.

64. The senate may at any time, by a majority vote, close all debate upon a pending amendment, or an amendment thereto, and cause the question to be put thereon, and this does not preclude further amendments or debate on the main subject. (Manual 1913, p. 565-566.)

House.

15. On a motion for the previous question and prior to voting on the same, a call of the house shall be in order, but after the demand for the previous question shall have been sustained, no call shall be in order, and the house shall be brought to an immediate vote—first, upon the pending amendments in the inverse order of their age, and then upon the main question. The previous question may be ordered upon all recognized motions or amendments which are debatable, and shall have the effect to cut off all debate and bring the assembly to a direct vote upon the motion or amendment on which it has been ordered.

16. When the previous question is decided in the negative it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

17. All incidental questions of order arising after motion is made for the previous question, during the pending of such motions or after the House shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate. (Manual 1913, p. 569.)

TENNESSEE.

Senate.

22. The previous question shall be in this form: "Shall the main question be now put?" It shall be admitted only when demanded by a majority of the members present. If the previous question is sustained, its effect shall be to preclude all future amendments, and terminate all debate, and bring the senate to a direct vote upon the subject or matter to which it was applied in the call. (Manual 1890, p. 157.)

House.

55. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by two-thirds of the members present. And if the call is made and sustained, its effect shall be to preclude all future amendments and terminate all debate; but it may be applied to the main question, or to the main question and amendment, or the main question, amendment, and amendment to the amendment, and shall bring the house to a direct vote on the question in the order in which they stand and from the point where the call was applied. But in all debates upon resolutions or bills immediately prior to their final passage on third reading the mover or author of the resolution or bill shall have the right to

close the debate thereon, and no call for the previous question, nor any other motion, shall cut off this right in the mover or author of the measure. (Manual, 1890, p. 154.)

TEXAS.

Senate.

90. Pending the consideration of any question before the senate, any senator may call for the previous question, and if seconded by five senators the presiding officer shall submit the question, "Shall the main question now be put?" And if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate and bring the senate to a direct vote—first, upon pending amendments and motions, if there be any; then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the senate as a separate proposition and be decided by a vote upon said amendment or motion. (Senate Journal, 1911, p. 172.)

House.

XIII.

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the chair in this manner: "The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say 'aye,' and then, 'As many as are opposed say 'no.'" If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

2. The previous question may be asked and ordered upon any debatable single motion or series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day certain, or indefinitely, or to commit, and can not be laid upon the table.

3. On the motion for the previous question there shall be no debate, and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition or the member making the report from the committee, as the case may be, or, in case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

5. When the previous question is ordered upon a motion to postpone indefinitely or to amend by striking out the enacting clause of a bill the mover of a proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order after the previous question is seconded until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the House may be moved after the previous question has been ordered. (House Journal, 1913, p. 70.)

UTAH.

Senate.

No rule.

House.

30. The previous question shall be in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate, except as to the mover of the matter pending or the chairman of the committee who reported it, who shall be privileged to close the debate and bring the House to a vote on the question or questions before it; *Provided*, That when a motion to amend or to commit is pending its effect shall be to cut off debate and bring the house to a vote on the motion to amend or commit only and not upon the question to be amended or com-

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mitted. All incidental questions arising after motion is made for the previous question shall be decided, whether on appeal or otherwise, without debate. The previous question shall be put only when demanded by two members. (House Journal, 1913, p. —.)

VERMONT.

Senate.

26. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, except when the Senate is engaged in voting. (Senate Rules, 1915, p. 17.)

House.

38. At any time in the course of debate on a debatable question a member may move "that debate upon the pending question do now close," and the speaker shall put the question to the house without debate, and if the motion is decided in the affirmative debate shall be closed on the immediate pending question. Or a member may move "that debate on the whole question do now close," and if the motion be decided in the affirmative debate shall be closed on the whole question and the main question shall be put in its order, and no motion, except a motion to substitute either of said motions for the other, shall be in order until the main question is put and decided. (House Rules, 1915, p. 40.)

VIRGINIA.

Senate.

49. Upon a motion for the pending question, seconded by a majority of the senators present, indicated by a rising or by a recorded vote, the president shall immediately put the pending question, and all incidental questions of order arising after a motion for the pending question is made, and, pending such motion, shall be decided, whether on appeal or otherwise, without debate.

50. Upon a motion for the previous question seconded by a majority of the senators present, indicated by a rising or by a recorded vote, the president shall immediately put the question: first, upon amendments in the order prescribed in the rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made. (Rules, 1914, pp. 16-17.)

House.

65. Pending a debate any member who obtains the floor for that purpose only and submits no other motion or remark may move for the "previous question" or the "pending question," and in either case the motion shall be forthwith put to the house. Two-thirds of the members present shall be required to order the main question, but a majority may require an immediate vote upon the pending question, whatever it may be.

66. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to put an end to all debate and bring the house to a direct vote upon a motion to commit if pending, then upon amendments reported by a committee if any, then upon pending amendments, and then upon the main question. If upon the motion for the previous question the main question be not ordered, debate may continue as if the motion had not been made. (Rules, 1914, pp. 39-40.)

WASHINGTON.

Senate.

39. The previous question shall not be put unless demanded by three senators whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the roll shall be immediately called on the question or questions before the senate, and all incidental question or questions of order arising after the motion is made after the previous question and pending such motion shall be decided whether on appeal or otherwise without debate. (Legislative Manual, 1911, pp. 36-37.)

House.

