

CRS Report for Congress

The Congressional Record; Content, History and Issues

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THE CONGRESSIONAL RECORD

SUMMARY

The *Journals* of the House and Senate, in which the daily actions of the respective chambers are recorded, are the official records of House and Senate proceedings. However, the *Congressional Record*—printed by the Government Printing Office on a daily, over night basis, and after a session is over in bound form—is widely considered to be an essential, fuller record of legislative proceedings. Published under this title since 1873—and before that in three forms and under three titles (*Annals of Congress*, *Register of Debates*, and the *Congressional Globe*)—the *Record* records the daily floor proceedings of the House and Senate, substantially verbatim. Since 1947, each day's *Record* also contains at its close a Daily Digest, which recounts by chamber the day's activities, including the number of bills introduced, the floor actions taken that day, a summary of meetings held that day by committees and for what purpose, and a list of committee meetings scheduled for the next day and on what topics (at the end of each week a list of committee meetings scheduled for the following week, and their topics, is printed).

Oversight of the *Record* is lodged with the Joint Committee on Printing, while legislative authority is vested in the House Committee on House Administration and the Senate Committee on Rules and Administration. Federal law (title 44) governs some procedures for the printing of the *Record*, supplemented by directives and regulations issued by the Joint Committee or the two Administration Committees. Nowadays, the House prints most commentary by Members that is unrelated to the day's floor proceedings in a section called the Extensions of Remarks; such remarks in the Senate, however, are not printed in this section but appear in the Senate portion of the *Record*. Since 1985, statements not spoken on the floor of the House have been printed in a type font that differs from that used for words that are spoken. Between 1978 and 1985, both Houses distinguished unspoken from spoken comments with a bullet (●), a practice that the Senate still follows.

Even though House floor proceedings have been televised since 1979 and Senate floor proceedings since 1986, the *Record* is viewed as a more reliable account of these proceedings in each chamber. This is so because in the course of conducting business on the floor, Members frequently ask for—and are almost always granted—a truncated reading of a bill or amendment and, instead, its printing in full in the *Record*. Similarly, Members often offer motions in an abbreviated form in order to save time and expedite action. Accordingly, the video transcripts of floor proceedings are not complete nor technically accurate in either regard. On the other hand, in the *Record* everything is printed as if it had been fully read or exactly stated. Thus the *Record* presents a complete and grammatically correct rendition of all bill and amendment texts and of all motions or other procedural matters. The *Record* is also more accurate because in it Members are allowed to grammatically revise and extend their spoken remarks. Such editing cannot be done during live broadcasts of floor proceedings.

CONTENTS

HISTORY	1
FORM AND CONTENT	6
Proceedings of the House and Senate	7
Extensions of Remarks	8
Daily Digest	9
The Indices	10
PRODUCTION	10
HISTORY OF THE TRADITION OF REVISING, EXTENDING, AND INSERTING REMARKS IN THE <i>CONGRESSIONAL RECORD</i>	14
1990 HOUSE ACTION	18
DISTINGUISHING SPOKEN AND UNSPOKEN REMARKS IN THE <i>CONGRESSIONAL RECORD</i>	19
The Bullet	19
1985-1986 Reforms	20
COURT ACTION	21

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THE CONGRESSIONAL RECORD

HISTORY

The *Congressional Record* is the most widely recognized published account of the debates, proceedings, and activities of the United States Congress. According to former Senate Majority Leader (and U.S. President) Lyndon Johnson:

There are few documents more important than the *Congressional Record*. Locked in its pages are the debate, the resolutions, the bills, the memorials, the petitions, and the legislative actions that are the reason for the existence of the Senate [and the House]. It is a document which affects our laws, our precedents, and our judicial decisions.¹

The *Record* is an essential part of the legislative process. Today the proceedings of Congress are so thoroughly covered that it is hard to imagine any period in history when they were not. However, the present practice of congressional coverage evolved slowly with privately published newspaper accounts and other documents preceding what is now known as the *Congressional Record*.²

The Constitution (Article I, Section 5, Clause 3) provides that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy." Accordingly, the House and Senate *Journals* are the official records of congressional proceedings, but the *Record* is more widely known, referred to, and used.³

The *Journals* "are, in effect, minute books or summaries of the floor proceedings published after each session of the Congress is completed."⁴ Included in them are Presidential messages, congressional votes, histories of bills, and procedural matters. They contain no debates or discussions.

¹ Senate Historical Office. *Official Reporters of Debates of the United States Senate*. Washington, U.S. Govt. Print. Off., 1990. p. 13.

² Hinds, Asher C. *Hinds' Precedents of the House of Representatives of the United States*. Volume V. Washington, U.S. Govt. Print. Off., 1907. Sec. 6959, p. 974-978.

Byrd, Robert C. Reporters of Debate and the *Congressional Record*. In his *The Senate, 1789-1989*. Vol. 2. Washington, U.S. Govt. Print. Off. 1991. p. 311-325.

³ The House has televised its proceedings since 1979 and the Senate since 1986. However, the videotapes of these are not considered an official record of either Chamber's proceedings and are not easily accessible to the public.

⁴ Byrd, Reporters of Debate and the *Congressional Record*, p. 311-312.

Prior to 1873, when the *Congressional Record* was first published, there was no complete and systematic method of recording congressional proceedings and debates. According to historian Elizabeth McPherson, this may be explained by the lack of precedent in the England as well as in America.⁵

The proceedings of Parliament had been closed for several centuries. However, the House of Lords began to keep a journal of its proceedings in 1509, and the House of Commons in 1547. Following this precedent, the Colonial Assemblies in America kept a journal of their proceedings. Likewise, the proceedings of the First and Second Continental Congresses and the Constitutional Convention were also closed, with only journals recording their proceedings. Following these precedents, the drafters of the Constitution provided only that each House keep a journal.

When the First Congress assembled in 1789 in New York, "it did not occur to the Members that it was of the greatest importance that their constituents should be furnished accurate copies of the debates."⁶ Furthermore, the Senate admitted no outsiders at all during its first five years even though the House of Representatives opened its doors almost immediately to both the public and reporters who were permitted to make unofficial reports of the debates.⁷

Reports of the early House proceedings were subsequently published in newspapers such as the New York *Daily Gazette* and the Philadelphia *Gazette*.⁸ These accounts, as well as Senate ones first published five years later, were irregular and tailored towards the political views of their editors. Accounts of House proceedings were also published in the late 18th Century in short-lived publications such as Thomas Lloyd's *Congressional Register*.⁹

Although in its early years, Senate meetings were not open to the public, excerpts from its *Journals* were published in newspapers from time to time.

