

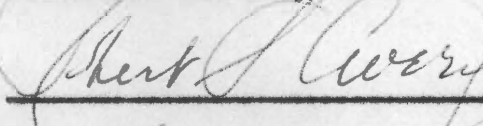
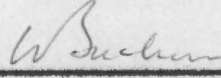
August 12, 1964

To the Graduate Council:

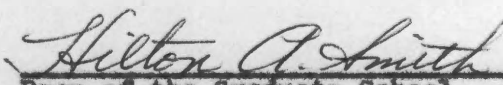
I am submitting herewith a thesis written by Edward Martin Allen, Jr. entitled "A History of the Rules Committee of the House of Representatives." I recommend that it be accepted for nine quarter hours credit in partial fulfillment of the requirements for the degree of Master of Arts, with a major in Political Science.


Major Professor

We have read this thesis and
recommend its acceptance:

Accepted for the Council:


Dean of the Graduate School

**A HISTORY OF THE RULES COMMITTEE OF
THE HOUSE OF REPRESENTATIVES**

**A Thesis
Presented to
the Graduate Council of
The University of Tennessee**

**In Partial Fulfillment
of the Requirements for the Degree
Master of Arts**

**by
Edward Martin Allen, Jr.**

August 1964

INTRODUCTION

Where the power lies in the House of Representatives is not fully understood by the American people. The average citizen will probably conclude that his representative has as much power as the next, other than the fact that the latter has more experience and thereby "knows the ropes a little better." When reading the popular press and even the outline to the procedure of the House of Representatives, one gathers that this institution is the most democratic of all governmental bodies—certainly not the place for a concentration of power in a small group of individuals. However, this is certainly not the case, for within this body lie places of immense power. These places of power are largely occupied by a few committees. If our average citizen would attend a meeting of these committees, he could see how they can decide the fate, not only of a particular piece of legislation, but also the entire session of the House of Representatives.

The question arises: Did the writers of the Constitution envision such powerful committees? Of course, the answer is no. The power of these committees grew little by little until they reached a size out of proportion to their original framers' intent, but out of love for the tradition of the House and because of the complexities of legislation, the power of these committees has not been diminished, but rather power has grown by accretion.

Where then does the greatest concentration of power lie? Does it lie with the Speaker of the House, the Foreign Relations Committee, the Armed Services Committee, the Ways and Means Committee, the Minority Leader, the conservative coalition, or John Smith, Representative from the Twelfth Congressional District of North Carolina? The greatest power of the House is not found in these mentioned above. The most powerful force in the House is the Committee on Rules.

The House Committee on Rules probably would be the last place that one would look for great power. Rules are generally connected by the layman as a place for stodginess, technicalities, grumbling over whereases, etc. It is generally associated as a nice little committee on which lawyers would like to serve. This assumption could not be further from the truth. The House Rules Committee holds life or death over any piece of legislation, no matter how great or small it may be. These men can decide the fate of a nation in one of their committee meetings.

Does the average citizen know the names of the members of the Committee on Rules; what political party they represent; if they have liberal, conservative, or moderate political views? The answer is probably no. However, one should know these facts. In this committee lies the fate of all legislation in the House of Representatives.

The purpose of this thesis is to point out these pertinent facts, the history of the committee, its growth to unprecedented power, its function in the House, the power and rules it makes in carrying out the business of the House, its personalities, critics, supporters, its

Rights among the members of the committee and also with outsiders, and other interesting sidelights concerning this powerful committee. I shall not attempt to do these separately, but I shall try to intertwine them as I begin with the history of the committee in 1789 and bring it up to the present.

I shall also test certain basic assumptions that are widely held. These twelve are perhaps the widest held by the majority of the citizens of the United States who are rightly informed about the House of Representatives.

1. The House of Representatives could function without a Committee on Rules.
2. The Chairman of the House Rules Committee can bottle up legislation, thereby preventing the members of the House from voting on the measure.
3. The Rules Committee is synonymous with conservatism.
4. Members of the Rules Committee can block legislation desired by the majority of House members; therefore, they are a little undemocratic group of men bent on stopping progressive legislation.
5. The Rules Committee has never played any important role in the history of the House of Representatives other than to block legislation not wanted by the conservatives in the House.
6. Until 1958 the Rules Committee of the House of Representatives had never made news in the daily papers of the United States.

7. Each year the Rules Committee blocks a tremendous amount of legislation in each session of Congress.
8. The members of the House would like to see the Committee on Rules abolished or seriously weakened, because the individual representative has never been in gratitude to this committee.
9. In the past the Rules Committee may have served a purpose, but in the Atomic Age it is an anachronism.
10. All Presidential administrations have trouble with this committee and desire to see it abolished.
11. The Rules Committee has always been a bastion of strength for the Southern Democrats.
12. In the history of the House of Representatives the Rules Committee has been used more for the advantage of the minority party than in aiding the majority party.

The writer of this paper will test these assumptions along with several others in the history of the House Rules Committee from 1789 to the present.

In the concluding chapter of the thesis another objective will be presented. This objective is my own evaluation of the role of the Committee on Rules.

TABLE OF CONTENTS

CHAPTER	PAGE
I. THE RULES COMMITTEE FROM 1789 TO 1835	1
II. THE RISE OF THE SPEAKER TO A POSITION OF POWER ON THE RULES COMMITTEE	12
III. THE DOMINATION OF THE RULES COMMITTEE BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES	31
IV. THE OVERTHROW OF THE SPEAKER	52
V. THE RULES COMMITTEE AS THE AGENT OF THE MAJORITY PARTY .	67
VI. THE RULES COMMITTEE AS THE CHIEF OBSTRUCTIVE AGENT FOR THE CONSERVATIVE COALITION	91
VII. THE RULES COMMITTEE AS REPUBLICAN AGENT AND AS DEMOCRATIC OBSTRUCTIONIST: 1946-1958	106
VIII. THE FIGHT OVER THE RULES COMMITTEE EXTENSION IN 1961 . .	130
IX. CONCLUSION	156
BIBLIOGRAPHY	172
APPENDIX	179

LIST OF TABLES

TABLE	PAGE
1. Special Orders from the Committee on Rules	74
2. The Fate of Special Orders from the Committee on Rules . . .	75
3. Party Composition of the Rules Committee	101
4. Number of Requests for Rules Denied After Hearings	120
5. Bills Reported by the Committee but Not Called Up	121
6. Types of Rules Called Up by the Leadership from 1939 to 1956	122
7. Bills Granted Favorable Rules by the Committee but Called Up by Other Means	123
8. Political Divisions of the House of Representatives from the 75th to the 87th Congress	129
9. Southern Representatives and How They Voted on the Rules Committee Extension	152

CHAPTER I

THE RULES COMMITTEE FROM 1789 TO 1835

The history of legislative systems in all countries will of necessity point out the importance of the committee in enacting legislation. It can be said that all life functions around the committee, and this is especially true in regard to legislative committees.

The standing committee did not originate in the colonial assemblies but in the British House of Commons. The first standing committee on record was the one on privileges and elections established in 1592. The standing committee's subsequent decline and disappearance as an active factor in legislative work was due probably to the rise of the Cabinet. This type of committee was a model for later American committees.¹

In the colonial assemblies standing committees were found in many of the legislatures. Most of these committees had to do with privileges and elections. Besides the standing committees, select committees were appointed. These committees were often dissolved after one session of the legislature. They were never to function again, unless under some other name. The Provincial Assembly of Pennsylvania had a Committee on Rules.² Perhaps this is where the

¹Ralph Volney Harlow, The History of Legislative Methods in the Period Before 1825 (New Haven: Yale University Press, 1917), p. 3.

²L. G. McConachie, Congressional Committees: A Study of the Origin and Development of Our National and Local Legislative Methods (New York: Thomas Y. Crowell Company, 1898), p. 25.

representatives in 1789 got the idea for such a committee.

The committees that functioned in the Articles of Confederation government were as ineffectual as the whole of the Congress of the Confederation.

During the Constitutional Convention, committees played a great role. In these committees went on much of the work of the convention.³

Prior to 1789 committees had played a small role in the enacting of legislation, but in the following years they began to play an even greater role in the work of the Congress.

The Congress had been called to meet on the fourth of March, 1789, but the non-appearance of a quorum made rules unnecessary. The account in the House Journal indicates that there was little debate on the subject of rules.⁴ On April 2, a committee of eleven members was appointed by order of the House to prepare and report standing rules and rules of procedure.⁵ The Journal account reads: "Ordered, that a committee be appointed to prepare and report such standing rules and orders of Proceedings as may be proper to be preserved in this House."⁶

³George Galloway, History of the House of Representatives (New York: Thomas Y. Crowell Company, 1962), pp. 2-7.

⁴House Journal, First and Second Congress, p. 6.

⁵George Galloway, "Precedents Established in the First Congress," Western Political Quarterly, XI (September, 1958), p. 456.

⁶House Journal, First and Second Congress, pp. 6-7.

A committee was appointed that consisted of Mr. Nicholas Gilman of New Hampshire, Mr. Eldrige Gerry of Massachusetts, Mr. Jeremiah Wadsworth of Connecticut, Mr. Elias Boudinot of New Jersey, Mr. Thomas Hartley of Pennsylvania, Mr. William Smith of South Carolina, Mr. Richard Lee of Virginia, Mr. Thomas Tucker of South Carolina, Mr. James Madison of Virginia, Mr. Roger Sherman of Connecticut, and Mr. Benjamin Goodhue of Massachusetts.⁷

James Madison, Elias Boudinot, and Roger Sherman were some of the leading figures in the First Congress. Boudinot had been President of the Continental Congress and he was made chairman of the committee.⁸ The composition of the first Rules Committee is interesting: two came from Virginia, two came from Massachusetts, two from Connecticut, two from New Jersey, and one each from the states of New Hampshire, South Carolina, and Pennsylvania. New England had five on the committee, giving that section of the country a dominant role.⁹

Five days later the Committee on Rules made a report by its chairman, Mr. Boudinot. It was brief and consisted of only fifteen hundred words arranged under four different headings.¹⁰ "The Speaker

⁷Ibid.