27. The previous question may be ordered by two-thirds of the members present upon all recognized motions or amendments which are debatable, and shall have the effect to cut off all debate and bring the house to a direct vote upon the motion or amendment on which it has been ordered. On motion for the previous question and prior to the seconding of the same a call of the house shall be in order, but such call shall not be in order thereafter prior to the decision of the main question.

The question is not debatable and can not be amended. The previous question shall be put in this form: "Mr. _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No.'"

The results of the motion are as follows:

If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative, the presiding officer at once, and without debate, proceeds to put, first, the amendments pending and then the main question as amended. If an adjournment is had after the previous question is ordered, the subject comes up the first thing after the reading of the journal the next day, and the previous question privileged over all other business, whether new or unfinished. (Legislative Manual, 1911, p. 51.)

WEST VIRGINIA.

Senate.

56. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the senate to direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions and amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for or after the previous question shall have been ordered on its passage, for the president to entertain and submit a motion to commit, with or without instruction, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

(2) A call of the senate shall not be in order after the previous question is in order unless it shall appear upon an actual count by the president that a quorum is not present.

(3) All incidental questions of order arising after a motion is made for the previous question, and, pending such motion, shall be decided, whether an appeal or otherwise, without debate. (Legislative Manual, 1913, p. 44-45.)

House.

78. If the previous question be demanded by not less than seven members, the speaker shall, without debate, put the question, "Shall the main question be now put?" If this question be decided in the affirmative, all further debate shall cease and the vote be at once taken on the proposition pending before the house. When the house refuses to order the main question, the consideration of the subject shall be resumed as if the previous question had not been demanded.

79. The previous question shall not be admitted in the committee of the whole. (Legislative Manual, 1913, p. 70.)

WISCONSIN.

Senate and house.

80. Moving previous question. When any bill, memorial, or resolution is under consideration, any member being in order and having the floor may move the "previous question," but such motion must be seconded by at least 5 senators or 15 members of the assembly.

81. Putting of motion; ending debate. The previous question being moved, the presiding officer shall say, "It requiring 5 senators or 15 members of the assembly, as the case may be, to second the motion for the previous question, those in favor of sustaining the motion will rise." And if a sufficient number rise, the previous question shall be thereby seconded, and the question shall then be: "Shall the main question be now put?" which question shall be determined by the yeas and nays. The main question being ordered to be now put, its effects shall be to put an end to all debate and bring the house to a direct vote upon the pending amendments, if there be any, and then upon the main question.

82. Main question may remain before house, when. On taking the previous question, the house shall decide that the main question shall not now be put, the main question shall remain as the question before the house, in the same stage of proceedings as before the previous question was moved.

83. One call of house in order, when. On motion for the previous question, and prior to the ordering of the main question, one call of the house shall be in order; but after proceedings under such call shall have been once dispensed with, or after a majority shall have ordered the main question, no call shall be in order prior to the decision of such question. (Manual, 1911, pp. 97-98.)

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WYOMING.

Senate.

43. Any member may move the previous question, and if it be seconded by three other members, the previous question shall be put in this form: "Shall the main question be now put?" The object of this motion is to bring the senate to a vote on the pending question without further discussion; and if the motion fails, the discussion may proceed the same as if the motion had not been made; if carried, all debate shall cease, and the president shall immediately put the main question to vote: First on proposed amendments in their order, and then on the main question, without debate on further amendment: *Provided*, That a motion to adjourn and a call of the senate shall each be in order after the previous question has been sustained and before the main question is put, but no other motion or call shall be in order, except to receive the report of the sergeant at arms or to dispense with the proceedings under the call, and all motions and proceedings authorized by this rule shall be decided without debate, whether on appeal or otherwise. (Senate Rules, 1915, p. 13.)

House.

25. Any member may move the previous question, and if it be seconded by three other members, the previous question shall be put in this form, "The previous question is demanded." The object of this motion is to bring the house to a vote on the pending question without discussion, and if the motion fails, the discussion may proceed the same as if the motion had not been made: if carried, all debate shall cease, and the speaker shall immediately put the question to vote: first, on proposed amendments in their order, and then on the main question, without debate or further amendments: *Provided*, That a motion to adjourn and a call of the house shall each be in order after the "previous question" has been sustained, and before the main question is put, but no other motion or call shall be in order, except to receive the report of the sergeant-at-arms, or to dispense with the proceedings under the call; and all motions and proceedings authorized by this rule shall be decided without debate, whether on appeal or otherwise. (House Journal, 1911, p. 78.)

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I wish to ask the Senator whether there is not a distinction which he ought to draw between the Senate of the United States and these various legislative bodies, and also between the Senate of the United States and the House of Commons in London, the Reichstag in Berlin, and the Chamber of Deputies in Paris? In all of those cases the members vote in accordance with their judgments and their convictions, and when they come to a vote you get the vote of the majority. In the Senate of the United States, however, in the case of the pending bill, you are not permitting Senators to vote in accordance with their judgments and in accordance with their convictions. You have held a so-called Democratic caucus, and it is notorious that a number of the Democratic Senators here are under caucus compulsion to vote against their judgments and against their convictions; so that to hold them thus bound and then compel a vote is to enable 36 Members of the Senate to represent a majority. Now, those 36 Senators do not constitute a majority of the Senate, and the caucus rule coupled with the cloture would not develop the real sense of the Senate of the United States. It would not give to the majority of the Senate the decision of the question. It would be a mechanical, artificial means of enabling 36 Senators to decide the question. Is not that a distinction?

Mr. OWEN. Mr. President, I shall be very glad to answer the Senator. I am glad he asked me the question, because it

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affords me an opportunity to answer, and I wish to answer it frankly and with the truth as I understand it.