⁵ Mundt, Karl. Reporting the Debates of Congress. Remarks in the Senate. *Congressional Record*, v. 88, June 10, 1942. p. A2182-A2185. This is a reprint of McPherson, Elizabeth Gregory. Reporting the Debates of Congress. A paper prepared for the Twenty-sixth Annual Convention of the National Association of Teachers, Detroit, MI, Dec. 30, 1941. Appears in *Quarterly Journal of Speech*, v. 28, April 1942. p. 141-148.

⁶ Mundt, Reporting the Debates of Congress, p. A2184.

⁷ McPherson, Elizabeth G. The Southern States and the Reporting of Senate Debates, 1789-1802. *Journal of Southern History*, v. 12, no. 2, May 1946. p. 243-246.

⁸ Mundt, p. A2183. Congress moved to Philadelphia in 1790, which accounts for the reporting of its proceedings in the Philadelphia *Gazette*.

⁹ *The Congressional Register or History of the Proceedings and the Debates of the First House of Representatives of the United States of America*. Containing an impartial account of the most interesting speeches and motions; and accurate copies of remarkable papers laid before and offered to the House. New York, printed for the editor, by Harrison and Purdy, 1789-90. 4v.

Moreover, Senator William Maclay of Pennsylvania kept a private Senate journal of the First Congress which was later published.¹⁰

The Senate first opened its doors on February 11, 1794, during the debate on the seating of Albert Gallatin of Pennsylvania. That experiment was so satisfactory that the Senate agreed to admit spectators as soon as galleries could be built. They were subsequently built during the summer of 1795 and the doors were "opened" to the public on December 9, 1795. Two days later, on December 11, the first debates of the Senate were published in Philadelphia newspapers.

By 1802, the Senate had voted to permit "stenographers and note-takers on the floor in response to a petition from Samuel Smith."¹¹ He was a personal friend of President Thomas Jefferson and published the *National Intelligencer*, a Washington newspaper and one of the early 19th century newspapers which reported on congressional proceedings.¹² It came out three times a week and was one of the primary sources of information on Congress. It "published its notes on the debates, which other newspapers around the country then clipped and reprinted."¹³ The results, however, were sometimes inaccurate because shorthand had not been perfected.

Subsequently, Smith sold the paper to one of his printers, Joseph Gales. He was later joined by his brother-in-law William Seaton, and together they founded the publishing firm of Gales and Seaton which became the official printers for Congress in 1819. These two men, both stenographic reporters, had unofficially been reporting on the proceedings of Congress for the *National Intelligencer*, with Gales reporting on the Senate and Seaton on the House of Representatives.

In 1824 they began to publish the *Register of Debates*, the first publication of its kind (other than the House and Senate *Journals*) devoted entirely to congressional proceedings. The *Register* was not, however, a verbatim account, but rather an abstract of the debates in Congress that the editors considered important.¹⁴ The various issues were written in the first and third persons

¹⁰ Maclay, William. *Sketches of Debate in the First Senate of the United States in 1789-1791*. New York, Ungar Publishing Company, 1965. 357p.

¹¹ Senate Historical Office, *Official Reporters of Debates of the United States Senate*, p. 2.

¹² The Congress had moved to Washington and convened there for the first time during the Second Session of the 6th Congress in 1800.

¹³ Byrd, Reporters of Debates and the *Congressional Record*, p. 312-313.

¹⁴ *Register of Debates in Congress*, comprising the leading debates and incidents of the Second Session of the 18th Congress to the First Session of the 25th Congress (Dec. 6, 1824, to Oct. 16, 1837). Washington, Gales and Seaton, 1825-1837. 14 v. in 29 books. For a description of the *Annals, Register of Debates, and Congressional Globe*, see U.S. Library of Congress. Congressional Research Service. *Guide to the Annals of Congress, Register of Debates, Congressional Globe and*

and covered the Second Session of the 18th Congress to the First Session of the 25th Congress (1824-1837). The *Register* gave more complete reports on Congress than those which appeared in the *National Intelligencer*.¹⁶

Subsequently, Gales and Seaton lost their position as congressional printers, although they continued to publish the *Register*. After attempting several other commercial projects, in 1834, they began to publish the *Annals of Congress*.¹⁶ Compiled from newspaper accounts of Congress, the *Journals*, stenographic reports of the important debates, and unpublished accounts of debates, the *Annals* were reconstructive abstracts covering the 1st Congress through the 18th Congress, First Session (1789-1824).¹⁷ According to historian McPherson, the *Annals* were contemplated as early as 1818, but did not begin until 1833, under the direction of Joseph Gales, Sr., father of the Senate reporter. Because of a lack of money, publication was halted after two years, but was revived from 1849 to 1856 after Congress authorized Gales and Seaton to finish the project.

In 1833, the same year that work was beginning on the *Annals*, the rival printing firm of Francis Blair and John Rives began work on the *Congressional Globe*.¹⁸ Blair was the owner of the *Globe*, a semi-weekly which reported on congressional debates and activities. Thus, between December 2, 1833, and October 16, 1837, when the *Register* was suspended, there were two simultaneous publications of congressional proceedings.

According to historian McPherson, the *Globe* was the first publication of its kind to give each step in every measure coming before both Houses. During its early years, it was an abstract much like its predecessors, although it had three columns instead of two. However, beginning in 1851, the 32d Congress, it was written in the first person and was more nearly a verbatim account.

In the 30th and 31st Congresses (1848 and 1850), the Senate and House respectively made contracts with several newspapers to publish the debates and then furnish the editors of the *Congressional Globe* with copies of debate for

Congressional Record, 1st-99th Congresses, 1789-1986, by Fred Pauls. (Washington) 1986. 28p. CRS unnumbered report.

¹⁶ There was another *Register of Debates* published by Duff Green in two volumes in 1834 giving speeches delivered in Congress from December 2, 1833, to May 31, 1834. This publication had no connection to the ones published by Gales and Seaton.

¹⁶ *Annals of Congress. The Debates and Proceedings in the Congress of the United States...*comprising the period from March 3, 1789, to May 27, 1824. Washington: Gales and Seaton, 1835-1846. 42 v.

¹⁷ Mundt, *Reporting the Debates of Congress*, p. A2183.

¹⁸ *The Congressional Globe...*(23d Congress to 42d Congress, Dec. 2, 1833, to March 3, 1873). Washington: 1834-1873. 46 v. in 111 books.

publication.¹⁹ This semiofficial plan marks the beginning of so-called "verbatim" reporting in Congress.²⁰

After 1855, reporters of the *Congressional Globe* were paid at public expense and in 1863 a system of annual appropriations for reporting debates and floor discussion was begun.²¹

Originally, the *Globe* was a weekly publication, but Congress passed a law in 1865 that required it to be published daily and delivered to all Members of Congress at the time of their next meeting.²²

During the Civil War and Reconstruction, the editors of the *Globe* were unable to publish the debates as fast as necessary and Members often complained.²³ Moreover, in 1860, the Government Printing Office was established for printing government documents, and there were proposals for this new printing establishment to publish the official proceedings of Congress.