⁸DeAlva Stanwood Alexander, History and Procedure of the House of Representatives (Cambridge: Houghton-Mifflin Company, 1916), p. 180.

⁹McCannchie, op. cit., p. 14.

¹⁰Charles R. Atkinson, The Committee on Rules and the Overthrow of Speaker Cannon (New York: Columbia University Press, 1911), p. 8.

4

shall appoint committees unless it be determined by the House that the committees shall consist of more than three members in which case the appointment shall be by ballot of the House.¹¹

However, the above clause was rescinded by the House on Wednesday, January 13, 1790, and it was provided by the House that hereafter all committees shall be appointed by the Speaker unless directed otherwise by the House, in which case they would be chosen by ballot.¹²

The first Committee on Rules report concerned itself with four topics: the duties of the Speaker, decorum and debate, bill procedure, and the Committee of the Whole House.¹³ The duties assigned to the Speaker were like the duties of the Speaker of the House of Commons in England. He was to preside, to preserve decorum and order, decide points of order, announce results, appoint committees, and vote in all decisions of the House.¹⁴ The second rule governing decorum and debate was interesting. A member was not allowed to talk, read a paper, or walk about while another was speaking.¹⁵ No member could speak more than twice, unless the House granted him permission. No member could vote on a bill if he had an interest in the bill. Every member had to

¹¹Annals of Congress, First and Second Congress, p. 102.

¹²House Journal, First and Second Congress, p. 140.

¹³Galloway, Western Political Quarterly, p. 456.

¹⁴Galloway, History of the House of Representatives, p. 10.

¹⁵Neil MacNeil, Forge of Democracy: The House of Representatives (New York: David McKay Company, Inc., 1963), pp. 21-23.

vote when the question was put, unless excused by the House.¹⁶ The fourth rule adopted on April 7, 1789, described the operation of the Committee of the Whole House.¹⁷

On April 13 the House debated and adopted additional rules as reported by the same committee. The rules related to committee service, leaves of absence, and an appointment of a standing committee on elections. A resolution relating to joint rules with the Senate was laid on the table.¹⁸

On April 14 a supplementary rule was approved by the House for the appointment of a Sergeant at Arms. This rule included his fee and his symbol of authority, the mace.¹⁹

For all intent and purposes this finished the work of the Committee on Rules; however, two happenings need to be noted. The standing rules of the House were twice amended on June 9, 1789. Without reference to any committee the House changed the rules regarding division and adopted a different procedure.²⁰ On January 12, 1791, the House ordered that the rule directing that no bill amended by the Senate be committed was rescinded.²¹

¹⁶Galloway, History of the House of Representatives, p. 11.

¹⁷House Journal, First and Second Congress, p. 9.

¹⁸Galloway, Western Political Quarterly, p. 456.

¹⁹House Journal, First and Second Congress, p. 353.

²⁰Annals of Congress, First and Second Congress, p. 468.

²¹House Journal, First and Second Congress, p. 353.

On Monday, October 24, 1791, the day of the opening of the Second Congress, the ex-speaker, Mr. Frederick Muhlenburg of Pennsylvania, was appointed Chairman of the Committee on Rules, setting a precedent that would be followed later.²² The same day other action was taken in regard to the Committee on Rules.

Ordered, that the Speaker do appoint committees until the House shall otherwise determine.

Ordered, that a committee shall be appointed to prepare and report such standing rules and orders of proceeding as may be proper to be observed in this House.²³

A committee was appointed that consisted of Mr. Frederick Muhlenburg, Mr. Tucker, Mr. Hugh Williamson of North Carolina, Mr. Fisher Ames of Massachusetts, and Mr. Jeremiah Smith of New Hampshire.²⁴

Two days later the following resolution was adopted: "Resolved, that the rules and orders of proceedings established by the House of Representatives, shall be deemed and taken to be the rules and orders of proceedings, to be observed in the House, until the House decides otherwise."²⁵

At the opening of the Third Congress (1793-94), an identical resolution of that introduced in the Second Congress (1791-92) was

²²ibid., p. 435.

²³ibid., p. 10.

²⁴ibid., pp. 434-35.

²⁵ibid., p. 353.

7
approved. It provided for an appointment of a Committee on Rules and for the temporary adoption of the rules of the last House of Representatives. Mr. Frederick Muhlenburg was elected Speaker, a position which he held in the First Congress (1789-90). His predecessor, Mr. Jonathan Trumbull of Connecticut, was appointed Chairman of the Committee on Rules.²⁶ The report of the Committee on Rules was delayed from time to time until November 13, 1794, a date that was in the second session. At this time a comparatively set of elaborate rules was adopted.²⁷

In the Fourth Congress (1795-96) a departure from the usual wording of the resolution for the appointment of the Committee on Rules occurred. The names of the members beginning with that of Mr. Frederick Muhlenburg, the retiring speaker, were included in the resolution.²⁸

In the House of Representatives between the First and Fourth Congress (1789-96) a change in political outlook from supporters of Federalism and Anti-Federalism to supporters of Jefferson and Hamilton became apparent. Each group and each individual used the rules of the House to his greatest advantage. Between 1795 and 1805 filibustering was used quite extensively. John Randolph of Virginia was perhaps the

²⁶House Journal, Third and Fourth Congress, p. 5.

²⁷Ibid., pp. 227-30.

²⁸Atkinson, op. cit., p. 10.

greatest filibusterer.²⁹

The need for a clearer definition of rules was seen by Jefferson when he said, "It is very material that order, decency, and regularity be preserved in a dignified public body."³⁰

The abuse of the rules of the House stemmed not only from the rules, but also the partisan objectives of the Federalists and Republicans. Some of the members of the House did try to use the rules for personal enhancement. However, this did not play as large a role in the abuses as did partisan politics and the rules themselves.

In 1811 steps were taken to limit the filibuster. Under the influence of Henry Clay, a Republican from Kentucky, the House approved and strengthened the so-called motion of the Previous Question. The rule as then adopted cut off debate when approved and brought the House to vote on the Main Question.³¹ The first use of this process came under Speaker Clay. The issue involved was whether to declare war on Great Britain. The Federalists in the House were opposed, but the Democrats used the Previous Question to break the filibuster and declared war on Great Britain. Although there was praise for the rule, the majority of the House agreed with John Randolph, a Republican from Virginia, who called it a "gag rule."³² Clay in defending the rule

²⁹MacNeil, op. cit., p. 45.

³⁰Joseph P. Chamberlain, Legislative Processes, National and State (New York: Appleton-Century Company, 1936), pp. 60-61.

³¹House Journal, Eleventh Congress, Third Session, p. 611.

³²MacNeil, op. cit., p. 47.

said, "It is nothing more than a declaration of the House that it had heard enough and was ready to vote."³³

During the Thirteenth Congress (1813-14) under the speakership of Clay, there was apparently a good deal of satisfaction with the Committee on Rules, and it was not until January 27, 1814, that the following resolution was adopted: "Resolved, that a committee be appointed to revise the standing rules and orders of proceedings and report such alternatives and amendments as they may think proper and necessary if in their opinion, any be required."³⁴

On February 10, 1814, concluding that their predecessors' work needed no corrections, Mr. Jonathan Roberts, a Republican from Pennsylvania, the Chairman moved: "Ordered, that the committee appointed to inquire whether any amendments are necessary to be made to the standing rules and orders of the House, be discharged from further consideration of the subject."³⁵

The development of the Previous Question was the first step in the accretion of power in the Committee on Rules. If this had not been developed, many important measures would not have passed, and the history of our country may have been altered greatly. The Annals of Congress from 1806-10 shows the terrible misuse of extended debate.

³³Alexander, op. cit., p. 187.

³⁴House Journal, Thirteenth Congress, Second Session, p. 238.

³⁵Ibid., p. 294.

In the Fifteenth (1817-18), Sixteenth (1819-20), Eighteenth (1823-24), Nineteenth (1825-26), and Twentieth (1827-28) Congresses, the Speaker neglected to appoint a Committee on Rules.³⁶ The reports of the Rules Committee when it was appointed were constantly tabled. One difficulty that beset these reports was the fact that a two-thirds vote was necessary for making changes in the rules and this was applied on reports coming from the Committee on Rules.³⁷

Beginning in the early 1820's, there was great dissatisfaction over the rules of the House. Filibustering was so long and rambling that on many occasions the members often forgot what the subject was.³⁸ The longest-winded speaker was Alexander Smyth, a Democrat of Virginia. In the midst of a long speech he looked directly at Clay and said: "You sir, speak for the present generation, but I speak for posterity." "Yes," agreed Clay wearily, "and you seem resolved to speak until the arrival of your audience."³⁹

As the business in the legislature became more complex, attempts were made to limit members to one hour in debating a question. This was brought about by John Randolph's long harangue concerning the Missouri Compromise.⁴⁰ Many members let their wrath fall upon this proposal.

³⁶Alexander, op. cit., p. 182.

³⁷Atkinson, op. cit., p. 12.

³⁸MacNeil, op. cit., p. 47.

³⁹John Bartlett, Bartlett's Famous Quotations (thirteenth edition; Boston: Little, Brown and Company, 1955), pp. 433-34.

⁴⁰MacNeil, op. cit., p. 47.