I think it the common rule of practice that in all the States party caucuses or conferences are used when desired to obtain party harmony in party action.

Under the system that we have of party government, where the members of each party line up with complete solidarity on either side of the aisle—I may say with complete solidarity, because the exception is very rare—where that is the case, and where there is a conference or caucus on both sides, it comes down to a question of party government; and party government must be controlled by a majority of the members of the party. The party then becomes jointly responsible throughout the Nation for the action of the party in the Senate and House of Representatives. If the party acts unwisely, the Senator from Nebraska will be defeated. If it acts wisely, he will not be defeated, under normal conditions.

That being so, if I have to choose between a Republican caucus or a Republican conference and a Democratic caucus or a Democratic conference, I will prefer to yield some portion of my judgment to my own Democratic colleagues and go with them upon a public question. If I find that I can not in conscience, if I can not as a constitutional duty, go with my colleagues, however painful it may be to me, I shall reluctantly go my way and take the consequences. But when I yield a part of my desire I do so freely and voluntarily for the purpose of accomplishing some measure of good rather than by my negative self-opinionated action preventing anything from being accomplished. I would rather go forward to some extent than try to have my own private opinion dominate the majority of my colleagues and disrupt them and not get anywhere.

I think this practice of the Senate in having no cloture, in having no time fixed for voting, has destroyed debate in the Senate and has driven the debate into a conference room, where colleagues can get together and express their minds and hearts to each other and arrive at some measure of solidarity. That is my opinion about it. I concede to the Senator his right to do as he sees fit about it, but I do not find it against my own conscience or my own free will to yield something in my judgment to my party associates. I am glad to do that, because they yield something to me also.

It is a question of mutual compromise between men who are affiliated together upon a party basis for the public good, and they go to the country upon party performance or party neglect or party success in legislation or party defeat in legislation. I am not willing to defeat the party that put me in power and turn upon them and rend them to pieces. I am not willing to disorganize my party and cooperate with Republicans to defeat my party because the majority of my party colleagues do not submit to dictation from me. I wish to cooperate with my party associates and help them when I can. I certainly would not wish to destroy them. I would prefer to be silent if I can not agree with them and merely give the reasons why I can not go with them.

Mr. HITCHCOCK. Well, I—

Mr. OWEN. Just a moment, and then I will yield further to the Senator. What I want to express is that if we had a

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cloture we would restore debate in the Senate Chamber, and I would then be glad to listen to debate from Members across the aisle and learn from them, and I would accept from them any proposal that I thought for the common good. In writing the Federal reserve act and taking a part in it many things were proposed by the Republicans which I gladly accepted, as far as I was concerned; and I gave them open credit for it, too.

Mr. HITCHCOCK. How could the Senator accept it if he were restrained by a party caucus?

Mr. OWEN. I was not restrained or coerced by a party caucus. I am glad to cooperate of my own free will. I wish the Senator could appreciate my sentiment in this matter.

Mr. HITCHCOCK. Well, how could he, in the case of this bill, accept it?

Mr. OWEN. In the case of this bill—the shipping bill—we have arrived at a conclusion with regard to what the bill ought to be and have agreed upon it among ourselves. It is not quite what I would prefer, but I am glad to get this much. We have had no method of cooperation with the Republican side of the Chamber, who have fought us on every endeavor we have made on this and every other bill. They have not given us an opportunity. They have lined up solidly and entered into a secret agreement with some of our own Members who were in partial sympathy with them to suddenly and unexpectedly unhorse us, and they have given us no opportunity for free debate here or listening to them. They have given the Democratic Party no opportunity of cooperation, but have tried, by using some of our Members, to wrongfully deprive the Democracy of its right to control the Government and be responsible for government.

Mr. HITCHCOCK. The question which I asked the Senator he has not perhaps apprehended, or I think he would have attempted to answer it.

Mr. OWEN. I will attempt to answer it now, if the Senator will repeat it.

Mr. HITCHCOCK. Let me put it in the form of an illustration.

The Nebraska Legislature is in session. It is true that there is a limit to debate in that body, but practically every question—and I believe I am safe in saying every question—is decided upon nonpartisan lines. The real majority of the Nebraska Senate, the real majority of the Nebraska House of Representatives, when it comes to vote, votes in accordance with its convictions—each man in accordance with his convictions. When they can so vote it is proper that there should be a cloture; but when men are restrained from voting their own convictions, when you have a machine, when you have a wheel within a wheel, so that 36 men are controlling the votes of 53 men, then I doubt very much whether we should have a cloture.

Mr. OWEN. I do not regard it as controlling my vote when I voluntarily cooperate with other men who are my political colleagues and yield something of my judgment to them when they yield something of their judgment to me. I do not feel like asserting every inch and particle of my opinion and ungenerously yielding nothing whatever to my associates who are generous to me, and then say that I am being *coerced* by others because I will not cooperate with them. When I cooperate

with my associates I do it voluntarily. I do not do it under compulsion. I do it because I want to do it, and because I know it is necessary to party solidarity and to obtaining responsible action of my own party, whose *future success* depends on *present harmony*.

Mr. HITCHCOCK. The Senator is a Democrat, and he believes in the rule of the majority?

Mr. OWEN. I do, most certainly.

Mr. HITCHCOCK. Yet this mechanical device of the party caucus destroys the rule of the majority, by giving to 36 men the power to vote 53 men.