Finally, Congress decided that the debates could be published more economically and satisfactorily under its direction at the Government Printing Office and that they should be reported officially.²⁴ Once the contract for the *Globe* expired (it was being published by Rives and Bailey) at the end of the 42d Congress on March 3, 1873, Congress voted to have its debates published by the congressional printer at the Government Printing Office.²⁵

What we now know as the *Congressional Record* was first published the next day. The initial issue contained the events of March 4, 1873 (a special session of the Senate); and the *Record*, along with the *Journals*, has reflected the official proceedings of Congress ever since.

The *Record* retained the physical appearance and layout (two columns per page) of the *Globe* until 1941 when a shift was made from two columns to three.

¹⁹ Mundt, *Reporting the Debates of Congress*, p. A2184.

²⁰ *Ibid.* According to historian McPherson, this was due to use of the phonetic shorthand of Isaac Pitman and furnished a system superior to any used previously. Formerly, there had been no reliable system in use and much of a day's business was reported in a fragmentary way.

²¹ 12 Stat. 682, 683.

²² 13 Stat. 460.

²³ Mundt, *Reporting the Debates of Congress*, p. A2185.

²⁴ *Ibid.*

²⁵ 17 Stat. 510.

Although the *Record* was to be published by the congressional printer, no provision was made for the actual reporting of the debates. Accordingly, each House was permitted to make its own arrangement.²⁶ Both voted to keep the *Globe* reporters as their Official Reporters.

FORM AND CONTENT

The *Congressional Record*, which currently averages about 272 pages a day, is a substantially verbatim account of the proceedings of Congress. It is published daily when either or both Houses of Congress are in session. The *Record* can be thought of as the world's largest daily newspaper as it contains an account of everything that is said and done on the floors of the House and Senate, extensive additional reprinting of inserted materials, and since 1947, a resume of congressional activity (the Daily Digest).²⁷

The *Congressional Record* is controlled by concurrent resolution and law.²⁸ The House and Senate each control the content of their portions of the *Record*, and the Joint Committee on Printing has certain controls over the form and content of the *Record*.²⁹

This committee serves somewhat as a board of directors for the Government Printing Office. It does not have legislative jurisdiction. It consists of ten members, five from the Senate Rules and Administration Committee and five from the House Administration Committee. Its chairman and vice chairman alternate between the two committees. Pursuant to the Act of January 12, 1895, the Joint Committee on Printing has "control of the arrangement and style of the *Congressional Record*," and responsibility for "providing that it shall be substantially a verbatim report of the proceedings..."³⁰ Accordingly, the responsibility for the editorial functions and printing of the *Record* is divided between the Congress which controls the content, editing and reporting and the Government Printing Office which is responsible for the printing, binding, and distribution.

The *Congressional Record* consists of four sections: the proceedings of the House, the proceedings of the Senate, the Extensions of Remarks, containing

²⁶ Hinds, *Precedents of the House of Representatives*, vol. V, Sec. 6959. p. 977.

²⁷ Vose, Clement. *A Guide to Library Sources in Political Science*. Washington, American Political Science Association, 1975. p. 19.

²⁸ 44 U.S.C. 901-905.

²⁹ Hinds, *Precedents of the House of Representatives*, vol. V, p. 1007, Sec. 7024; see also Laws and Rules for Publication of the *Congressional Record* [found in periodic issues of the daily *Record*].

³⁰ 28 Stat. 603.

matter not part of the spoken debates and proceedings; and the Daily Digest of activity in the Congress. In the daily edition, each section is paginated separately and continuously during each session of Congress. Each page in each section of the daily editions is preceded by the letter prefix as follows: "S" for Senate, "H" for House, "E" for Extension of remarks, and "D" for Daily Digest. The proceedings of the House and Senate alternately appear first in each daily printing of the *Record* when schedules permit.

At the beginning of each month a resume of congressional activity appears in the *Record* providing cumulative statistical data including days and hours Congress was in session, number of pages of proceedings printed in the *Record*, and number of bills introduced, reported, and enacted into law.

There are two editions of the *Record*, a daily one and a bound, permanent one.³¹ As previously noted, the daily edition reports each day's proceedings in Congress and is published on the succeeding day. Periodically, throughout a session, indices to the daily *Record* are published.

The permanent edition differs somewhat from the daily edition. Its text is somewhat edited, revised and rearranged. The pagination is continuous for each session; but there is no "H", "S," or "E" before each page number. There is a volume number for each session and numerous parts to each volume.

The final two volumes of the permanent *Record* of each session are an index containing a history of bills and resolutions and a compilation of Daily Digests for the session. The conclusion of the latter contains a comprehensive resume of all legislative business transacted by the House and Senate during each session (at the end of odd numbered years) and a resume of all business transacted during an entire Congress (at the end of even numbered years).

Proceedings of the House and Senate

The *Congressional Record* is not an exact record of the proceedings and debate in the House and Senate. As previously stated, it is a "substantially verbatim" report. In addition to debate, the *Record* contains communications from the President and the Executive Branch, memorials, petitions, and various information (including amendments and cosponsors) on legislation introduced and/or passed. Committee activities usually are not reported in the body of the *Record* other than the mentioning of reports made to the House or Senate or notices of meetings.

The text of bills and resolutions introduced, reports of committees, if previously printed elsewhere, or laws enacted are also not usually printed in the

³¹ Until the 99th Congress, First Session (1985), a third edition known as the "green-back," or bi-weekly edition was published. It was a compilation of the daily editions with a separate index.

Record.³² Conference reports may be published only once, in the proceedings of either the House or the Senate.

In addition, Members of both Houses are allowed to edit the transcript of their remarks before publication in the daily *Record*, permanent *Record*, or both. Also, by unanimous consent, House Members may be granted leave to revise and extend their remarks. Senators may be given permission to have inserted in the *Record*, at the point where they stopped speaking, any unfinished remarks.

Remarks and extraneous material not necessarily pertaining to legislation may also be inserted, subject to certain limitations.³³

Profanity and unseemly language are forbidden. Neither materials in a foreign language nor maps, diagrams, illustrations, or cartoons may be inserted in the *Record* without the approval of the Joint Committee on Printing. The latter restrictions were in part the results of Senator Benjamin Tillman inserting on October 3, 1913, two political cartoons which had appeared in a New York newspaper. Although Senator Tillman had "routinely obtained the Senate's approval for publication, several Senators announced they would have objected to his request had they known of it."³⁴ Now, 44 USC §904 prohibits such illustrations.