One of them declared, "No gentleman can acquit himself well in debate, whether physically or intellectually while confined in a strait jacket."⁴¹

The rules were being attacked from all sides. John Randolph, the noted filibusterer from Virginia, denounced the rules in 1828 as complicated and extremely unparliamentary.⁴²

By the mid 1830's the rules of the House of Representatives consisted mainly of the primitive rules of the First Congress. There were only a few additions made to the rules of the House from 1789 to 1835. During this time there was only one strong rule added, and that was of the procedure invoking the Previous Question. Until the 1830's the Rules Committee in the House of Representatives had been a committee with very little significance. However, this committee after 1835 would take on a role of growing importance in the affairs of the House of Representatives.

⁴¹Henry G. Wheeler, History of Congress (New York: Harper Bros., 1848), Vol. I, p. 175.

⁴²Alexander, op. cit., p. 183.

CHAPTER II

THE RISE OF THE SPEAKER TO A POSITION OF POWER ON THE RULES COMMITTEE

During the late thirties and early forties, the Rules Committee took on a new role. This role changed it from an insignificant committee to one of growing importance.

The Abuse of House Rules

In 1832, as a freshman member of the House, John Quincy Adams, a Democrat from Massachusetts, set a precedent that was to be followed by others. Adams refused as a matter of conscience to vote on a pending bill. The House threatened him with formal censure for this violation of House rules, but Adams persisted in his refusal. This altered proceedings in the House for a half-century.¹ Minority members on an issue would refuse to vote; thereby, even if the vote would pass, there would be no quorum; thus, this killed the legislation. Under the Constitution the House could not transact its business without a quorum of its members, and a quorum was defined as half the members of the House plus one. The filibustering technique developed from Adams' obstinacy was simple enough; members of the minority party simply refused to vote. In a narrowly divided House the majority usually

¹Neil MacNeil, Forge of Democracy: The House of Representatives (New York: David McKay Company, Inc., 1963), pp. 49-50.

discovered that although they had overwhelmingly passed the bill, a majority of the House had not voted. Some of their own members were invariably absent, sick, forgetful, or back home campaigning for re-election. A quorum call was automatically required to summon the "absent" members, and the minority members then answered to their names as called by the House clerk. A quorum promptly reappeared. Then the vote on the bill was repeated and again the minority members sat in silence. A quorum of the House was not recorded on the vote—it had technically disappeared again.

Again and again this procedure would be followed: a roll-call vote, followed by a quorum call. The worse example was in 1854 when there were 101 roll-call votes on a single day. This was used on many occasions by the minority, and not until the speakership of Reed did this practice cease.² This course of action led many to believe that something had to be done to the rules of the House.

The Rules Committee was thwarted in the Twenty-fourth Congress (1835-36) as it attempted to report to the House. On February 24, 1836, Mr. Abijah Mann, Democrat from New York, made a motion: that the rule prescribing the order of business be suspended and that the House hear the report of the Committee on Rules. The vote was 104 to 103. Since there was not a two-thirds vote, the measure lost.³

In the Twenty-sixth Congress (1839-40), the Speaker cast the

²Ibid., pp. 50-51.

³Congressional Globe, Twenty-fourth Congress, First Session, p. 151.

deciding vote on December 17, 1839, to lay on the table the proposal that would have adopted the last House rules.⁴ However, on December 21, the rules of the last House were adopted for ten days, and a Committee on Rules was appointed.⁵ On December 27, 1839, the rules of the last House were adopted until the tenth of the next month. On the sixteenth of January, 1840, the rules were adopted until Thursday, the twenty-third.⁶ It was not until January 24, 1840, that they were adopted until otherwise ordered.⁷

By the use of the rules of the House the party that used them more effectively, for example, the filibuster, could work its will on substantial matters that were before the House. The majority party with the use of the rules and the reports from the Committee on Rules could pass legislation that it desired to pass, and could also block opposing bills. On the other hand, the minority could use the rules of the House to thwart legislation of the majority and even to block routine reports from committees. The period from 1830-1841 is the best illustration of these occurrences.

The slavery question was behind the defeats of the reports from the Committee on Rules. John Quincy Adams personifies this when in the

⁴Congressional Globe, Twenty-sixth Congress, First Session, Vol. III, p. 57.

⁵Ibid., p. 72.

⁶Ibid., p. 126.

⁷Ibid., p. 143.

second session of the Twenty-sixth Congress on December 9, 1840, he introduced the following resolution:

Resolved, that the standing rule of the House numbered twenty-one, adopted on the 24th of January last, in the following words, "No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any states or territories of the United States in which it now exists shall be received by this House, or entertained in any way whatever, be and the same is hereby rescinded."⁸

This resolution was laid on the table by a vote of 82 to 58.⁹

At this time the slavery question was a controversial matter. Both sides used the reports from the Rules Committee and the rules of the last House to their advantage. Although minor items had been foreclosed from debate by a rule, slavery was the first major subject. The reason for the defeat was due to the intense feeling many members had concerning Adam's proposal.

In the Twenty-seventh Congress (1841-42) an attempt was made to adopt rules for ten days and to appoint a committee of nine to revise the rules of the House of Representatives. This was blocked by adjournment of the House, mainly because of Adam's persistency with the twenty-first rule.¹⁰

The dilatory acts displayed during this period stem from a number of causes: obstinacy on the part of some individuals, minority party strategy, unpopularity of some members, fear that a change in

⁸Congressional Globe, Twenty-sixth Congress, Second Session, p. 11.

⁹Ibid., p. 12.

¹⁰House Journal, Twenty-sixth Congress, First Session, p. 19.

rules may create something more unpleasant than what they experience at this time, ingrained conservatism of some older members, and fear of an all-powerful Speaker. The rationale behind the delaying tactics was the hope that in some manner by the use of dilatory action bills that were distasteful to the minority could be prevented until the majority changed their minds.

On June 3, 1841, practically the same resolution and amendments were offered, and the House postponed action upon them.¹¹ On June 7, 1841, the House passed a resolution providing for the appointment of a committee of nine members to revise the rules, and for the adoption of the rules of the last House except the Twenty-first, until the committee made its report.¹² Efforts were made on the ninth and tenth of June to reconsider the vote by which the amendment was adopted. The House finally refused to do so by a vote of 113 to 107.¹³ The consideration of a motion to reconsider the vote on the resolution was stopped by adjournment. The resolution again came up on June 12. It was postponed until the meeting on June 14, but the House did not consider the resolution on that day.¹⁴ On June 15, the reconsideration vote was killed by a vote of 110 nays to 106 yeas.¹⁵ For two weeks,

¹¹Congressional Globe, Twenty-seventh Congress, First Session, p. 15.

¹²House Journal, Twenty-seventh Congress, First Session, p. 47.

¹³Ibid., pp. 74-82.

¹⁴Ibid., p. 126.

¹⁵Ibid., pp. 138-39.

because of the fight, the House had accomplished nothing. On June 16, the Whig majority made a valiant effort to clear up the disorganized House. Such expressions as "perpetual debates," "eight-hour discussions," "odious tyranny," "hypocritical wretches," give an idea of the mood of the House.¹⁶ In the course of debate on June 16, 1841, Mr. Caleb Cushing, a Whig of Massachusetts, said:

The time must and will come when another Napoleon will say as Napoleon did say to Le Fevre, in the line of the French Directory, "Join with me in saving our country," and when the reply will be as that of Le Fevre was, "Yes, let us throw these advocates into the river," for it is words, words, and nothing but words in this House.¹⁷

One representative complained that the time that was being taken had accomplished nothing—but delay, and words of scorn heaped upon the head of each other. He said that assaults and batteries had occurred in the House under the nose of the Speaker, who refused to do anything about it.¹⁸ The resolution adopted at the end of this debate by a vote of 119 to 103 decided in the favor of the negative. The resolution said:

Resolved that all rules and orders of the last House of Representatives not superseded by any rule or resolution adopted at the session now in force, be and the same present are hereby adopted for the regulation of the House at the present session and that the select committee upon the rules, heretofore raised, proceed to revise and amend the rules

¹⁶Congressional Globe, Twenty-seventh Congress, First Session, pp. 57, 62.

¹⁷Ibid., p. 62.

¹⁸Ibid., p. 15.

hereby adopted, and that they have leave to report at all times.¹⁹

The right to report at any time gave the Rules Committee a prerogative it had not held before. This gave the Rules Committee an important additional power.

Speaker John White's Ruling

The first report of the Committee on Rules on June 18, 1841, set a most important precedent in the House. Speaker John White, a Whig from Kentucky, ruled that a majority of the members, and not two-thirds, was required to adopt reports that made changes in the rules of the House of Representatives. An appeal of the decision was taken, but the Speaker was sustained by the members of the House.²⁰ At this time the right to report "piecemeal" was challenged by Mr. Nathan Clifford, a Democrat from Maine, but no formal appeal was taken.²¹ However, on July 6, 1841, the debate continued. Mr. William Calhoun, a Whig from Massachusetts, Chairman of the Rules Committee, reported to the House, and he was challenged by Mr. William Medill, a Democrat from Delaware. Mr. Medill rejected the right of the committee to make reports "piecemeal" to the members of the House. The Speaker decided in

¹⁹House Journal, Twenty-seventh Congress, First Session, p. 204.

²⁰Congressional Globe, Twenty-seventh Congress, First Session, p. 73.