Mr. OWEN. There is a certain measure of truth in what the Senator says, and there is also serious deduction or inference which is untrue in what the Senator says. If this body consisted of men chosen upon an open ballot from Nebraska and Missouri and Oklahoma without any party designation, then the caucus would be held on this floor. As it is, the power is intrusted to a party, and in order to have party action the members of it have got to consult among themselves and determine the party action. You do not determine the party action by consulting with Senators on the other side of the Chamber who are hostile to the party, who are laying plans wherever they can to destroy the party and break it down, in order that they may themselves regain control of the country, and who show a greater party solidarity than the Democrats ever do. In a caucus of 53 men all of the members express their views and concede to each other, finally reconciling all differences by a majority vote, because that is the only way such differences can be reconciled. The implication that an organized majority of the 53 members of the caucus get together to tyrannize over the minority of the 53 members is entirely false, I verily believe. Some members constantly in such conferences find themselves now in a majority, now in a minority—and out of mutual concessions present party harmony ensues and future party success may be hoped for.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield.

Mr. GALLINGER. If I understood the Senator correctly, he said that the Democratic Party held caucuses and the Republican Party held caucuses, and, of course, he would follow his own party.

Mr. OWEN. I used both terms, "caucus" and "conference."

Mr. GALLINGER. I want to say to the Senator, in all seriousness, I have been here nearly 24 years and have attended every conference when I have been in the city, and the Republican Party has never undertaken to bind its members to vote on any question whatever.

Mr. OWEN. That does not seem to have been necessary.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. OWEN. I suggested to the Senator that there seemed to be no necessity of imposing a rule upon a party which holds its party solidarity without a caucus.

Mr. GALLINGER. That is begging the question. What I meant to say is that in our conferences, when they are dis-

solved every member of the conference has a right to vote as he pleases upon any question before the body.

Mr. OWEN. I only infer from the record, and assume that there is some kind of amiable understanding, which seems to be sufficient for that purpose, because no Republican ever votes with the Democrats except on the rarest of occasions. They vote all together, even when they are obviously wrong and even on minor questions.

Mr. SMOOT and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Senators will please be in order. The business of the Senate can not be conducted when more than one Senator is talking at a time.

Mr. OWEN. Did the Senator from Utah rise to interrupt me?

Mr. SMOOT. I simply want to add to what the Senator from New Hampshire has already stated, that not only has the Republican Party not held caucuses to bind any Senator, but in all the time I have been a Senator of the United States I have had no President of the United States ask me to vote any way but once, and then President Taft asked me if I could see my way clear to vote for Canadian reciprocity. I told the President I could not, and that I would vote against it.

Mr. OWEN. May I ask the Senator from Utah a question in response?

Mr. SMOOT. Certainly.

Mr. OWEN. I merely want to ask the Senator from Utah if it is not a fact that the last Republican President refused patronage to Republican Senators who did not vote the way he wanted them.

Mr. SMOOT. I am sure he did not. I know he did not refuse it to me. I know I voted against Canadian reciprocity and I know a majority of the Republicans voted against it, but I never have heard—

Mr. OWEN. A letter from the former President's secretary was widely published to the effect that the Progressive Republicans were very much grieved at the time and made quite a loud outcry about the treatment they received.

Mr. SMOOT. What the newspapers may say is not always true. I wish to say to the Senator that the only time I was ever asked to vote for any measure by any President was by President Taft, and he asked me if I could not see my way clear to vote for Canadian reciprocity. I told him, "No; I could not"; and I voted against it and did all I could to defeat it, and I know a majority of the Republicans voted against it and tried to defeat it; and I know of none to whom patronage was denied, as the Senator has referred to that, because of the fact that they voted against Canadian reciprocity.

Mr. THOMAS. Mr. President—

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to say, Mr. President, that the public were informed, and I have never seen it successfully denied, that the Congress which ended in March, 1911, which had a very large Republican majority in both Houses, and which was therefore controlled by the Republicans in both Houses, seemed to act with singular unanimity, and it was generally understood that the Republican majority of the Senate

branch of that Congress voted and legislated under the dictation of a single man, thus making a caucus unnecessary.

Mr. SMITH of Michigan. When was that?

Mr. SMOOT. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield further?

Mr. OWEN. I yield to the Senator from Utah.

Mr. SMOOT. What was the bill, or to what legislation has the Senator from Colorado reference?

Mr. THOMAS. I have reference, Mr. President, to the legislation that was enacted under the domination of the then senior Senator from Rhode Island, Mr. Aldrich.

Mr. SMOOT. I suppose the Senator means the tariff bill, and I think that he—

Mr. THOMAS. He was the caucus and his mandate was your law.

Mr. SMOOT. Of course, that is an assertion made wholly without any truth whatever. I know one thing. I know that he was not the caucus for the Senator from Utah and I do not believe he was the caucus for anyone else on this side.

Mr. THOMAS. I do not think that the Senator from Utah differed very materially from the Senator from Rhode Island during that Congress. My recollection is that he was his chief lieutenant.

Mr. SMOOT. As far as that is concerned, I will say that wherever I believe a principle to be right and any other Senator may believe the same way I am not going to differ with him, if he votes his convictions as I do; and I believe the Senator will admit I always vote what my true convictions are irrespective of what any man in the world may think of it or may say.

Mr. THOMAS. I concede that; but I want Senators to be consistent. I vote my convictions, but I am accused of voting at the dictation of 36 members of my party. Now, is it possible that because 36 members of my party meet in caucus—and I am not afraid of the word "caucus," Mr. President, I believe in it—and because I vote in accordance with what the caucus of my party determines after full deliberation, am I to be accused also of surrendering my convictions, my freedom of action? It remains just the same; and I think my short record in this body will demonstrate the fact, notwithstanding that caucuses seem at present to be so annoying to those who represent the other side and also to some who are on this side of the Chamber.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield further to the Senator from Utah?