Extensions of Remarks

The section in each day's *Record* following the House and Senate proceedings is known as the Extensions of Remarks.³⁵ This section is now used only by Members of the House to include additional legislative statements not delivered on the House floor as well as extraneous materials such as the text of speeches delivered outside Congress, letters from and tributes to constituents, and newspaper or magazine articles.³⁶

³² Sometimes the text of bills introduced in the Senate are published during the introductory remarks of the Senator introducing it.

³³ Since 1972, when the Joint Committee on Printing revived a previous restriction, no extraneous matter in excess of two printed pages (with some exceptions) may be printed in the *Record* unless the Member announces the estimate in writing from the Public Printer of the probable cost of publishing. See *Congressional Record*, v. 118, May 24, 1972. p. 18653.

³⁴ Dole, Robert. Cartoons in the *Congressional Record*. In his *Historical Almanac of the United States Senate*. Washington, U.S. Govt. Print. Off., 1989. p. 185-187.

³⁵ U.S. Congress. House. *Deschler's Precedents of the United States House of Representatives*. House Documents No. 94-661, 94th Cong., 2d Sess. v. 1, chapter 5, section 20. Washington, U.S. Govt. Print. Off., 1976.

³⁶ Remarks not delivered by Senators that are to be inserted in the *Record* are usually found in the "Additional Statements" section of Senate proceedings, effective February 10, 1970. See Rule 2 of Senate Supplement to "Laws and Rules" of the *Congressional Record*; and Mansfield, Mike, and Scott, Hugh. *Limitation of Statements During Transaction of Routine Morning*

Until the 90th Congress, 2d Session (1968), what is now known as the Extensions of Remarks section of the *Record* was called the Appendix. The Appendix (now Extensions) formed part of both the daily and permanent editions of the *Record* from the 75th Congress, First Sessions (1937), through the 83d Congress, Second Session (1954).

Beginning with the 77th Congress, First Session (1941), each page number was preceded by the designation "A." With the 83d Congress, Second Session (1954), the Appendix pages were omitted from the permanent editions of the *Record* and could only be found in the daily editions. However, materials from the Appendix considered germane to legislation were inserted in the permanent *Record* at the point where the legislation was under discussion.

Commencing in 1968, the Extensions of Remarks section replaced the Appendix and appeared in both the daily and permanent editions of the *Record*. Moreover, beginning at the same time on the last page of each daily edition, was the alphabetical listing of Members whose extensions of remarks appear in that issue. All of these actions were at the direction of the Joint Committee on Printing.

Also printed here in the daily *Record* on Mondays and Wednesdays is a list of the prospective Senate committee and subcommittee meetings. Title IV of Senate Resolution 4, 95th Congress, the Committee System Reorganization Amendments of 1977, called for the development of a computerized system for recording and assisting in scheduling of meetings to be held by Senate, joint, and conference committees and Senate subcommittees. The intent of this section, which is compiled by the Senate Daily Digest staff, is to assist Senators and committees in planning their schedules and to minimize schedule conflicts.

The Extensions of Remarks and Daily Digest are always the last portion of the daily edition of the *Record*. Periodically, between them are found various materials to provide useful and diverse information. These include Laws and Rules for Publication of the *Record*, a listing of Representatives and Senators as well as their office numbers, officers of the House and Senate, the names of the official reporters of debate, committee memberships, and the names of the Justices of the Supreme Court and judges of certain other Federal courts.

Daily Digest

The last portion of the daily *Congressional Record* is known as the Daily Digest. It was established by the Legislative Reorganization Act of 1946 (Public Law 601, 79th Congress) to provide a concise and convenient account of actions taken by the House, Senate committees, and subcommittees during the previous day and activities scheduled the next day.

By the mid-1940's, the *Record* and legislative activity had become so extensive that a daily summary seemed advisable. Accordingly, Dr. Floyd Riddick, a specialist in congressional procedure and now Parliamentarian Emeritus of the Senate, recommended the creation of a digest to highlight each day's activities. His recommendation was incorporated into the Reorganization Act, and at the commencement of the 80th Congress in 1947, he became the first editor of the Daily Digest. He held the position until 1951 when he became assistant Senate Parliamentarian.

In practice, the Daily Digest contains a summary of work of the day covered in the body of the *Record*, organized under "Highlights," "Senate Chamber Action," "Senate Committee Meetings," "House Chamber Action," "House Committee Meetings," and "Joint Committee Meetings" and a list of committee meetings scheduled for the next day. Friday issues, or the last issue of the week, contain, in addition, a section entitled "Congressional Program Ahead" which outlines the plans of each Chamber and its committees for the coming week.

As previously noted, in the permanent, bound edition of each session's *Congressional Record* is one volume that is a compilation of all the Daily Digests for that session.

The Indices

Semimonthly indices and an index to the bound edition of the *Record* are required by law (44 U.S.C. 901). The index is not only an indispensable guide to the contents of the *Record*, but it is also an important aid in tracing legislation. The biweekly indices cannot be used for the bound, permanent *Record*, nor can the bound, permanent index to a session be used for the daily *Record*, since the daily and bound volume paginations are not the same.

The indices are composed of two parts, an index to the proceedings, which includes material in the Extensions of Remarks and is, in general, arranged by name as well as subject; and a history of bills and resolutions (for both House and Senate measures) which is arranged by bill and resolution numbers.

With the index, one can locate all of the *Record* page references to items such as the remarks made by a particular Member, all the bills and the amendments introduced by that Member as well as follow the legislative history of legislation, such as when a measure was introduced and/or reported, debated, passed, and enacted.

PRODUCTION

The compilation of the information that comprises the *Congressional Record* is assembled for publication by the Government Printing Office (GPO).

It operates under a tight schedule for timely publication of about 20,000 daily *Records* which are distributed to the President, Members, staffs, and committees of Congress, agencies of the three branches of government, and depository libraries throughout the country.

Each chamber has a staff of professional stenographers to report the proceedings on the floor of the House and Senate. Known as the Official Reporters of Debate, their primary function is to prepare and edit for publication in the *Congressional Record* a substantially verbatim record of the proceedings.³⁷ In addition, the offices serve as a liaison for matters related to the *Record*; coordinate with GPO the scheduling, printing, and correction of the daily and permanent *Record*; and confer with the Joint Committee on Printing about the *Record* format.

Spectators in the galleries can see these reporters moving from speaker to speaker, depending on who is addressing his/her colleagues in the House or Senate.³⁸ Not only are these reporters all skilled in shorthand, but they are also knowledgeable in the area of parliamentary procedure, a must for reporting and transcribing congressional proceedings.

The Official Reporters of Debate have been employed directly by Congress since March 1873 when the first issue of the *Congressional Record* was published by GPO. Although technological advances have been made in the reporting of congressional proceedings, these reporters still move from speaker to speaker in order to accurately report all remarks.