²¹Ibid., pp. 72-73.

favor of the committee. Mr. Medill appealed to the House, and the Speaker's decision was upheld by a vote of 127 to 88.²²

The vulnerable spot in the resolution was again attacked in September at the close of the session, and also on December 10, 1841, early in the second session. On the former day, Mr. Calhoun made a final report which was laid on the table.²³ On the latter, his report which had been made a special order for that day met with like fate.²⁴

The controversial One-Hour Rule was adopted by the House during this session. This limited a speaker to only one hour per bill. This rule was attacked vehemently. Thomas Hart Benton called it an "injustice done to the freedom of debate."²⁵

In the Twenty-eighth Congress (1843-44), the House on January 2, 1844, refused to make the report of the Committee on Rules a special order for the following Tuesday.²⁶ John Quincy Adams was in charge of the report. It was considered at length during this session, and finally on February 28, 1844, the whole report of rules was laid on the table by a vote of 88 to 87.²⁷ It was such an experience as this that caused Mr. Schenck of Ohio to offer the following resolution:

²²House Journal, Twenty-seventh Congress, First Session, p. 204.

²³Ibid., p. 516.

²⁴House Journal, Twenty-seventh Congress, Second Session, p. 30.

²⁵Thomas Hart Benton, Thirty Years in the United States Senate (New York: D. Appleton Company, 1856), Vol. II, p. 247.

²⁶Charles R. Atkinson, The Committee on Rules and the Overthrow of Speaker Cannon (New York: Columbia University Press, 1911), p. 19.

²⁷House Journal, Twenty-eighth Congress, First Session, p. 498.

Resolved, that the rules of the House having relation to the arrangement and order of business, be, and they are hereby abolished, and that the business of the House hereafter be conducted according to the principles and usages of parliamentary law.²⁸

The Twenty-ninth, Thirtieth, Thirty-first, and Thirty-second Congresses (1845-1852) are characterized by inactivity on the part of the Committee.

The amendment, "which committee as usual shall never report," was moved to the usual resolution for a Committee on Rules in the Thirty-first Congress (1849-50).²⁹ The situation was summed up by Mr. Schenck:

The gentleman from Mississippi was right in saying that the majority in the House could control its action. Time and again, occasions have arisen and would arise when the majority is conquered by its own rules. Suppose the committee when raised reported, the report then goes on the calendar, where gentleman it can never be resolved. I do not believe that one calendar could be found of one single session in the last six years, at least upon which there had not been at the time of adjournment some report upon rules pending and unacted upon.³⁰

The Rules Committee of the House of Representatives was changed in 1849 from a select committee to a standing committee. This procedure was to remain until 1853, whereupon the Committee on Rules was changed back into a select committee.³¹ This step in 1849 was one of the

²⁸House Journal, Twenty-eighth Congress, Second Session, p. 238.

²⁹Atkinson, op. cit., p. 19.

³⁰Congressional Globe, Thirty-first Congress, First Session, p. 78.

³¹George Galloway, The Legislative Process in Congress (New York: Thomas Y. Crowell Company, 1953), p. 340.

earlier steps to power that the Rules Committee would take.

Abuses of the One-Hour Rule

One rule, passed in the House during the 1840's that was to have great significance must be explained at this point. Although the one-hour rule had cut down on needless debate, there were still parliamentary tricks devised to get around this procedure. One of the most effective of these was to offer, and then endlessly discuss innumerable amendments to the bill under consideration. To cut down on this the House passed the Five-Minute Rule. This rule limited members of the House to five minutes to explain the provision in his bill. This hindered the procedure in the House. To evade this rule the members would offer a score of amendments and then use five minutes to explain each amendment. In 1850 to check this growing evil, the House modified the Five-Minute Rule by denying the right of any member to withdraw amendments. Until this time dilatory action could take place as a legislator would offer amendments and then withdraw them. Then another member would follow the same procedure delaying action on the pending measure. The change, however, was only partially successful. In 1854 in attempting to act on the controversial Kansas-Nebraska Bill, the House spent five months processing an endless stream of amendments before Alexander Stephens, a Democrat of Georgia, devised a clever parliamentary tactic to bring the filibuster to a close. Stephen's tactic, a technical use of a motion to strike out the enacting

clause of the bill, brought the bill itself to a vote by the House. Not until 1860, however, did the House finally halt the practice of filibustering with amendments. It was then that a majority of the House could prohibit all debate on amendments.³² The clamping down on unlimited debate can be taken as an indication that the complexities of the issues involved were much greater as the years passed, and the House could not afford the time for long harangues.

In the first session of the Thirty-third Congress (1853-54) meeting on December 5, 1853, the following resolution was agreed to after a spirited debate.

Resolved that the rules of the last House of Representatives be adopted as the rules of the House until otherwise ordered; Provided, however, that there shall be appointed a committee of five members to revise said rules, which committee shall have the power to report at any time, and their report shall be acted upon by the House until disposed of to the exclusion of all other business, anything in the rules hereby temporarily adopted to the contrary not withstanding.³³

Mr. Lewis Campbell, a Whig of Ohio, and Mr. David Macy, a Democrat of Indiana, who later would be members of the House Rules Committee, made remarks concerning the faults of too much speaking and inefficient organization. Mr. Macy said that he was very disgusted when the members of the House went into the Committee of the Whole, because nothing was done but Buncombe speeches.³⁴ Mr. Campbell also

³²MacBail, op. cit., pp. 48-49.

³³Congressional Globe, Thirty-third Congress, First Session, Vol. XVIII, Part 1, p. 3.

³⁴Ibid., p. 214.

replied:

It is certainly evident to every man who knows anything about the matter that there are just grounds for complaint. You know there are Mr. Speaker. This House knows it. This is the only period of the session at which we can provide against the difficulties existing in the rules of the House. If the old rules are temporarily adopted without a provision looking to a revision and expeditious action, the very force of the rules themselves is such as to prevent any modification on amendments. I propose Mr. Speaker, not to introduce amendments in detail now but simply that this whole subject shall be referred to a committee that shall have power to report at any time, and that this House shall be compelled to act upon this report to the exclusion of anything else.³⁵

Mr. Campbell continued:

There is another reason which I desire to offer. The honorable gentleman from Virginia has adverted to the fact that the Democratic party has a overwhelming majority in the House. That is true. But I wish him to understand that although there are but a few Whigs here, yet these few and the country will hold the large Democratic powers in the House to a strict responsibility for their legislation. The Whigs are found in readiness to help sweep away the evils that have existed heretofore. We do not intend for you to go back to the country and complain of their program because of the rules of the House.³⁶

The fact that by this move they were establishing precedent to give the reports of the Committee on Rules the right of way in matters of legislation was realized by only a few, if any, members of the House. This can be seen from this debate on March 22, 1854.³⁷

Mr. John Millison: Democrat from Virginia	"I will remark that this is only a partial report of the Committee on Rules."
--	---

³⁵Ibid., p. 3.

³⁶Ibid.

³⁷Atkinson, op. cit., p. 22.

- Mr. John Taylor: Whig from Ohio "I rise to a question of order, I desire to know how this resolution comes before the House."
- The Speaker: "At the commencement of the present session of Congress a resolution was passed creating this Committee on Rules with authority to report at anytime."
- Mr. Taylor: "Then I desire to inquire if this is a regular report of the Committee on Rules."
- The Speaker: "It is a report offered by the gentleman from Virginia, as a member of the Committee on Rules."
- Mr. Taylor: "If it does not come before us regularly at the time, I object to its reception."
- Mr. Millison: "It is a report from the Committee on Rules and comes regularly before the House as such."
- Mr. Taylor: "Then I desire to inquire of the Chair if the Committee on Rules has the right to report to the House at this time."
- The Speaker: "It is in order for them to report at any time under express ruling of this House."³⁸

The right to report at any time had been conferred on the Rules Committee in 1841, as we have seen, but this had proven so ineffective that it was thought necessary to make the reports privileged when presented to insure their consideration. The Committee on Rules was in a position now to command a respectful hearing. It did not, however, take advantage of this strong parliamentary position. It held but one meeting in the first four months of its existence, and made only two

³⁸Congressional Globe, Thirty-third Congress, First Session, Vol. XXVIII, Part 1, p. 715.

reports during the conference, both very brief.³⁹ The first related merely to permission to print proposed amendments. This was adopted without debate.⁴⁰ The second concerned procedure in the Committee of the Whole. This was opposed, and the measure was laid upon the table.⁴¹

There was no marked increase in the influence of the Committee on Rules until the Speaker became a member of that body in 1858. The revision of the rules in 1860 would be accomplished by a combination of the addition of his membership and the precedents established in 1841 and 1853.⁴²

On the first day of the Thirty-fifth Congress (1857-58), Mr. Thomas Clingman, a Democrat of North Carolina, secured an important amendment to the customary resolution concerning rules of the last House. At that time it had not become a standing rule of the House to refer all matters relating rules to the Rules Committee. Mr. Clingman's feat, although unusual, was not an impossible accomplishment.⁴³ The resolution said that the Committee on Rules had never altered the rules since he had been in the House, and he had called on them to report but they never had reported.⁴⁴ He proposed a resolution to appoint a Committee on Rules, and an objection was made to

³⁹Atkinson, op. cit., p. 22.

⁴⁰Congressional Globe, Thirty-third Congress, First Session, Vol. XVIII, Part 1, p. 286.

⁴¹Ibid., p. 715.

⁴²Atkinson, op. cit., p. 23.

⁴³Ibid., pp. 25-26.

⁴⁴Congressional Globe, Thirty-fifth Congress, First Session, p. 3.

this. Then the House declined to take action on the measure for lack of a quorum.⁴⁵ Mr. Clingan's action, though thwarted, pointed out two important things. First, an amendment could be tacked on to the customary resolution concerning the rules of the last House. The second was the fact that the majority of the House favored the action by the Committee on Rules, even though it had reported sparingly.