Mr. SMOOT. There is just one other statement I desire to make.

Mr. OWEN. I yield.

Mr. SMOOT. Of course, the Senator from Colorado believes in caucuses. I do not. I think some of the worst legislation that was ever enacted in Congress has been the result of caucuses.

Mr. THOMAS. Does the Senator believe in conferences?

Mr. SMOOT. I believe in conferences, but I do not believe the conferences should bind anybody who attends them.

Mr. THOMAS. I have noticed that the conferences which already have been held by my Republican friends have re-

sulted in a unanimity of action and of sentiment that is simply astonishing.

Mr. SMOOT. I can say to the Senator from Colorado that I have attended many conferences where there was a divided vote. I will say this: I do not remember attending a conference of the Republican Party where there has been a unanimity of sentiment.

Mr. THOMAS. I do not know, of course, what is the unanimity of sentiment in the conference. I am talking about the unanimity displayed here.

Mr. SMOOT. I will say to the Senator that there has been no conference held on this bill.

Mr. THOMAS. Then there is a mysterious magnetic something which seems to act of its own volition and which binds our brethren more closely than any caucus even seems to be able to bind this side.

Mr. OWEN. Mr. President, I wish to place in the Record at this point the precedents of the English Government, of the French Government, of the German Government, of the Austria-Hungary Government, of the Austrian Government, and of the Governments of Belgium, Denmark, Netherlands, Portugal, Spain, and Switzerland, and, not desiring to take the time of the Senate to read them. I will ask to insert them without reading with the authority from which it is taken.

The matter referred to is as follows:

ENGLISH PRECEDENTS.

"The rule of the majority is the rule in all the parliaments of English-speaking people. In the Parliament of Great Britain, in the House of Lords, the 'contents' pass to the right and the 'not contents' pass to the left, and the majority rules.

"In the House of Commons the 'ayes' pass to the right and the 'noes' pass to the left, and the majority rules. (*Encyclopædia Britannica*, vol. 20, p. 856.)

"The great English statesman, Mr. Gladstone, having found that the efficiency of Parliament was destroyed by the right of unlimited debate, was led to propose cloture in the first week of the session of 1892, moving this resolution on the 20th of February, and expressing the opinion that the house should settle its own procedure. The acts of Mr. Gladstone and others of like opinion finally led to the termination of unlimited debate in the procedure of Parliament. In these debates every fallacious argument now advanced by those who wish to retain unlimited debate in the United States Senate has been abundantly answered, leaving no ground of sound reasoning to reconsider these stale and exploded arguments.

"The cloture of debate is very commonly used in the Houses of Parliament in Great Britain; for example, in standing order No. 26. The return to order of the House of Commons, dated December 12, 1906, shows that the cloture was moved 112 times. (See vol. 94, Great Britain House of Commons, sessional papers, 1906.)

FRANCE.

"In France the cloture is moved by one or more members crying out 'La cloture!'

"The president immediately puts the question, and if a member of the minority wishes to speak he is allowed to assign his reasons against

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the close of the debate, but no one can speak in support of the motion and only one member against it. The question is then put by the president, 'Shall the debate be closed?' and if it is resolved in the affirmative the debate is closed and the main question is put to the vote.

"M. Guizot, speaking on the efficacy of the cloture before a committee of the House of Commons in 1848, said:

"I think that in our chamber it was an indispensable power, and I think it has not been used unjustly or improperly generally. Calling to mind what has passed of late years, I do not recollect any serious and honest complaint of the cloture. In the French Chambers, as they have been during the last 34 years, no member can imagine that the debate would have been properly conducted without the power of pronouncing the cloture.

"He also stated in another part of his evidence that—

"Before the introduction of the cloture in 1814 the debates were protracted indefinitely, and not only were they protracted, but at the end, when the majority wished to put an end to the debate and the minority would not, the debate became very violent for protracting the debate, and out of the house among the public it was a source of ridicule.

"The French also allow the previous question, and it can always be moved; it can not be proposed on motions for which urgency is claimed, except after the report of the committee of initiative. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 426.)

GERMANY.

"The majority rule controls likewise in the German Empire and they have the cloture upon the support of 30 members of the house, which is immediately voted on at any time by a show of hands or by the ayes and noes.

AUSTRIA-HUNGARY.

"In Austria-Hungary motions for the closing of the debate are to be put to the vote at once by the president without any question, and thereupon the matter is determined. If the majority decides for a close of the debate, the members whose names are put down to speak for or against the motions may choose from amongst them one speaker on each side, and the matter is disposed of by voting a simple yes or no. (Ibid., p. 404.)

AUSTRIA.

"Austria also, in its independent houses of Parliament, has the cloture, which may be put to the vote at any time in both houses, and a small majority suffices to carry it. This is done, however, without interrupting any speech in actual course of delivery, and when the vote to close the debate is passed each side has one member represented in a final speech on the question. (Ibid., p. 409.)

BELGIUM.

"In Belgium they have the cloture, and if the prime minister and president of the Chamber are satisfied that there is need of closing the debate a hint is given to some member to raise the cry of 'La cloture,' after a member of the opposition has concluded his speech, and upon the demand of 10 members, granting permission, however, to speak for or against the motion under restrictions. The method here does not prevent any reasonable debate, but permits a termination of the debate by the will of the majority. The same rule is followed in the Senate of Belgium. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 420.)

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DENMARK.