In the Senate, there are seven reporters, all of whom are under the supervision of the Secretary of the Senate. The proceedings in the Senate Chamber are reported verbatim in 10-minute relays by this seven-member team, using stenographic machines. At the end of each relay, the reporters return to their office where their notes are "noteread" and transcribed by an expert team. Prior to using these machines, the shorthand notes were all done by hand by stenographers known as penwriters.

According to *Official Reporters of Debate of the United States Senate*, the Senate reporters in 1989 began using a Computer Assisted Transcription system (CAT) which requires them to build a separate dictionary of their unique shorthand codes, which are then stored in the computer.³⁹ The stenographic machines they use contain a computer chip to store shorthand notes. When the data is fed into the computer, the shorthand notes are quickly converted.

³⁷ U.S. Congress. Joint Committee on Printing. *Current Procedures and Production Processes of the Congressional Record prepared by the Advisory Committee on Automation and Standardization of Congressional Publications*. Committee Print, 95th Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1978. 132p.

³⁸ House reporters also sit at a table in the well of the House.

³⁹ Senate Historical Office, *Official Reporters of Debates of the United States Senate*, p. 11.

Once the reporters have compared the converted text with their original notes and GPO requirements, inserted appropriate headlines, checked Senate procedural requirements, and made minor grammatical corrections, the transcript is submitted to the Chief Reporter for further editing, collating, indexing, and arrangement for printing. Under the rules of the Senate, Senators are permitted to make minor corrections in their remarks, but no substantive changes are allowed. The typed transcript of the remarks of Senators is available within 45 to 60 minutes after words are spoken on the floor of the Senate.

Senators may also use prepared statements, outlines, or other materials when they address the Senate. These materials are made available to the reporters for their use. After the various materials are reviewed by the Chief Reporter, the transcripts are delivered to the GPO where the *Record* is prepared together with the transcript delivered from the House of Representatives. Deliveries usually begin at approximately 4 p.m. and continue every 45 minutes throughout the evening until all transcripts have been delivered.

In the House of Representatives there are nine Official Reporters of Debate who work in 10 and 15 minute relays. Members' remarks are taken down by either stenotype machine or shorthand.

When a House reporter has finished his/her turn on the floor, he/she returns to the office to dictate to a transcriber. The reporters are responsible for editing, grammatical corrections, and parliamentary procedure.

The typed transcript is then returned to the Floor Clerks where it is distributed to those Members wishing to see their remarks.

Control of the transcript is determined by House rules concerning allocation of floor time. Thus, the Member in control of the floor receives the transcript for the time under his/her control. That Member may pass it on to the other Members. Should revisions impact on another Member's remarks, the second Member should be aware of the changes, although the transcript remains the responsibility of the Member in control of the time. He/she must return it to the reporters for publication in the *Record*.

Subsequently, as with Senate proceedings, there is a first courier run in the late afternoon to GPO where publication is beginning on the *Record* to be delivered the following day.

The Government Printing Office operates around the clock, with the needs of Congress consuming the most important of its nocturnal production. It publishes overnight the debates and proceedings in the House and the Senate as supplied to them by the Official Reporters of Debates. The *Congressional Record* staff there never knows from day to day how long each edition will run. Copy for the *Record* begins arriving at the Government Printing Office around

4:00 p.m. By 7:00 p.m. all tabular material must be submitted. Manuscript copy is due by 9:00 p.m. and speech material must be received by midnight.

By 1:15 a.m. typesetting is usually completed, and by 2:30 a.m. proofreading is complete. By 3:30 a.m. page makeup is completed and by 4:45 a.m. the last plate goes to press. By 5:15 a.m. the first copies reach the collating and binding division and usually by 6:00 a.m. first delivery to Congress is ready. The Government Printing Office strives to have the *Record* available to Members when Congress convenes. Sometimes, a late session causes a delay in the *Record's* production, or a division of a day's proceedings into more than one issue.

Production of the *Record* has kept pace with modern technology and concerns. Electronic printing technology is used, and on March 24, 1992, for the first time portions of the *Record* were printed on 100 percent recycled newspaper. After a gradual phase-in period, the entire *Record* will be printed solely on recycled paper.⁴⁰

Other advances include a binding format (cover and back) which began in 1983 to improve its handling and distribution, the first production (in 1985) of the *Record* on CD-Rom and in 1986 on microfiche, and the availability of the *Record* from commercial vendors to the office computers of Members of Congress. The establishment of a computerized on-line daily *Congressional Record* from GPO is expected by the end of FY1993.⁴¹

Moreover, in the 102d Congress, the House passed a measure to establish within the GPO a means of enhancing electronic public access in depository libraries to a wide range of Federal electronic information, including the *Congressional Record*.⁴² H.R. 5983, sponsored by Representative Charlie Rose (D-NC), chairman of the Committee on House Administration and the Joint Committee on Printing, was reported after joint hearings in July 1992 by the Committees on House Administration and Senate Rules.⁴³ Other efforts are underway to streamline delivery of transcripts of the *Record* to GPO.

⁴⁰ Rose, Charles. *Congressional Record Printed on 100 Percent Recycled Newsprint*, *Congressional Record*, Daily Edition, v. 138, March 25, 1992, p. H1765-H1766.

⁴¹ U.S. Congress. House. Committee on Appropriations. Subcommittee on Legislative Branch Appropriations. *Legislative Branch Appropriations for 1993*. Hearings, 102d Congress, 2d Sess. Washington, U.S. Govt. Print. Off., 1992. p. 445.

⁴² Government Printing Office Electronic Information Access Enhancement Act of 1992. *Congressional Record*, Daily Edition, v. 138, Sept. 29, 1992. p. H9683-H9684.

⁴³ U.S. Congress. House. *Government Printing Office Electronic Information Access Enhancement Act of 1992*. Report to Accompany H.R. 5983. House Report No. 102-933, 102d Congress, 2d Sess. Washington, U.S. Govt. Print. Off., 1992. 12p.

The subscription price of the *Record* was fixed a \$1.50 per month from 1880 to 1970. A law signed on June 12, 1970 (84 Stat. 303) authorized the Public Printer to establish a price based upon the cost of printing and distribution. Currently, the cost is \$225 a year (about \$18 a month) for the daily paper edition and \$118 (about \$10 a month) for the daily microfiche edition.

HISTORY OF THE TRADITION OF REVISING, EXTENDING, AND INSERTING REMARKS IN THE *CONGRESSIONAL RECORD*⁴⁴

The practice of inserting in the *Congressional Record* remarks and speeches not actually delivered on the floor of either the House or the Senate is a long-standing one which has evolved through custom and unwritten rules in both Houses. Also, as a matter of tradition, not traceable to any particular law, is the custom of Members of both Houses revising and editing their remarks before copy is sent to GPO. These practices have continued through precedents, regulations promulgated by the Joint Committee on Printing, and in the Senate, through a Standing Order and instructions from the Senate Leadership in 1970.