The Speaker Is Placed on the Rules Committee

The next greatest step in the accretion of power by the Committee on Rules came when the Speaker was placed on the Committee. On June 14, 1858, Mr. Warren Winslow (Democrat), the ex-speaker of the North Carolina Senate, secured the floor and said, "I ask unanimous consent of the House to introduce the following resolution, to which I hope there will be no opposition."⁴⁶

Resolved, that a committee be appointed consisting of the Speaker and four members to be named by him, whose duty it shall be to digest the rules of order, to suggest such alterations and amendments, as they may deem necessary and to report the same back to the House for its action at an early day in the next session.⁴⁷

There being no objection, the resolution was received. However, some discussion did follow this action.

⁴⁵Atkinson, op. cit., pp. 26-27.

⁴⁶Ibid.

⁴⁷Ibid.

Mr. Sherwood Clemens:
Democrat from Virginia

"I move to amend by striking out that provision which provides that the members of the committee shall be named by the Speaker and insert, by the vote of the House."

Mr. Winslow:

"That amendment is not in order."

The Speaker:

"The Chair hopes the gentleman will be indulged in offering the amendment."

Mr. Benjamin Leite:
Republican from Ohio

"Is it contemplated that the committee shall sit during the recess?"

Mr. Winslow:

"Certainly not. They are to report at an early date the next session."

Mr. Henry Phillips:
Democrat from Pennsylvania

"I hope that the gentleman would not mind if such a committee met with a like committee from the Senate."

Mr. Winslow:

"I have no objection to that as an addition to my resolution."

The vote was on Mr. Clemens' amendment. It was defeated by a wide margin, and the resolution of Mr. Winslow was adopted.⁴⁸

It may be of interest to note later the difference in the exit and entry of the Speaker on the Committee on Rules. Also, it can be noted that in the Thirty-fifth Congress (1857-58) both the Speaker and Mr. Winslow were Democrats.⁴⁹

The House must have thought at this time that the Speaker's parliamentary experience would be of value to the committee. The Rules

⁴⁸ Congressional Globe, Thirty-fifth Congress, First Session, Part III, p. 3, 018.

⁴⁹ Atkinson, op. cit., p. 28.

Committee consisting of Speaker James Orr, Democrat from South Carolina, Mr. Winslow, Mr. Galusha Grov, Republican from Pennsylvania, Mr. Robert Beacock, Democrat from Virginia, and Mr. Israel Washburn, Republican from Maine,⁵⁰ made a report on December 20, 1858, which was ordered to be printed and recommitteed to the said committee.⁵¹

The addition of the Speaker to the Committee on Rules with the prerogative to appoint the members of the committee was an instrument of great power to the Speaker. It was a power that had been handed to him without any objection on the part of the members of the House.

Even though sweeping changes had been made in composition of the Rules Committee, the rules were left untouched. However, continued criticism in 1858 and 1859 kept pressure on the House to change its rules.

The Rules Revision of 1860

The resolution under which the committee acted that brought about the revision of 1860 embodied the principles developed in the Twenty-seventh (1841-42), Thirty-third (1853-54), and Thirty-fifth (1857-58) Congresses, and it also contained a provision indicating that there was a suspicion in the House that the large powers might be abused.⁵²

⁵⁰House Journal, Thirty-fifth Congress, First Session, pp. 1141-42.

⁵¹House Journal, Thirty-fifth Congress, Second Session, p. 87.

⁵²Atkinson, op. cit., p. 29.

Resolved, that a committee of five consisting of the Speaker and four members to be named by him be appointed, to whom shall be referred the rules of the House, and who shall have leave to report at anytime such amendments and revisions of the same, as they shall think proper, and such reports when made shall be considered as a special order, provided that when the Committee on Rules reports their function will cease.⁵³

The revision of the rules in 1860 came on a special order made on March 15, 1860. The lateness of this report was due to the extraordinary controversy that had been raging over the speakership.⁵⁴ The gentleman in charge of the report was Mr. Israel Washburn. During the debate,⁵⁵ he said, "The rules need to be amended."⁵⁶ They were approved after a three-day debate.⁵⁷

As the Union was breaking up, the House made its greatest change in its rules since the first session of the First Congress. Many of the changes were technical in character. The changes corrected inconsistencies, combined related rules, and adjusted other existing practices.⁵⁸ All in all there were thirty-eight amendments to the rules.⁵⁹

⁵³Congressional Globe, Thirty-sixth Congress, First Session, p. 655.

⁵⁴Atkinson, op. cit., p. 29.

⁵⁵Congressional Globe, Thirty-sixth Congress, First Session, Part II, pp. 1178-92, 1203-16.

⁵⁶Ibid., p. 1178.

⁵⁷Ibid., p. 1237.

⁵⁸George B. Galloway, History of the House of Representatives (New York: Thomas Y. Crowell Company, 1961), p. 50.

⁵⁹DeAlva Stanswood Alexander, History and Procedure of the House of Representatives (Boston: Houghton Mifflin Company, 1916), p. 192.

The changes that occurred, although technical, had great significance for the conduct of House business. Certain dilatory tactics were prevented by these changes. The House rules were altered to make the flow of business smoother and to strike out dated procedure of the House that at times, as in the case of Speaker William Pennington, a Whig from New Jersey, had thrown the House into confusion, while the nation was on the verge of the Civil War. The election of Pennington was delayed several weeks because of dilatory tactics of the minority. To avoid the repetition of the riotous scenes preceding the election of Speaker Pennington, the rules of one House of Representatives were made binding upon its successor, unless otherwise ordered.⁶⁰

Although parliamentarians generally held this rule invalid whenever seriously questioned, the rule held for thirty years.⁶¹

The ease with which the reforms in the rules were passed in the late 1840's, 1850's, and especially in 1860 was not due to the weak position of the minority party, which for the most part were the Whigs, but because both sides of the House believed that changes in the rules were necessary on account of the increased flow in House business.

Although in 1860 the Rules Committee did not have the power it would have in later Congresses, the committee was receiving power by accretion because of the need to run a more orderly and efficient House of Representatives.

⁶⁰Galloway, History of the House of Representatives, loc. cit.

⁶¹Alexander, op. cit., pp. 192-93.

CHAPTER III

THE DOMINATION OF THE RULES COMMITTEE BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The change in the rules in 1860 was one of the chief highlights in the history of the Rules Committee. Although no very important changes occurred concerning the Rules Committee until 1880, there were certain events that need to be noted in this twenty-year period.

The Increase in Business by the House Places the Rules Committee in a More Prominent Position

With the postwar period came an increase in the size and business of the House of Representatives. This increase made the rules more stringent in regard to individual rights. This caused a great deal of dissatisfaction.¹ There were also some members who believed that the rules of the House should be revised. On May 24, 1872, the House agreed to the Banks Resolution providing for the appointment of a commission to revise the rules, and report such changes as would facilitate the presentation of reports of committees, enlarge the means of an intelligent transaction of general business, and secure to every member a proper opportunity to examine all legislative measures before

¹George B. Galloway, History of the House of Representatives (New York: Thomas Y. Crowell Company, 1941), p. 50.

submitted for consideration and activity by the House.² This commission does not appear to have reported, but meanwhile more than forty rules were added to the House Manual. Also many new precedents were established.³

Between 1860 and 1880 the greater influence of the House Rules Committee was shown by the number of matters referred to it for investigation, and in the activity displayed by the committee in the reports made to the House by its members.⁴ In the Thirty-eighth Congress (1863-64), ten important measures were submitted for its judgment.⁵ These were substantive proposals, not procedural. This practice continued to be general until it developed into a fixed rule of the House to take no action whatsoever in matters appropriate to this committee without a report delivered by its chairman.⁶

The most noticeable tendency in this period was the increase in the use of the dilatory measure to defeat legislation. These remarks will illustrate the point.

²Congressional Globe, Forty-second Congress, Second Session, p. 3819.

³Shalloway, op. cit., pp. 50-51.

⁴C. R. Atkinson, The Committee on Rules and the Overthrow of Speaker Cannon, (New York: Columbia University Press, 1911), p. 30.

⁵House Journal, Thirty-eighth Congress, First Session, pp. 67, 156, 319, 381.

⁶Atkinson, loc. cit.

Mr. James Garfield, a Republican from Ohio, said:

The experience of the last week has shown that a body of one-fifth of the House can say to the House, that there is a class of public measures which not only shall be voted on, but which shall not ever be taken up for consideration. This demand is intolerable and revolutionary.⁷

Mr. William P. Frye, a Republican from Maine, in attempting to justify them said: "Suppose we did not resort to these dilatory motions, would we not be held responsible to our constituents and to the country at large."⁸

Mr. Joe Hawley, a Democrat from North Carolina, countered by saying:

We have shown that a system of rules has slowly grown up here under which it is quite impossible for a clear and large majority of the House to carry out its will if resisted by a determined minority. Now that was not the original purpose of the rules.⁹

During the Forty-sixth Congress (1879-80) the rules struggle took on an air of increased intensity. The Congress had been in session only a few months when the leaders of both political parties became convinced that a postponement could not be put off any longer.¹⁰ The Democratic leader from Kentucky, Mr. Blackburn, summarized the feeling when he said, "In nineteen years the rules have become a piece

⁷Congressional Record, Forty-third Congress, Second Session, Part 2, p. 893.

⁸Ibid.

⁹Ibid.

¹⁰Atkinson, op. cit., p. 31.

of patchwork.¹¹ On another occasion he referred to them as an "over-worked system in which we suffer."¹²

Rules Revision in 1880

In response to continued criticism, the House in 1879 instructed a committee of able parliamentarians to sit during the recess in order to revise, codify, and simplify the clumsy accretion of 169 rules that had been accumulated since the revision of 1860.¹³ The committee consisted of Speaker Samuel Randall, Democrat of Pennsylvania; Alexander Stephens, Democrat of Georgia; Joseph Blackburn, Democrat of Kentucky; James Garfield, Republican of Ohio; and, William Frye, Republican of Maine. To show the good will of the committee toward one another Mr. Blackburn said: "In justice to the Republican members of the committee, I want to say that in the discussion that has led up to the adoption of this resolution there has been no disagreement among the members."¹⁴ Speaker Randall also said words of praise for the action of the members of the committee.¹⁵

Twelve years later in discussing the revision of the rules in

¹¹Congressional Record, Forty-sixth Congress, First Session, Part 2, p. 2329.

