

ITEM 32 | COMMIT OR REFER, OR RECOMMIT

(All the rules in regard to this motion, except where stated to the contrary, apply equally to the motions to Go into Committee of the Whole, to Consider Informally, and to Recommit as it is called when a question is committed a second time.) This motion takes precedence of the motions to amend and to postpone indefinitely, and yields to all the other subsidiary [12] motions and to all privileged [14] and incidental [13] motions. It cannot be applied to any subsidiary motion, nor can it be laid on the table or postponed except in connection with the main question. The previous question, and motions to limit or extend the limits of debate, and to amend, may be applied, to it without affecting the main question. It is debatable but only as to the propriety of committing the main question.¹ If the motion to postpone indefinitely is pending when a question is referred to a committee, it is lost, and is not referred to the committee. Pending amendments go with the main motion to the committee. The motion to commit may be reconsidered, but after the committee has begun the consideration of the question referred to it, it is too late to move to reconsider the vote to commit. The committee may, however, then be discharged as shown below.

The motion to commit (that is, to refer to a committee) may vary in form all the way from the simple form of, "That the question be referred to a committee," to the complete form of referring to question "to a committee of five to be appointed by the chair, with instructions to report resolutions properly covering the case, at the next regular business meeting." If the motion is made in the complete form the details may be changed by amendments, though they are usually treated not as ordinary amendments, but as in filling blanks [33:14].

If the motion is made in the simple form of merely referring the pending question to a committee there are three courses that may be pursued in completing the details, the one to be chosen depending upon the circumstances of the case. (1) The simple, or skeleton, motion may be completed by moving amendments, or making suggestions, for adding the required details as stated below. (2) The chair on his own initiative may call for suggestions to complete the motion, first inquiring as to what committee the question shall be referred, and continuing in the order shown hereafter. (3) The motion in its simplest form may be put to vote at once by its enemies' ordering the previous question, and where the motion to commit is almost certain to be lost this is sometimes



done to save the time that would be uselessly spent in completing the details. If it should happen that the motion to commit is adopted, which is improbable, then the details are completed before any new business, except privileged matters, can be taken up. These details are taken up in the order given below, the chair calling for the several items much as if he were completing the motion before it was voted on.

In completing a motion simply to refer to a committee, the first question the chair asks is, "To what committee shall the question be referred?" If different ones are suggested, the suggestions are not treated as amendments of those previously offered, but are voted on in the following order until one receives a majority vote: Committee of the whole; as if in committee of the whole; consider informally; standing committee, in the order in which they are proposed; special (select) committee (largest number voted on first). If the question has already been before a standing or special committee the motion becomes the motion to recommit, and the committees would be voted on in the above order except the old committee would precede other standing and select committees. In suggesting or moving that the committee be a special one, the word "special" is not generally used, the motion being made to refer the question to a committee of five, or any other number, which makes it a special committee; that is, not a standing committee. If any committee except a special one is decided upon, the chair should then put the question on referring the question to that committee. But any one may interrupt him and move to add instructions, or he, himself, may suggest them, or instructions may be given after the vote has been taken on committing the question. Instructions may be given to the committee by a majority vote at any time before it submits its report, even at another session.

If the committee is to be a special one, it is necessary in addition to its number to decide how it is to be appointed. If different methods are suggested, or moved, they are voted on in the following order: Ballot; nominations from the floor (or open nominations); nominations by the chair; and lastly, appointment by the chair, the method that should usually be adopted in very large assemblies. When this is decided the completed motion to commit is put to vote. Instructions as heretofore stated may be added before the vote is taken on the motion to commit, or they may be given afterwards. If the motion to commit is adopted, no new business, except privileged matters, can intervene until the appointment of the committee by the method prescribed, except that when the chair appoints the

committee he may wish time to make his selections, which, however, must be announced to the assembly.

If nominations are made from the floor no one can nominate more than one, if objection is made. The member making a nomination in a large assembly rises, and, addressing the chair without waiting to be recognized, says, "I nominate Mr. A." In small assemblies the nominations for committees are frequently made by members from their seats suggesting names. The chair repeats each name as he hears it, and if no more than the prescribed number is suggested, he puts the question on the members named constituting the committee. If more names than the prescribed number are suggested, the chair puts the question on each name in succession, beginning with the first named, until enough are chosen to fill the committee. The negative must be put as well as the affirmative, a majority vote being required for each member of the committee. If the committee is nominated by the chair he states the question thus: "The question is, 'Shall these members constitute the committee?'" It is now in order to move to strike out any of the names, and if such a motion is adopted the chair replaces them with other names. When he appoints the committee no vote is taken, but he must announce the names of the committee to the assembly, and until such announcement is made the committee cannot act. If it is desired to permit the chair to appoint a committee after adjournment, it must be authorized by a vote. The power to appoint a committee carries with it the power to appoint its chairman and to fill any vacancy that may arise in the committee. The resignation of a member of a committee should be addressed to the appointing power.