Among the theories behind these customs is that it conserves time, yet permits Members to make their opinions known on issues at hand; permits Members to correct errors and impolitic remarks; and provides another means by which constituents can gain insight into the thinking of their Representatives.⁴⁵

Undelivered remarks and speeches in the House (distinguishable by a different style type) and revisions and corrections are inserted in the *Congressional Record* under a "leave to print" privilege which is exercised in two forms. Under one, the Member obtains permission to address the House and when his/her time has expired, he/she asks "leave to revise and extend my remarks." According to *Hind's Precedents of the House of Representatives*, "The House quite generally stipulates, in granting leave to print, that it shall be exercised without unreasonable freedom."⁴⁶

Moreover, Rule 9 of Laws and Rules for Publication of the *Congressional Record* (applicable to both the House and the Senate) states that:

⁴⁴ Frumin, Alan and Floyd Riddick. *Senate Procedure*. Senate Document No. 101-28, 101st Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1992. p. 651-652; *Deschler's Precedents of the United States House of Representatives*, v. 1, ch. 5, sec. 20, and *Hinds' Precedents of the House of Representatives of the United States*, secs. 6971-7012, and 7024.

⁴⁵ Clapp, Charles. *The Congressman, His Work As He Sees It*. Washington, The Brookings Institution, 1963. p. 133.

⁴⁶ Hinds, *Hinds' Precedents of the House of Representatives of the United States*, Vol. 5, sec. 7002.

Any revision shall consist only of corrections of the original copy and shall not include deletions of correct material, substitutions for correct material, or additions of new subject matter.

Furthermore, in recommending use of a different style type in the *Record* for undelivered remarks, the House Administration Committee in 1985 issued policy guidelines which stated that:

Members...shall confine their revisions to 'technical, grammatical, or typographical corrections', which may include stylistic changes...Deletion of unparliamentary remarks may be made by permission or order of the House.

The authority to extend shall include authority to append new paragraphs, but shall not include the authority to make any substantive alteration or deletion in verbatim text.⁴⁷

Under the second method, the Member obtains permission (usually along with other colleagues) to print his/her remarks without ever speaking on the floor of the House. These can either be speeches on pending House business, often found in the body of the *Record*, or speeches on subjects unrelated to House proceedings, usually found in the Extensions of Remarks.

All House statements for Extensions of Remarks must be submitted on the floor of the House to the Official Reporters and must carry the actual signature of the Member.

In the Senate, a bullet symbol (●) precedes and distinguishes undelivered remarks that are printed in the *Congressional Record*. Usually, these remarks are published pursuant to a unanimous consent request. Those relevant to pending Senate business are printed in the appropriate portion of the proceedings. Undelivered remarks not relevant to Senate proceedings are usually printed in the section known as "Additional Statements" unless they are presented so late in the day that they are put in the Extensions of Remarks section.⁴⁸ This rarely occurs, however. All statements can only be presented to the Legislative Clerk at the desk (dias) by the Senator.

From the time that the press was allowed to cover the House and Senate and accounts of congressional proceedings were first published in newspapers, Members often would revise and extend their remarks before they were

⁴⁷ U.S. Congress. House. Committee on House Administration. *Accuracy in House Proceedings Resolution*. Report to Accompany H.Res. 230. House Report No. 99-228, 99th Cong., 1st Sess. Washington, U.S. Govt. Print. Off., 1985. p. 18-19.

⁴⁸ Rule No. 4, Senate Supplement to "Laws and Rules for Publication of the *Congressional Record*."

circulated and reprinted around the country. Moreover, their undelivered remarks were often published.

The acoustics in the House and Senate chambers were not good and reporters were not seated where they could adequately hear what was said. The absence of a good shorthand system made accurate and complete reporting almost impossible. Thus, there was a need for Members to "revise" their remarks.

There are numerous accounts tracing the history of revision and extension and the insertion of undelivered remarks in the *Congressional Record*. Author Neil MacNeil traces Representatives reading speeches into the *Congressional Record* or even inserting them without being read back to 1820 when he said the practice gave birth to the American word "bunk."⁴⁹

According to historian Elizabeth McPherson, when Gales and Seaton were compiling the *Register of Debates* in 1824, they invited Members of Congress to revise their speeches before they were published. The Senate Historical Office points out in its research that the *Register* "won approval in Congress, in large part because of the willingness of Gales and Seaton to permit Members to edit their remarks before publication."⁵⁰ McPherson added that "Because of the policy of Members to revise their remarks, their speeches did not always appear immediately, even in the newspapers."⁵¹

McPherson also wrote that John Quincy Adams, who served in the House from 1831-1848, usually revised his speeches.⁵² Author MacNeil wrote that the practice of rewriting speeches for the *Congressional Record* began before the congressional career of John Quincy Adams. He said in the years after 1831, "it became accepted practice for Members merely to insert their speeches in the *Congressional Record* without bothering to read them."⁵³

⁴⁹ MacNeil, Neil. *Forge of Democracy*. New York, David McKay Company, Inc., 1963. p. 10-11. According to MacNeil, during the great debate on Missouri Statehood, Felix Walker, a Representative from North Carolina got permission to deliver on the House floor a speech for the benefit of his voters back home, some of whom resided in Buncombe county. He indicated to his House colleagues that there was no need for them to stay to hear him. He said "This is for Buncombe." Soon "speaking for Buncombe" became the accepted term for such provincial speeches, and the words "buncombe" and "bunk" evolved meaning nonsense.

⁵⁰ Senate Historical Office, *Official Reporters of Debates of the United States Senate*, p. 3.

⁵¹ Mundt, *Reporting the Debates of Congress*, p. A2183-A2184.

⁵² *Ibid.*

⁵³ MacNeil, *Forge of Democracy*, p. 143, 319.

Moreover, according to author Warren Weaver, Jr., the insertion of undelivered speeches, along with newspaper and magazine articles and almost anything else reducible to print gained popularity in the mid 1800's.⁵⁴

This is further substantiated by debate in August 1848 when the Senate was debating what has come to be known as the beginning of verbatim reporting. It was voting on a contract with the *National Intelligencer* and *Union* newspapers to publish daily in each paper all the debates and proceedings of the Senate and "for the early subsequent publication of such speeches as Members may choose more carefully to revise and write out at full length..."⁵⁵ The proceedings and current debates were also to be transferred to the country edition of each paper.