¹²Ibid., p. 2328.

¹³Galloway, op. cit., p. 51.

¹⁴DeAlva Stanwood Alexander, History and Procedure of the House of Representatives (Boston: Houghton Mifflin Company, 1916), p. 32.

¹⁵Ibid.

1880, Speaker Reed said: "Business had been to shirk questions, not meet them. The revision of the rules as they were before the revision of 1880 was not worth the paper they were printed on."¹⁶

By this Speaker Reed was pointing out that to him all revisions prior to 1880 had been ineffective. The fact that at this session of Congress the committee had been changed back to a standing committee was probably due in measure to the high esteem in which Speaker Randall and Messrs. Blackburn, Frye, Garfield, and Stephens, were held.¹⁷

In making the report to the House, the Committee on Rules used skill and tact in keeping it clear of an unfavorable vote and hostile debate.¹⁸ The revision of the rules was accomplished with very little fanfare, and the members of the House seemed to agree that these rules were necessary.

The report rearranged and grouped the orders by subject into forty-five main rules, with the avowed object to secure accuracy in business, economy of time, order, uniformity, and impartiality. Thirty-two rules were dropped as obsolete or unnecessary; twelve remained intact; and 125 were condensed into thirty-two, making a total of forty-four, each subdivided into clauses.¹⁹

¹⁶Congressional Record, Fifty-second Congress, First Session, Part 1, pp. 556-57.

¹⁷Atkinson, op. cit., p. 33.

¹⁸Congressional Record, Forty-sixth Congress, Second Session, Parts 1 and 2, pp. 346-58, 452-61.

¹⁹Galloway, op. cit., p. 51.

The new code had far-reaching effects on committee access to the floor, the distribution of appropriation bills, the privileges of reporting at any time, on suspension of the rules, and on special orders.²⁰ The new rules also stopped voting after the second roll-call; it dropped the penalty system of absenteeism without leave. Under the penalty system a member of the House could be punished by censure or fine if there was not good cause for his absence. It authorized the clerk to announce "pairs" instead of members. Also abolished was the practice of changing a few words in a pending bill to make it germane. This meant that a pending bill could not be submitted as an amendment at a later date by changing just a few words. It caused a motion to reconsider, made during the last six days of a session, to be disposed of at the time. It sent a bill, to which objection was made to its present consideration, to the Committee of the Whole or to the House Calendar to be taken up and disposed of in order; and it also provided that the previous question should bring the House to a direct vote upon an amendment or amendments, the effect being to carry the bill to its engrossment and third reading, and then, on a renewal of the motion, to its passage or rejection.²¹ But the revisers of 1880 left untouched such "disreputable practices" as "riders" on appropriation bills and the "disappearing quorum."²²

²⁰Ibid.

²¹Alexander, op. cit., pp. 194-95.

²²Galloway, loc. cit.

The general practice of the House until 1880 was to provide for the appointment of the Committee on Rules by the Speaker early in the first session of each Congress, and to adopt, temporarily, the rules of the preceding Congress. When the Committee on Rules became a standing committee in 1880, the first of these resolutions became unnecessary, but attempts to bind the new Congress to adopt the rules of its predecessors were not successful.²³

The revision of the rules was technical and did not deal with the two most important weapons of the minority, the filibuster and the "no quorum present" tactic. The revision of 1880 was not fought by the minority because it had avoided any assault on the filibuster.

The revision in the rules in 1880 was a great step forward for the House of Representatives. Not only did it provide the House with a more streamlined procedure, but it also reflected the America of the 1880's, a more complex organization than that America of the pre-Civil War days. The respect given now to the Committee on Rules by the members of the House is seen in reading the record of that time. The committee was now coming into the limelight of power in the House of Representatives.

As we have seen previously, nothing had been done about the abused tactics that were used by the minority in the House, the filibustering, and the "no quorum present" tactics. Two examples of filibustering came about in the Fiftieth Congress (1887-88) on the bill to

²³Atkinson, op. cit., p. 10.

refund the direct tax,²⁴ and the Oklahoma bill.²⁵ Much of the ill-bustering was due to the partisanship involved in the measures. Protests such as these caused criticism of the rules and some criticism of the Rules Committee. One prominent personality of the day called the Rules Committee "a disguised oligarchy."²⁶

Speaker Reed's Rules

The next major development of the House rules came in 1890 with the adoption of the "Reed Rules." Thomas Brackett Reed had entered Congress from Maine in March, 1877. During the intervening years, he had often seen how the business of the House could be paralyzed and the will of the majority frustrated by the minority party and in many cases, minorities opposed to certain bills. The tactics of obstruction then employed included such devices as the "disappearing quorum," repeated roll calls, and various dilatory motions.²⁷

Reed was a bold and courageous man with a powerful personality and an acid tongue. He had been a leading figure in the Maine legislature, and he was destined to become a masterful Speaker of the House of Representatives. In his view the business of an organism was to

²⁴Congressional Record, Fiftyth Congress, First Session, Vol. XII, Part 3, pp. 2701-5.

²⁵Congressional Record, Fiftyth Congress, Second Session, Vol. XI, Part I, p. 605.

²⁶Woodrow Wilson, Congressional Government, A Study in American Politics (Boston: Houghton and Mifflin Company, 1885), p. 111.

²⁷Galloway, op. cit., p. 52.

function, and the duty of a legislature was to legislate. During the 1880's Mr. Reed became an expert in parliamentary strategy and tactics, biding his time until he should be in a position to overcome the techniques of minority rule. The need of reform in House procedure impressed him deeply, and he was convinced that the traditional practice must be changed. Minority rights, he felt, should not be allowed to override the rights of the majority.²⁸

When the Fifty-first Congress (1889-90) convened on December 2, 1889, the memory of the Oklahoma Bill was fresh in the minds of the Republican majority. Mr. Roger R. Mills, a Democrat from Texas, is reported to have said, "The minority did not intend for the Republican majority to pass a single measure without their consent." He concluded by saying, "The minority was strong enough to make them the virtual rulers of the House."²⁹

It was the clash of Speaker Reed and the majority party with Mr. Mills and his determined minority that brought about the so-called "Reed Rules."³⁰

As has previously been said, the revision of the rules of 1880 had not curbed the "no quorum present" tactic. The first attack on this abuse of the rules came on January 20, 1880, when Mr. Tom Acklen, Democrat from Louisiana, proposed an amendment, which made it a duty

²⁸Ibid.

²⁹Atkinson, op. cit., p. 37.

³⁰Ibid., p. 38.

of the clerk to cast those present and not voting as having voted in the negative, and also to declare the results to the House.³¹ This was opposed by the Republicans, especially by Mr. Reed. This plan was then abandoned by the Democrats.³² In withdrawing the amendment, a prominent Democrat said: "I offered on yesterday my amendment to the report of the Committee on Rules, believing that it was in accordance with the Constitution. I will not present the matter further."³³

The practice of making a quorum on record by counting recalcitrant members was inaugurated by Speaker Reed on January 29, 1890, in advance of any recommendation from the House. This tactic, members present but not voting on a roll-call, had plagued the House for many years. The move by the Speaker destroyed the "no quorum present" tactic. Speaker Reed accomplished this in the following manner. The House had not passed at this time the customary resolution for the temporary adoption of the rules of the preceding House and was proceeding under general parliamentary law as it had done in several other periods in history.³⁴

The House on January 29, 1890, was in the process of taking up the election case of Smith v. Jackson, when the controversy began. In

³¹Congressional Record, Forty-sixth Congress, Second Session, Vol. II, Part 1, p. 423.

³²Ibid., p. 575.

³³Ibid., pp. 603-4.

³⁴Atkinson, op. cit., p. 39.

this case Mr. Charles Crisp, a Democrat of Georgia, raised the question of consideration. On division the yeas were 136 and the nays were 124. The number required for a quorum in the Congress was 166. The yeas and nays being demanded, they stood: yeas, 162; and the nays, two. The purpose of the "no quorum" tactic was to prevent the seating of a Republican. After the vote, Mr. Crisp said, "no quorum."³⁵

Members of the Democratic side were certainly not prepared for the statement Speaker Reed would make next. However, if they had reverted back to the proceedings on January 2, 1890, they may not have been as astonished. On that day Reed declined to accept a highly privileged motion to adjourn on the grounds that it was a dilatory motion.³⁶ He went further to announce that he would thereafter accept no dilatory motions at all and that he would decide whether a motion was designed merely to obstruct the House's procedure. This decision rocked members of the House of Representatives for it deprived the minority Democrats of one of their most effective weapons.³⁷ This shock, however, was mild compared to the shock the Democrats received after Mr. Crisp called up a "no quorum."

Speaker Reed:

"The Chair directs the clerk to record the following names of members present but not voting." (Applause on the Republican side.)

³⁵Congressional Record, Fifty-first Congress, First Session, Vol. XII, Part I, pp. 949-50.

³⁶Wells MacBell, Ferger of Democracy: The House of Representatives (New York: David McKay Company, 1963), p. 51.

³⁷Ibid.

Mr. Crisp:

"I appeal. I appeal the decision of the Chair." (Applause on the Democratic side.)

The Speaker:

"Mr. Blanchard, Mr. Blount, Mr. Breckinridge."