"In Denmark also they have the cloture, which can be proposed by the president of the Danish chambers, which is decided by the chamber without debate. Fifteen members of the Landsting may demand the cloture. (Ibid., p. 422.)

NETHERLANDS.

"In both houses of the Parliament of Netherlands they have the cloture. Five members of the First Chamber may propose it and five members may propose it in the Second Chamber. They have the majority rule. (Ibid., p. 461.)

PORTUGAL.

"In Portugal they have the cloture in both chambers, and debate may be closed by a special motion, without discretion. In the upper house they permit two to speak in favor of and two against it. The cloture may be voted. (Ibid., p. 469.)

SPAIN.

"The cloture in Spain may be said to exist indirectly, and to result from the action allowed the president on the order of parliamentary discussion. (Ibid., p. 477.)

SWITZERLAND.

"The cloture exists in Switzerland both in the Conseil des Etats and Conseil National."

Mr. GALLINGER. Has the Senator the rules or the law governing the Canadian Parliament?

Mr. OWEN. No; I have not.

Mr. GALLINGER. They have no previous question, I believe; they have unlimited debate.

Mr. OWEN. They have no need for it, as there is unanimity of sentiment and reciprocal courtesy in their comparatively small Parliament.

Mr. GALLINGER. They succeeded in defeating the reciprocity bill because of that fact.

Mr. OWEN. Oh, I think not "because of that fact." Mr. President. Now, Mr. President, I want to call the attention of the Senate to an editorial from one of the greatest journals of the country that I think is worthy of very respectful attention, the New York World of January 29, 1915:

SET THE SENATE FREE.

The Republican minority in the Senate which is attempting to talk the ship-purchase bill to death is also attempting to talk majority rule to death. If by its filibuster it can prevent action before the expiration of Congress on March 4, it will have defeated majority rule as emphatically as would gunmen at a polling place who drove intending voters away from the ballot box.

It is claimed on behalf of this minority that it is exercising the right of debate and merely asserting the time-honored privileges of the Senate. In truth, it is preventing reasonable debate, and the privileges to which it refers ought to be protected from abuse, as they have been by other legislative bodies. The British House of Commons, the mother of parliaments, exceedingly jealous of every real right and privilege, throttles those who would throttle it—

I commend that sentiment to the attention of the Senate of the United States—

The American House of Representatives has not once been coerced by a minority since the Reed rules were established 25 years ago.

Evidently the time must soon come when a courageous majority of the Senate will emancipate itself from a thralldom humiliating alike to itself and to the people. Every right properly belonging to minorities must be safeguarded, but no minority has a right to rule, no minority has a right to establish by indirection policies which it has not the votes

to carry, and no minority anywhere in this country, except in the United States Senate, maintains such a pretense.

The seventeenth amendment, providing for the popular election of Senators, was a Democratic measure in its origin, and to the present Democratic administration fell the honor of proclaiming its adoption. Why should not the same party complete the reform by such a revision of the Senate rules as to strip of power those who obstruct the popular will lawfully expressed?

Now, Mr. President, I want to say just one or two words before I close. Some of our Democratic brethren in the South, still haunted by the old fear of a force bill led by the Senator from Massachusetts [Mr. LONGE], believe that it would be dangerous to abandon the alleged right of the minority to conduct an endless filibuster and thereby obstruct anything to which the minority seriously objects. What I want to call to the attention of the Senate is that under the change of the Constitution providing for the direct election of Senators by popular vote the Senate of the United States never can again be made the instrumentality of privilege or plutocracy or monopoly or organized greed; never can again, by a majority of this body, be controlled against the interests and the welfare of the common people of this country. The majority always in the future, till time shall be no more, will represent in truth the sovereignty of the common people of this country. That being so, I do not see how a man who is a heartfelt Democrat can reconcile it to his conscience to put in the hands of those who are at heart opposed to the sovereignty of the people the right to obstruct their will and prevent legislation which the people desire.

I have said on the floor to the Senator from New York [Mr. ROOT] that this filibuster was preventing the presentation of the rural credits bill. What is the use of a committee bringing forward a bill that has no possible chance of consideration? If that were possible now, if we had a reasonable cloture, the Banking and Currency Committee could get together and in all probability agree upon some measure acceptable to them, acceptable to the Senate, and acceptable to the country. But that is a small part of the terrible harm being done. This filibuster is not only preventing the rural credits bill from being considered; it is preventing this whole calendar, page after page, of listed bills that are important to the country, from receiving any consideration at all. This body is presenting the strange, unthinkable, sad spectacle to the country that a majority is willing to stay here all day and all night, night after night, in order to exercise the constitutional privilege of voting their wishes as representatives of the people of the United States, while an organized filibuster prevents the majority rule; prevents even a vote.

We can not consider rural credits, good roads, waterways, justice to labor, the employment of the unemployed, the public health, and the many vital questions affecting the conservation and development of human life and energy. We are paralyzed by partisan bigotry and ambition.

I say to the Senate that the people of the United States are not going to submit to this wrong any more. It is an outrage on justice; it is shameful; it is despicable; and no words within the scope of a parliamentary language are strong enough to express my condemnation of it.

I yield the floor, Mr. President.

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ADDENDUM.

[From the North American Review of November, 1893.]

THE STRUGGLE IN THE SENATE.

II. OBSTRUCTION IN THE SENATE.

[By Senator HENRY CABOT LODGE, of Massachusetts.]