It was pointed out in the course of this debate that it was a practice of "long-standing" for Senators to revise speeches. The next year when the Senate voted on renewal of the contract, Senator Simon Cameron said:

The system now in operation acts as an inducement for Senators to occupy the time of the Senate by making speeches which they would not make were it not for the fact that they were sent home to constituents...Another feature in this system still worse...authorizes Senators to rewrite and compile speeches...which were never made.⁵⁶

It is interesting to note that from this debate it is evident that the inability of the reporters to clearly understand and hear Senators necessitated Senators revising their remarks for subsequent permanent volumes of Senate proceedings in the *Congressional Globe*.

Subsequently, the law (13 Stat. 460) which in 1865 provided for the *Congressional Globe* to be published and delivered daily to Members of Congress, stated that:

...the publishers of the *Congressional Globe* shall not, however, be required to publish daily more than forty columns..., and any speeches not actually delivered in either house shall be postponed until the same can be published without increasing...the proceedings beyond forty columns.

Finally, according to authors Neil McNeil and Warren Weaver, Jr., in 1920, Speaker Champ Clark considered barring the printing of speeches that had

⁵⁴ Weaver, Warren. *Both Your Houses, the Truth About Congress*. New York, Praeger Publishers, 1972. p. 22.

⁵⁵ *Congressional Globe*, v. 19, Aug. 11, 1848. p. 1065.

⁵⁶ Cameron, Simon. Remarks in the Senate. *Congressional Globe*, v. 20, Jan. 30, 1849. p. 398.

never been given but concluded that it "was preferable to let them be printed rather than be compelled to listen to them."⁵⁷

1990 HOUSE ACTION

On February 7, 1990, the House adopted H.Res. 330 introduced by Representative Robert Walker (R-PA) directing the Committee on House Administration to report to the House recommendations regarding deletions from the *Congressional Record* pursuant to the permission granted Members to revise and extend, particularly in view of the fact that televised proceedings of the House now give the public an accurate presentation of floor activity.⁵⁸

The issue addressed by H.Res. 330 arose from the deletion from the *Record* on Feb. 1, 1990, of so-called "unparliamentary remarks." This occurred when the transcript was reviewed by the Member who had delivered the remarks. H.Res. 330 characterized the omissions as "seriously threatening the integrity of proceedings of the House." According to the Committee on House Administration:

Two questions arising from the incident are: (1) Was the deletion properly made under the existing rules and practices governing revision and extensions of remarks, and (2) Is there need to revise existing rules to make the *Congressional Record* adhere even more closely to the televised proceedings.⁵⁹

Pursuant to H.Res. 330, the chairman of the House Administration Committee appointed a task force, chaired by Representative Thomas Manton (D-NY) to review the issues raised and to report its findings and conclusions to the committee.⁶⁰

⁵⁷ Clark, Champ. *My Quarter Century of American Politics*. Vol. I. New York, Harper and Brothers, 1920. p. 359.

⁵⁸ Privileges of the House—Resolution Relating to the Integrity of the Proceedings of the House of Representatives. *Congressional Record*, Daily Edition, v. 136, Feb. 7, 1990. p. H330-H332.

⁵⁹ U.S. Congress. House. Committee on House Administration. Task Force on the *Congressional Record*. Committee Print, 101st Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1990. p. 2.

⁶⁰ Annunzio, Frank. *Congressional Record* Task Force Formed. *Congressional Record* Daily Edition, v. 136, Feb. 20, 1990. p. H368.

The committee reported the task force's findings and recommendations several months later.⁶¹ These included elevating to a House Rule the current Joint Committee on Printing Guidelines for printing the *Congressional Record* and those governing corrections of remarks so that the process would be more of verification than revision.

Through this elevation, the task force believed that Members would have specific guidance regarding additions, deletions, and technical corrections to the *Record*. The task force did not see any need to modify the House Rules because renewed emphasis on existing guidelines and regulations should help achieve the goal of a more accurate and nearly verbatim account of House proceedings.

The task force also recommended that the Joint Committee on Printing review its regulations to determine changes needed to make the *Congressional Record* reflect more accurately the floor proceedings as televised.

DISTINGUISHING SPOKEN AND UNSPOKEN REMARKS IN THE CONGRESSIONAL RECORD

The Bullet

The late Representative William Steiger (R-WI), was an advocate of more verbatim and accurate reporting of congressional proceedings.

In 1978, as a result of his efforts and that of Senator Bob Packwood (R-OR), the Joint Committee on Printing announced changes in the *Record* which would distinguish published, undelivered remarks by the use of large black dots or "bullets" (●).⁶² The purpose of the bulleting device was to let the reader know which statements in the *Record* were not part of live discussion on the floor. However, the bullet was not to be used when any portion of a Member's statement was given orally.

Today, the bullet is still used in the Senate. The House of Representatives, however, uses a different style type in its portion of the *Record* to distinguish remarks not actually spoken but inserted under permission to extend remarks.⁶³

⁶¹ U.S. Congress. House. Committee on House Administration. Task Force on the *Congressional Record*. Committee Print, 101st Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1990. 9p.

⁶² Thompson, Frank. Notice. *Congressional Record*, v. 124, Feb. 20, 1978. p. 3676.

⁶³ Rule 7, House Supplement to "Laws and Rules for Publication of the *Congressional Record*"—Effective September 4, 1985.

1985-1986 Reforms

During the first Session of the 99th Congress in 1985, the House of Representatives instituted a long-sought change in the *Congressional Record's* printing of its proceedings—the use of a different style type to differentiate remarks actually spoken by Members from those that are not.

In an issue of the *Record* published on May 1, 1985, containing debate on a disputed congressional election case, two “bullets” were not printed to differentiate “spoken” from “inserted” remarks. Accordingly, on May 8, 1985, Representative Trent Lott (R-MS) introduced a resolution requesting the House Rules Committee to review the bulleting procedure and the degree to which the *Record* reflects a “substantially verbatim report of the proceedings.” Ultimately, the House voted to refer the issue to the House Administration Committee which has jurisdiction over matters relating to the printing and corrections of the *Record*.⁶⁴

Subsequently, on July 23, 1985, Representatives Lott and Thomas Foley (D-WA) introduced House Resolution 230 which was referred to and reported from the House Administration Committee.⁶⁵ This resolution, which recommended a change in House *Record* proceedings—using bold face type instead of the “bullet” to distinguish inserted remarks, was adopted on July 30, 1985.⁶⁶

The resolution also requested the Joint Committee on Printing to adopt a new rule as part of the House supplement to the Laws and Rules for Publication of the *Record*. That rule would stipulate that for the remainder of the First Session of the 99th Congress, the *Congressional Record* would contain a substantially verbatim account of remarks actually spoken subject to such technical, grammatical, and typographical corrections as may be authorized by the Member delivering the remarks; and that the substantially verbatim account should be distinguishable by different typeface.