Mr. Clifton Breckinridge:
Democrat from Kentucky

"I deny the power of the Speaker and denounce it as revolutionary." (Applause on the Democratic side.)

The Speaker:

"The House will be in order."

Mr. James Blount:
Democrat from Georgia

"I am responsible to my constituents for the way I vote and not to the Speaker of the House." (Applause on the Democratic side.)³⁸

The Speaker continued to call off the names of the members present, but not voting, in spite of protests, appeals, and denunciations, cries of order, and quotations from works on parliamentary procedure.³⁹ The clerk continued to call off the names of those present and not voting. When forty-one of them had been called off, he announced that a quorum was present. Hearing the end of the roll-call, Mr. George Cooper, a Democrat of Indiana, demanded on what grounds did the Speaker make such a decision.⁴⁰ In support of his decision Speaker Reed cited the practice of the English House of Commons, the rules and proceedings of the House of Representatives, and also the Federal Constitution. With

³⁸Congressional Record, Fifty-first Congress, First Session, Vol. XII, Part I, pp. 949-50.

³⁹Atkinson, op. cit., p. 41.

⁴⁰Congressional Record, Fifty-first Congress, First Session, Vol. XII, Part I, pp. 950-51.

these statements the Speaker declared the resolution passed.⁴¹ On an appeal of the decision the next day, the Speaker was sustained by a vote of 162 yeas, 0 nays, 167 not voting.⁴² The principle was finally incorporated into the rules of the House on February 14, 1890.⁴³

The Democratic minority was enraged with the ruling. For several days they stormed about the House floor, wildly denouncing the tyranny of the Speaker, damning him as a "scoundrel" and a "cesar."⁴⁴ "What becomes to the rights of the minority?" one member demanded.

"The right of the minority," replied Reed, "is to draw its salaries and function to make a quorum."⁴⁵ This statement sent members into the aisle in a frenzy of anger. One Kentucky representative, with parliamentary manual in hand, tried to debate with the Speaker: "I deny you right, Mr. Speaker, to count me present," he said. The Speaker: "The Chair is making a statement of fact that the gentleman from Kentucky is present. Does he deny it?"⁴⁶

Reed persisted in the ruling. His rule ended filibustering in the House. The Democrats still tried to resist the ruling. They even

⁴¹Woolsey, op. cit., p. 52.

⁴²Congressional Record, Fifty-first Congress, First Session, Vol. III, Part I, p. 1150.

⁴³Ibid., p. 1347.

⁴⁴MacNeil, op. cit., p. 32.

⁴⁵Helen Bruce Fuller, The Speakers of the House (Boston: Little, Brown & Company, 1909), p. 231.

⁴⁶Samuel W. McCall, The Life of Thomas Brackett Reed (Boston: Houghton Mifflin Company, 1914), pp. 167-68.

accused Reed of counting, as part of a quorum, the members' hats hanging in the cloakroom. They tried to prevent being counted by dashing out of the Hall of the House before the doors of the House were closed and locked. One Texan, Constantine Kilgore (Democrat), once kicked down a locked door to make his escape, and he was afterward known as "Kicking-Buck Kilgore."⁴⁷

In addition to these major reforms, the Reed Rules also provided for a readjustment in the order of business, reduction of a quorum in the Committee of the Whole to one hundred, the relief of the morning hour by filing bills and reports with the clerk, and the adoption of special orders by a majority vote. The last was certainly a major change. Under the new system, the Speaker referred all public bills to the respective committees and was authorized to dispose of business on the Speaker's table without action by the House—except on House bills with Senate amendments, which would usually go to the Conference Committee without debate. Likewise, he minimized "unfinished business" by limiting its jurisdiction to business transacted in a special period. Under the revised "order of business," the House has since been able to move freely from one calendar to another and from the House to the Committee of the Whole.⁴⁸

⁴⁷MacNeil, op. cit., p. 52.

⁴⁸Galloway, op. cit., p. 53

The Speaker and the Majority Party Are Given Unprecedented Power Through the Reed's Rules

The Reed's Rules brought about a tremendous change in the House. Not only did they end the practice of dilatory motion and the filibustering tactic of the "no quorum," but they also brought unprecedented power to the Speaker of the House of Representatives, and also to the majority party in the House. The confusion of outdated rules had been destroyed along with the time-consuming filibuster; however, some wondered whether the cure was not worse than the disease.

Reed saw the possibilities of the Rules Committee when he was Speaker of the House. He made the Rules Committee the steering committee of the majority party. The steering committee was to be responsible for determining the House's legislative program. He did this by developing a new concept of floor action--the so-called "special rule." With Reed as Rules Committee Chairman, the committee would write a special rule for the floor management of a given bill. This rule determined the amount of time to be spent debating the bill, and sometimes even limited the amendments that could be offered to the bill. This special rule could be adopted by a majority vote, and the Speaker automatically controlled a majority. The technique gave the Speaker almost unlimited control over floor action.¹⁶ The Democrats being in the minority did not like this new tactic by the Speaker, and they fought it with much vigor.

¹⁶MacKell, op. cit., p. 53.

Although some people believed that Speaker Reed was the innovator with his steering committee in the House of Representatives, one should notice that in the Fiftieth Congress (1887-88), Speaker John Carlisle, a Democrat from Kentucky, had appointed the Chairman of the Committee on Ways and Means, the Chairman of the Appropriations Committee, together with the Speaker to sit on the House Rules Committee.⁵⁰

This was the procedure that Speaker Reed, William McKinley, Republican of Ohio, and Joseph Cannon of Illinois, completely dominated the two Democratic members, Mr. James Elount of Georgia, and Mr. Benton McMillin, Democrat of Tennessee. On one occasion Mr. McMillin, being late, asked if he had missed anything. The Speaker said, "No, Joe, Mac, and I went along by ourselves."⁵¹

The Republican members of the Committee on Rules would decide in advance the details of the rules they wanted on the bill, and then Reed would inform the members of the Democratic minority of the decision.⁵² "Gentleman," he would say, "we have decided to perpetuate the following outrage."⁵³ On another occasion Reed said that the Rules

⁵⁰Congressional Record, Fiftieth Congress, First Session, p. 104.

⁵¹Chang Wei-Chiu, The Speaker of the House of Representatives Since 1896 (New York: Columbia University Press, 1926), p. 133.

⁵²MacNeil, op. cit., p. 53.

⁵³George Rothwell Brown, The Leadership of Congress (Indianapolis: Bobbs-Merrill Company, 1922), p. 88.

Committee consisted of the Speaker and his two assistants.⁵⁴

Although the Democrats opposed the Speaker's rules in the Fifty-first Congress (1889-90), they looked at them in a different light in the Fifty-second (1891-92) and Fifty-third (1893-94) Congresses. The elections of 1892 and 1894 gave the Democrats control of the House of Representatives, and with this control they were able to fashion the rules of the Fifty-second (1891-92) and Fifty-third (1893-94) Congresses. When the Democrats secured the majority in the Fifty-second Congress (1891-92), consistency required them to drop the two rules which had been called the "Reed Rules." That was done in the report of the Committee on Rules on January 21, 1892.⁵⁵ However, later in amendments, the "Reed Rules" were adopted by the Democrats because they feared the able Republican minority.⁵⁶ Referring to this rule, a member of Congress said that under the speakerships of Mr. Reed and Mr. Crisp the Rules Committee received its greatest enlargement of function and importance.⁵⁷

Although the Democratic Fifty-second (1891-92) and Fifty-third (1893-94) Congresses made use of the Rules Committee to further its legislative program, they did not use the committee nearly as effectively

⁵⁴Congressional Record, Fifty-third Congress, First Session, p. 1033.

⁵⁵Congressional Record, Fifty-second Congress, First Session, Vol. XXIII, Part 1, pp. 493-98.

⁵⁶Ibid.

⁵⁷Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 3, p. 3298.

as it was used by the Republican majority.

There was a good deal of support for the Rules Committee in this country even though the Speaker had become very powerful. One prominent member of Congress said, "The members who do not like the rules must realize that if we did not have them there would be pandemonium."⁵⁸ Another commented that if the rights of the individual were left unfettered, then the government would be without order.⁵⁹ A leading legislator in this country told Lord Bryce that the rules were as near perfect as they could be.⁶⁰

However, there was some opposition to the Rules Committee. Most of this opposition was due to the small size of the committee. As early as the Fiftieth Congress (1887-88), a resolution was offered to increase the size of the Committee on Rules. The resolution wanted to increase the size of the committee to seven.⁶¹ The establishment of so small a ruling committee had led to the customary references to "Russia," "the autocrat," "three men ruling the House of Representatives." In the Fifty-second Congress (1891-92), moreover, the Democratic members were all from the South, and there was some complaint

⁵⁸Paul S. Reinsch, American Legislatures and Legislative Methods (New York: Century Company, 1913), p. 60.

⁵⁹Samuel McCall, The Business of Congress (New York: Columbia University Press, 1911), p. 65.

⁶⁰James Bryce, The American Commonwealth (New York: MacMillan Company, 1893), Vol. 1, p. 135.

⁶¹Congressional Record, Fiftieth Congress, First Session, p. 124.

that the three men with the most power over the legislation of the United States came from one section of the country.⁶²

There were other proposals made concerning changing the Committee on Rules. It was proposed that it should consist of seven, of nine, and even of fifteen members. It was also suggested that it should include all the chairmen of the standing committees, about fifty in number, and that finally, it should consist of one member from each state or territory to be nominated by that state or territory.⁶³

There were three other rules given during this time that gave the Rules Committee additional power. These added to the "Reed Rules" made this committee a very powerful one. One of the rules gave a report from the Committee on Rules precedent over the reading of the House Journal.⁶⁴ The second gave the committee the right to retire at any time from the House, in order to report a rule that would silence a filibuster.⁶⁵ The last measure gave the Rules Committee the power to fix an hour for a final vote on a pending question.⁶⁶

⁶²Mary P. Fallett, The Speaker of the House of Representatives (New York: Longmans, Green, and Company, 1896), p. 79.

