

Confusion about “unless”

The following debate on “unless” took place on July 26, 1974 in the House of Representatives, Committee on the Judiciary. It is from the Debate on Articles of Impeachment of President Richard M. Nixon.

The committee met, pursuant to notice, at 11:55 a.m. . . . Sen. Peter W. Rodino, Jr. (Chairman) presiding.

Mr. McClory

I have a motion at the clerk's desk which I have distributed among the members, Mr. Chairman.

The Chairman

The clerk will read the motion.

The Clerk (reading)

Mr. McClory moves (1) to postpone for 10 days further consideration of whether sufficient grounds exist for the House of Representatives to exercise constitutional power of impeachment unless by 12 noon, eastern daylight time, on Saturday, July 27, 1974, the President fails to give his unequivocal assurance to produce forthwith all taped conversations subpoenaed by the committee which are to be made available to the district court pursuant to court order in the United States v. Mitchell...

Mr. Latta

... I just want to call (McClory's) attention before we vote, to the wording of his motion. You move (1) to postpone for 10 days unless the President fails to give his assurance to produce the tapes. So, (2) if he fails tomorrow, we get 10 days. (3) If he complies, we do not. The way you have it drafted I would suggest that you correct your motion to say that (4) you get 10 days providing the President gives his unequivocal assurance to produce the tapes by tomorrow noon.

Mr. McClory

I think the motion is correctly worded, it has been thoughtfully drafted.

Mr. Latta

I would suggest you rethink it.

Mr. Mann

Mr. Chairman, I think it is important that the committee vote on a resolution that properly expresses the intent of the gentleman from Illinois (Mr. McClory) and if he will examine his motion he will find (5) that the words ‘fail to’ need to be stricken [from (1) above] and...

Mr. McClory

If the gentleman will yield, the motion is correctly worded. It provides for (1) a postponement for 10 days unless the President fails tomorrow to give his assurance, so (6) there is no postponement for 10 days if the President fails to give the assurance, just (sic) 1 day. I think it is correctly drafted. I have had it drafted by counsel and I was misled originally, too, but it is correctly drafted. (1) There is a 10-day postponement unless the President fails to give assurance. (7) If he fails to give it, there is only a 24-hour or there is only a 23 ½ hour day (sic).

Mr. Rangel

Mr. Chairman?

Mr. McClory

I think the members understand what they are voting on.

Mr. Dennis

Will the gentleman yield to me?

Mr. Rangel

Mr. Chairman –

Mr. Dennis

The gentleman yielded to me, Mr. Rangel. Excuse me. I know you did not realize that fact.

Mr. Rangel

No; I did not.

Mr. Dennis

He did not. I realize that. What Mr. Mann says and what Mr. Latta says is true, in my opinion. It would be much better drafted if you said `provided that' or `unless he does not', or something, but I think nevertheless, the gentleman from Illinois is correct, that although this is a very backhanded way of stating it, it does in fact state it because it says (8) he gets 10 days if he does not—well, it is a backhanded way of stating what the gentleman is trying to state. It could be improved but what he is doing is nevertheless there.

Mr. Mann

I guess we can settle for it as long as we all understand it, Mr. Chairman.

The Chairman

Will the gentleman yield?

Mr. Rangel

Mr. Chairman, I think this motion itself has provided sufficient delay and I move the question.

The Chairman

The question is on the motion of the gentleman from Illinois...

The Clerk

Mr. Chairman, 11 members have voted aye, 27 members have voted no.

The Chairman

And the motion is not agreed to...