The Joint Committee later served notice that beginning with the September 4, 1985, edition of the *Record*, the new rule would be implemented and included as Rule 7 of the House Supplement to “Laws and Rules for Publication of the *Congressional Record*.”⁶⁷

⁶⁴ Privileges of the House—Resolution Asking for Investigation Concerning Congressional Record. *Congressional Record*, v. 131, May 8, 1985. p. 11072-11079.

⁶⁵ U.S. Congress. House. Committee on House Administration. *Accuracy in House Proceedings Resolution*. Report to Accompany H.Res. 230. House Report No. 99-228, 99th Cong., 1st Sess. Washington, U.S. Govt. Print. Off., 1985. 19p.

⁶⁶ Accuracy in House Proceedings. *Congressional Record*, v. 131, July 31, 1985. p. 21783-21786.

⁶⁷ Annunzio, Frank. Notice to House Members. *Congressional Record*, v. 131, Sept. 4, 1985. p. 22835.

Moreover, House Resolution 230 requested the Joint Committee on Printing to monitor the new rule and report its findings to the Committee on House Administration which would report to the House on whether the rule would be continued.

Subsequently, on August 12, 1986, the House agreed to H.Res. 514, introduced by Representatives Foley and Lott. That resolution recommended that the Joint Committee on Printing change Rule 7 of the House Supplement to "Laws and Rules for Publication of the *Congressional Record*" to provide permanently that the substantially verbatim account of remarks actually made during House proceedings would be clearly distinguishable by different type from material inserted under permission to extend remarks.⁶⁸ Ultimately, that was done.

COURT ACTION

Three Republican Members of the House of Representatives (Robert Walker, (PA) Judd Gregg (NH), and Manuel Lujan (NM)) filed suit in January 1984 to require the *Congressional Record* to be a verbatim transcript of congressional proceedings. The suit, against the Public Printer, the chairman and vice chairman of the Joint Committee on Printing, and the chiefs of Official Reporters of Debate in the House and Senate, was filed shortly after the House tabled a resolution which would have required the House Rules Committee to investigate the accuracy of the *Record* and the possible implementation of verbatim transcripts.⁶⁹

On May 30, 1984, a U.S. District Court judge dismissed the suit. The judge stated in part:

A lawsuit such as the present one needlessly "creates a distraction and forces Members [of Congress] to divert their time, energy, and attention from their legislative tasks to defend the litigation." *Serviceman's Fund*, 421 U.S. at 503, 95 S.Ct. at 1821. Plaintiffs' remedy for their grievances lies not with the Court but with Congress itself. Congress is perfectly capable of enforcing against its members statutory and rule directives concerning how members' views on public issues are to be reported in the *Record*. The separation of powers, of which the Speech and Debate Clause is one guardian, dictates that this task is both the sole responsibility and privilege of Congress.

⁶⁸ Proving That Verbatim Account of Remarks in House Proceedings Be Distinguishable from Inserted Material. *Congressional Record*, v. 132, August 12, 1986. p. 20980-20981.

⁶⁹ Privileges of the House-Resolution Directing Committee on Rules to Undertake Investigation Concerning the *Congressional Record*. *Congressional Record*, Daily Edition, v. 130, Jan. 24, 1984. p. H54-H55.

The motions to dismiss are each granted.⁷⁰

This decision was subsequently upheld on September 13, 1985, by a three-member panel of the U.S. Court of Appeals. In the opinion which was written by Judge Abner Mikva, a former Member of Congress, the court wrote:

For 200 years, Congress has institutionally determined and redetermined the question of what kind of printed (and electronic) record should be kept of the proceedings of that body. It is most unlikely that any procedure has ever fully satisfied every member of Congress or their constituents. This court cannot provide a second opinion on what is the best procedure. Notwithstanding the deference and esteem that is properly tendered to individual congressional actors, our deference and esteem for the institution as a whole and for the constitutional command that the institution be allowed to manage its own affairs precludes us from even attempting a diagnosis of the problem.⁷¹

Affirmed.

⁷⁰ 594 F. Supp. p. 112 (D.D.C. 1984).

⁷¹ 771 F.2d 539, 549 (D.C. Cir. 1985).

BIBLIOGRAPHY*

LRS89-911

Amer, Mildred. Nickels, Ilona. The Congress: From Quill to Screen. *Congressional Research Service Review*, v. 10, Feb. 1989: 30-32.

LRS85-3655

Bleisch N. David. The Congressional Record and the First Amendment Accuracy is the Best Policy. *Boston College Environmental Affairs Law Review*, v. 12, winter 1985: 341-379.

LRS91-5448

Byrd, Robert C. Reporters of Debates and the *Congressional Record*. In his *The Senate, 1789-1989: addresses on the history of the United States Senate*. Vol. 2. Bicentennial ed. Edited by Wendy Wolff. Washington, G.P.O., 1991. (Senate Document no. 100-20) (Senate Bicentennial publication) p. 311-325. Originally delivered in the Senate on July 12, 1980, and updated Apr. 1989.

LRS89-14536

Garvin, Peggy. Before the Record. *Law Library Lights*, v. 32, Jan.-Feb. 1989: 1,4.

Mantel, Howard N. *The Congressional Record: Fact or Fiction of the Legislative Process*. *Western Political Quarterly*, v. 12, Dec. 1959: 981-995.

LRS87-10475

Morehead, Joe. Congress and the *Congressional Record*: A Magical Mystery Tour. *Serials Librarian*, v. 13, Sept. 1987: 59-71.

Neuberger, Richard L. *The Congressional Record Is Not a Record*. In Remarks of William Steiger. *Congressional Record*, v. 123, Oct. 12, 1977: 33518-33519.

LRS90-11980

Official Reporters of Debates of the United States Senate. Washington, Senate Historical Office, 1990. 14 p.

* The numbers preceding most entries are numbers to be used in ordering from the Congressional Research Service.

BIBLIOGRAPHY—Continued

Pauls, Frederick H. U.S. Library of Congress. Congressional Research Service. *Guide to the Annals of Congress, Register of Debates, Congressional Globe and Congressional Record, 1st-99th Congresses*. (Washington) 1986. 28 p. CRS unnumbered report.

LRS85-3656

Rehm, Barbara. *Editing the Congressional Record*. Columbia, School of Journalism, University of Missouri, 1985. 6 p. (Freedom of Information Center report no. 508).

LRS86-5584

Springer, Michelle M. *The Congressional Record: "Substantially a Verbatim Report?"* *Government Publications Review*, v. 13, May-June 1986: 371-378.

LRS92-636

U.S. Congress. Joint Committee on Printing. *New Technology and the Government Printing Office*. Hearings, 102d Congress, 1st session. June 19-July 24, 1991. Washington, G.P.O., 1992. 217 p. (Senate Hearing, 102d Congress, 1st session, S. Hrg. 102-115).

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