The Forms of this motion are as follows: "To refer the question to a committee;" "To recommit the resolution;" "That the subject be referred to a committee of three to be appointed by the chair, and that it report by resolution at the next meeting;" "That it be referred to a committee with power;" "That the assembly do now resolve itself into [or, go into] committee of the whole, to take under consideration," etc., specifying the subject [55]; "That the resolution be considered as if in committee of the whole" [56]; "That the resolution be considered informally" [57].

The Object of the motion to refer to a standing or special committee is usually to enable a question to be more carefully investigated and put into better shape for the assembly to consider, than can be done in the assembly itself. Where an assembly is large and has a very large amount of business it is



safer to have every main question go to a committee before final action on it is taken. A special committee to investigate and report upon a subject should consist of representative members on both sides of the question, so that both parties in the assembly may have confidence in the report, or reports in case there is disagreement and a minority report is submitted. By care in selecting committees in ordinary assemblies, debates upon delicate and troublesome questions can be mostly confined to the committees. It is not at all necessary to appoint on the committee the member who makes the motion to refer, but it is usual, and the courteous thing to do, when he is specially interested or informed on the subject. If the appointing power does not designate a chairman of the committee, the member first named acts as such unless the committee elects its own chairman. Consequently it is very important that the first named should be an efficient person, especially in a committee for action.

Sometimes a question is referred to a committee with full power to act in the case. When the duty assigned it has been performed, it should report what it has done, and when this report has been made the committee ceases to exist. When the assembly has decided a question and appoints a committee to take certain action (such as a committee of arrangements for holding a public meeting), then the committee should be small, and all should be favorable to the action to be taken. If any one is appointed on such a committee who is not in sympathy with the proposed action, he should say so and ask to be excused. Sometimes such a committee is given power to add to its number.

The object of going into committee of the whole, or considering a question as if in committee of the whole, or informally, is to enable the assembly to discuss a question with perfect freedom, there being no limit to the number of speeches. The first method is used in the United States House of Representatives, and the second in the United States Senate. The last one is the simplest, and is best adapted to ordinary societies that are not very large. They are explained in 55-57.

If any form of the motion to commit is made with reference to a question not pending, it becomes a main motion. Thus, a motion to go into committee of the whole on a question not pending, or to appoint a committee upon a subject not pending, or to appoint a committee to take certain action, is a main motion.

To Discharge a Committee. When a committee has made its final report and it has been received by the assembly, the committee



ceases to exist without any motion being made to that effect. If, for any reason, the assembly wishes to take a question out of the hands of a committee, and it is too late to reconsider the vote on the committal, it is necessary to "discharge the committee from further consideration" of the resolution or other matter referred to it, for as long as the matter is in the hands of the committee, the assembly cannot consider anything involving practically the same question. If the committee has not yet taken up the question referred to it, the proper motion on the day or the day after it was referred, is to reconsider the vote to commit, which requires only a majority vote. If the motion to reconsider cannot be made, a motion to discharge the committee should be made, which, if adopted, practically rescinds action taken, and therefore requires a two-thirds vote, or a vote of a majority of the membership, unless previous notice of the motion has been given, when it requires only a majority vote. When the committee is discharged its chairman returns to the secretary all papers that have been entrusted to him. It requires a motion to bring the matter referred before the assembly, and this motion may be combined with the motion to discharge, thus: "I move that the committee to whom was referred the resolution on immigration be discharged, and that the resolution be now taken up for consideration [or, be considered at some other specified time]."²

Footnotes

¹ Congress has changed its rule in regard to the motion to commit, so that now it is undebatable, instead of being debatable and opening to debate the merits of the main question. In a body like Congress, where nearly all the business must be attended to in committees, debate on referring a proposition to a committee should not be allowed. Members can appear before the committee and present their views. But in an ordinary deliberative assembly it is better to observe the general principles governing the debatability of motion as laid down in [45], and allow of debate as to the propriety of referring the question to a committee.

² In H.R. Rule 27 is the following: "4. Any member may present to the clerk a motion in writing to discharge a committee from further consideration of any public bill or joint resolution which may have been referred to such committee fifteen days prior thereto. All such motions shall be entered in the Journal and printed on a calendar to be known as a 'Calendar of Motions to Discharge Committees.' ... When such motions shall be called up ... debate on such motion shall be limited to twenty minutes, one-half thereof in favor of the proposition and one-half in opposition thereto. Such motions shall have precedence over motions to suspend the rules and shall require for adoption an affirmative vote of a majority of the membership of the House."