Parliamentary obstruction has of late years engaged public attention to a degree quite unusual for a subject so technical in its nature. When the Reed rules, which first brought the subject into prominence in this country, were under discussion, I pointed out in an article in the *Nineteenth Century* that the question was widespread and general and in no sense local or peculiar to the United States. At that time the Democratic orators and the Democratic newspapers seemed to think that the effort to do away with parliamentary obstruction in the House of Representatives was a malignant invention of the Republican Party and particularly of Mr. Reed. If they had taken the trouble to inform themselves—a form of mental exercise in which they rarely indulge—they would have discovered that it was nothing of the sort. They would have learned what is now evident to all men that the Republican reform of the rules of the House was but part of a general movement against an abuse which in the process of time had become intolerable. Not only in many States of the Union but in England also the matter of parliamentary obstruction had reached the proportion of a great and a very grave public question. This was neither accidental nor the result of partisanship. It was the outgrowth of conditions which had been slowly developed.

The English-speaking race are the originators of free representative government. Among them this great system has grown to maturity and by them its details have been gradually elaborated. The fundamental principles of popular representation and of free speech, of the control of taxation, and of public expenditures, were established long since as the result of many hard-fought battles. With this development of representative government there should have gone hand in hand a development of the rules by which the representative bodies transacted their business. This, however, did not occur. As so often happens in history, the substance of things changed, but the forms survived. While the power and the business of representative bodies both in England and the United States expanded enormously, the rules in accordance with which these powers were exercised and this business transacted remained unaltered. Ordinarily forms are not of much consequence provided the essence of things is preserved, but in this instance it happened that forms and rules were of vital importance, although it is only very recently that this fact has been fully and properly realized.

The rules and practices of the Congress of the United States and of the House of Commons were adopted under conditions widely different from those which exist to-day. They were formed for representative bodies, in this country at least, much smaller in number, and for the management of the public affairs of small populations, with industrial and commercial interests absolutely insignificant when compared with the vast volume of business to-day, quickened as it now is by the telegraph and the railroad, and beating with a pulsation which is felt in every corner of the globe within 24 hours. The result has been that the old rules and forms have not only proved inadequate for the transaction of business, but have furnished the means for indefinite resistance to action. When parliamentary rules were first formulated, the preservation of freedom of debate was rightly considered to be of the last importance, and, so far as these original rules, which were in great degree haphazard, could be said to have any principle, the protection of freedom of debate was their controlling purpose. All danger to freedom of debate in English-speaking countries at least has long since vanished, and the tendency of the old system is to encourage debate, of which there is now too much, and to prevent action, of which there is now too little.

The primary and the only proper and intelligent object of all parliamentary law and rules is to provide for and to facilitate the ordinary action of public business. When any set of parliamentary rules ceases to accomplish this object they have become an abuse—and an abuse of the worst kind. They not only prevent action, but, what is far worse, they destroy responsibility: for, if a minority can prevent action, the majority, which is entitled to rule and is intrusted with power, is at once divested of all responsibility, the great safeguard of free representative institutions.

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This question has been fought out in the English House of Commons and the passage of the home rule bill is conclusive evidence that the system of enforcing action is not only necessary in England, but that it is finally and firmly established. The same battle has been fought out also, and the same result attained, in our own House of Representatives. The great reform which Mr. Reed carried through and which marks an epoch in parliamentary government in the United States has been in principle finally established. Received at the moment with much passionate oratory and many loud objurgations, such as always accompany the onward march and the ultimate triumph of a great reform, it has at last prevailed. As the dust of that memorable conflict cleared away, it was discovered that Mr. Reed had only been enforcing principles which were accepted in nearly every other parliamentary body in the world and that he had not invented them himself for the mere gratification of a tyrannical spirit. Then it was further discovered that his methods, instead of being illegal and unconstitutional, had received the sanction of every judicial body before which they had been brought, and they were finally upheld by the unanimous decision of the Supreme Court of the United States.

The last stage, the acceptance of the reform by the opposite political party, has just been passed. Mr. Speaker Crisp, with a large Democratic majority at his back, has enforced Mr. Reed's principles by stopping dilatory motions and bringing the House to a vote. The only difference has been that Mr. Reed put his principles into practice under accepted methods and in accordance with parliamentary law, while Mr. Crisp very unnecessarily, because no such violence was required, enforced action with entire disregard of the usual and proper forms. He is not, however, to be too severely criticized for this. It was quite natural that the Democratic Party in the House should writhed at adopting the principles and carrying into effect the very methods which they had denounced so exuberantly only three years ago. They appeared to think that they could get around by some bypath to the Republican result, and thus escape a march through the valley of humiliation, if they discarded the forms under which their adversaries had performed the same work. Unfortunately such evasions are never possible and the valley of humiliation can not be avoided by those who have opposed what is righteous, and then, after a short interval, have accepted righteousness for their own purposes. In any event the result is the same. The right of the majority to rule, and to pass after due debate such measures as it sees fit, has been firmly established in the House of Representatives.

As a practical public question in the United States, parliamentary obstruction has now shifted to the Senate, where it has aroused lately the keenest public interest owing to the condition of business and the intense eagerness of the country for the passage of some measure of relief. The case in the Senate is very different in many particulars from what it was either in the House of Commons or the House of Representatives. The Senate of the United States is still a small body: it has great powers conferred upon it by the Constitution and weighty responsibility. It is properly very conservative in its habits and very slow to change those habits in any direction. There could be no better example of this than in its parliamentary procedure. The rules of the Senate are practically unchanged from what they were at the beginning. They are the same now to all intents and purposes as when they were first adopted more than a hundred years ago. There has never been in the Senate any rule which enabled the majority to close debate or compel a vote. The previous question, which existed in the earliest years, and was abandoned in 1806, was the previous question of England and not that with which every one is familiar to-day in our House of Representatives. It was not in practice a form of closure and it is therefore correct to say that the power of closing debate in the modern sense has never existed in the Senate.

The rules of the Senate are few and simple. Formed for the use of a body of 26 Senators, they have continued in force unchanged, until they now govern the deliberations of 88. That rules so simple should have worked so well during so long a period with an increasing number of Senators and an enormous growth in the volume of business is no slight tribute to the character of the body which has worked under them. But they are now beginning to show the same defects and abuses, arising from the same causes, which have produced such fundamental changes in larger representative bodies.

The rules of the Senate, providing for no form of compulsion, rest necessarily on courtesy. In other words, as there is no power to compel action, it is assumed that the need for compulsion will never arise.

For this reason, obstruction in the Senate, when it has occurred, has never taken the form of dilatory motions and continual roll calls, which have been the accepted method of filibustering in the House. The weapon of obstruction in the Senate is debate, upon which the Senate rules place no check whatever. Practically speaking, under the rules, or rather the courtesy of the Senate, each Senator can speak as often and at as great length as he chooses. There is not only no previous question to cut him off, but a time can not even be set for taking a vote, except by unanimous consent. This is all very well in theory, and there is much to be said for the maintenance of a system, in one branch at least of the Government, where debate shall be entirely untrammelled. But the essence of a system of courtesy is that it should be the same at all points. The two great rights in our representative bodies are voting and debate. If the courtesy of unlimited debate is granted it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure; but, if we are forced to choose between them, the right of action must prevail over the right of discussion. To vote without debating is perilous, but to debate and never vote is imbecile. The difficulty in the Senate to-day is that, while the courtesy which permits unlimited debate is observed, the reciprocal courtesy, which should insure the opportunity to vote, is wholly disregarded.

If the system of reciprocal courtesy could be reestablished and observed, there need be no change in the Senate rules. As it is, there must be a change, for the delays which now take place are discrediting the Senate and this is something greatly to be deplored. The Senate was perhaps the greatest single achievement of the makers of the Constitution. It is one of the strongest bulwarks of our system of government, and anything which lowers it in the eyes of the people is a most serious matter. How the Senate may vote on any given question at any given time is of secondary importance, but when it is seen that it is unable to take any action at all the situation becomes of the gravest character. A body which can not govern itself will not long hold the respect of the people who have chosen it to govern the country.

No extreme or violent change is needed in order to remedy the existing condition of affairs. A simple rule giving the majority power to fix a time for taking a vote upon any measure which has been before the Senate and under discussion, say for 30 days, would be all sufficient. Such a change should be made and such a rule passed, for the majority ought to have and must have full power and responsibility.

On this point of the power of the majority, however, there is a great deal of popular misconception. It is customary to assail with bitter reproaches, as we have seen during the struggle over silver repeal, the minority who are resisting action. This is putting the blame in the wrong place. The minority may be justly censured for not conforming to a system of courtesy, but when that system has been overthrown, as is the case in the Senate in regard to voting and debate, the fault is no longer theirs. No minority is ever to blame for obstruction. If the rules permit them to obstruct, they are lawfully entitled to use those rules in order to stop a measure which they deem injurious. The blame for obstruction rests with the majority, and if there is obstruction it is because the majority permit it. The majority to which I here refer is the party majority in control of the Chamber. They may be divided on a given measure, but they, and they alone, are responsible for the general conduct of business. They, and they alone, can secure action and initiate proceedings to bring the body whose machinery they control to a vote. The long delay on the repeal of the purchasing clause of the silver act of 1890 has been due, without any reference to their internal divisions on the pending question, solely to the Democratic majority as a whole in full control of the Chamber and of the machinery of legislation. There never was a time when they could not have brought about a vote with the assistance of the Chair, whose occupant was also of their party, if, as a party, they had only chosen to do so.

No further argument is, I think, needed to show the necessity of some rule which, after allowing the most liberal latitude of debate, will yet enable the majority of the Senate to compel a vote. The prospects, however, of any such change are not very promising. It is not probable that any form of closure will be adopted by the Senate for some time to come. It will certainly never be attained unless the popular demand for it is not only urgent but intelligent. Newspapers and people generally have a way of rising up and demanding that filibustering be put down and closure enforced whenever some measure in which

they are specially interested at the moment is obstructed. On the other hand, filibustering is often regarded as very patriotic by people who do not want a given measure to pass. Many of the newspapers, for example, which have been shouting themselves hoarse over the obstruction to silver repeal in the Senate, loudly applauded precisely the same methods of obstruction when directed against the Federal elections bill a few years ago. It is this fact which takes all weight from the demands of the most vociferous shouters for action at the present time. Obstruction must be always good and proper or always bad and improper. It can not be sometimes good and sometimes bad as a principle of action. If the power to close debate is righteous for one measure it is righteous for all; and until that principle is accepted there is no possibility of reform. For example, the Democratic majority in the Senate refuses to change the rules in order to pass silver repeal. They can not, then, go on and introduce closure to pass the Federal elections bill and the tariff. They must apply closure to all or none.

The only way in which proper rules for the transaction of business in the Senate can be obtained will be through the action of a party committed as a party to the principle that the majority must rule, and that the parliamentary methods of the Senate must conform to that principle. The change must also be made at the beginning of the session, so as to apply to all measures alike which are to come before Congress, and it must be carried and established on its own merits as a general principle of government and not to suit a particular exigency. Whenever this reform is made it will come and it can come only in this way.

HENRY CABOT LODGE.

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