⁶³Congressional Record, Fifty-third Congress, First Session, pp. 1077-78, 1084-85.

⁶⁴Congressional Record, Fifty-second Congress, First Session, pp. 1619-32.

⁶⁵Fallett, op. cit., p. 214.

⁶⁶Ibid.

Perhaps the most drastic power the committee had was the power of the special rule. The following rule was on an immigration bill in 1903.

Resolved, that immediately upon the adoption of this order the House shall resolve itself into the Committee of the Whole House for the consideration of this bill, to amend an act, entitled, "an act, to regulate immigration of aliens into the United States," approved March 3, 1903, and in the Committee of the Whole the amendment in the nature of a substitute report by the Committee on Immigration and Naturalization, shall be read through, after which Section 1 of said amendment shall be considered for not longer than one hour, under the Five-Minute Rule for amendments, and at the end of Section 1, Section thirty-eight shall in the same way be considered for not longer than two hours, with the provision that amendments pending at the end of the two hours shall be voted on by the Committee of the Whole; and immediately after the vote on the said, "specific amendments" to Section thirty-eight, the Committee of the Whole shall rise and the Chairman will report the bill and substitute amendments, whereupon a vote shall be taken on the substitutes, and the bill, to the final passage without an intervening motion or appeal. General leave is given to be confined to a discussion of the bill within five legislative days from today.⁶⁷

During the debate on this report the following discussion between the Speaker and Mr. John Gardner, Republican from New Jersey, author of the immigration bill, showed that the special rule affected all representatives in some way.

Mr. Gardner: "Mr. Speaker, I would like to ask the Chair if in his opinion this rule as drawn will permit a yea and nay vote at any stage, for instance, on the amendment striking out the educational test."

The Speaker: "In reply to the question of the gentleman from Massachusetts, which the Chairman will treat as a parliamentary inquiry, the Chair will say that this rule if adopted does not change the rules

⁶⁷Congressional Record, Fifty-ninth Congress, First Session, Vol. XL, Part 10, p. 9152.

of the House on the subject. The ordinary rules would evoke the Committee of the Whole House to perfect the substitute for the Senate Bill reported by the Committee and would be treated precisely in that respect as substantially all similar amendments have been treated here before."

Mr. Gardner: "Then I understand Mr. Speaker that no ye or nay vote would be possible at any stage of proceedings under that rule of the educational test."

The Speaker: "Amendments perfecting the substitute itself would be in order. This special rule if adopted leaves the uniform practice as it has been in Congress for a hundred years."

Mr. Gardner: "Then I ask that this rule shall be so amended as to permit at some stage in the proceedings a ye and nay vote on the educational test."

The Speaker: "The gentleman from Massachusetts asks unanimous consent as indicated. Is there any objection?"

Mr. Gardner: "Mr. Speaker, I have nothing more to say except that this rule is a very bad one indeed, and quite in violation of a great many understandings I have had with the people in this building, but I shall work for its adoption, because I do not believe this House is composed of men who will use the fact that they cannot be put on record to vote a different way from what they would if they were to be put on record."⁶⁸

Since the 1880's, the House Committee on Rules had been gaining power slowly but surely. By the time of Speaker Joseph Cannon, the House Rules Committee was being used as the instrument of the majority party. Because of this, the majority party could run the business of the House to their liking.

⁶⁸Ibid., p. 9153.

CHAPTER IV

THE OVERTHROW OF THE SPEAKER

Not only had the Speaker of the House of Representatives controlled the Committee on Rules, but under the operation of the "Reed Rules" he had developed far-reaching power. He was entitled to appoint the standing committees in the House, to designate their chairmen;¹ and this in turn would determine the legislative opportunities of the individual.² As Chairman of the Committee on Rules, he was able to determine what business the House should consider. Through the unlimited power of recognition, he could decide what matters would come before the House, and he could also discipline members who went against his wishes. After a long process of evolution, the Speaker of the House had become the second-most powerful man in the United States.³

Cannon's Use of the Rules and Rules Committee

Joseph Cannon of Illinois inherited all the Speaker's arbitrary powers when he was chosen to lead the House. Cannon, however, added

¹George B. Galloway, History of the House of Representatives (New York: Thomas Y. Crowell Company, 1961), p. 53.

²George F. Hoar, Autobiography of Seventy Years (New York: Charles F. Scribner and Sons, 1907), Vol. I, p. 262.

³Galloway, loc. cit.

his own embellishments to the Speaker's power. This was a party hierarchy loyal to him that simply overawed the House. Cannon controlled the House in its entirety, and he made the House subservient to his will by the ruthless way he used his arbitrary power. No bill could be passed without his advance permission, and the appointment of every member of every House committee was his sole responsibility. Cannon controlled the avenues of promotion in the House, and the members shrank deeper into obscurity.⁴

A few contemporary remarks will show the power of the Speaker. One man wrote that, "An able and clever man owns the House of Representatives, body, soul, and conscience."⁵ Once when a constituent asked for a copy of the House rules and regulations, the member sent him a picture of Speaker Cannon.⁶ Another time a woman, shocked at seeing Cannon bowed in prayer in the House, called him an "old hypocrite."⁷ The attack on the Speaker was indirectly an attack on the Rules Committee. The Rules Committee and the Speaker were constantly under a barrage of criticism.

By 1908 it looked as if a showdown was to take place in the

⁴Neil MacNeill, Forge of Democracy: The House of Representatives (New York: David McKay Company, 1963), p. 53.

⁵Halasz Bruce Fuller, The Speakers of the House (Boston: Little, Brown & Company, 1909), p. 281.

⁶MacNeill, op. cit., p. 79.

⁷J. Frederick Essary, Covering Washington (Boston: Houghton Mifflin Company, 1927), p. 204.

House between the Speaker and his cohorts against a coalition of Democrats and "insurgent" Republicans. This showdown had been in the making since 1903. From 1903 to 1908 the nation's press had attacked Cannon as having a position that was too powerful. Many Democratic state platforms, beginning in the 1890's, attacked the Speaker and the Committee on Rules, a specific example being that of California. Republican platforms did not condemn; neither did they praise the Committee on Rules. The platform of the National Democratic Party in 1908 attacked the Speaker and the Committee on Rules.⁸

The Democratic press in the nation was against the Speaker and the Rules Committee. The Republican press remained very silent on the subject. The main accusation pointed at the Committee on Rules was it had opposed the reforms of Roosevelt and Taft.⁹

Many of the leading periodicals were against the Speaker and his committee. Among them were Colliers,¹⁰ Century,¹¹ Outlook,¹² Arena,¹³

⁸C. R. Atkinson, The Committee on Rules and the Overthrow of Speaker Cannon (New York: Columbia University Press, 1911), pp. 71-81.

⁹Ibid.

¹⁰Colliers, XLII (March 6, 1909), 15.

¹¹Century, XLII (June, 1902), 169.

¹²Outlook, XCI (April 10, 1909), 807-9.

¹³Arena, XLIII (May, 1908), 615-18.

Harpers Weekly,¹⁴ North American Review,¹⁵ Commopolitan,¹⁶ and the Nation.¹⁷

An organized effort to break the power of the Speaker began in 1908. A meeting was held by Republican members who desired to curtail the power of the Speaker. This body of men met three times weekly.¹⁸ Committees were appointed on all subjects connected with the investigation. These men were in the main friendly toward Speaker Cannon and only wanted to take away his extraordinary power. They were later given rough treatment by Speaker Cannon. He denied fourteen Republicans their committee assignments. This treatment of the "insurgents" would come back to haunt Cannon.¹⁹

Revolt in the House

"As the fight grew in intensity," said Representative George Norris of Nebraska, referring to the Speakership contest at the opening of the Sixty-first Congress (1909-10), "it increased in bitterness," and when the days of election came, it is doubtful if there

¹⁴Harpers Weekly, LII (February 29, 1908), 5.

¹⁵North American Review, CXXIII (February, 1906), 233-34.

¹⁶Commopolitan, XLVIII (April, 1910), 569-75.

¹⁷Nation, DCCCXIII (September 17, 1908), 251-52.

¹⁸Atkinson, op. cit., p. 95.

¹⁹MacNeil, op. cit., p. 111.

was a single insurgent who did not most devoutly hope that the Speaker might be defeated.²⁰

As a concession to the feeling that was developing, the Republican leaders, late in the Second Session of the Sixtieth Congress (1908-1909), had secured the adoption of a rule providing for a Calendar Wednesday. This was a day on which bills on the House Calendar, previously reported by a committee, could be called up for consideration without the customary clearing consultation with the Speaker and his Committee on Rules.²¹

The "insurgent" Republicans did not like this concession. They wanted stricter controls on the power of the Speaker and his committee. To get their demands they decided that they would form a coalition with the Democrats. In the contest that followed, the insurrection in the majority party was countered by Cannon's friends in the minority party, led by Mr. Frank Fitzgerald, Democrat from New York.²²

Thirty-one Republicans joined with the Democrats on the occasion in defeating Mr. John Dalsell's (Republican from Pennsylvania) motion, that the rules of the Sixtieth Congress (1907-8) be adopted for the governing of the Sixty-first (1909-10).

A motion then was offered by the Democratic leader for the adoption of the rules of the last Congress for use in the special

²⁰Current Literature, XLVIII (February, 1910), 127-31.

²¹Atkinson, op. cit., p. 96.

²²Ibid.

session on which they were entering, but with some important exceptions. These called for the direct election by the House of its own Committee on Rules to consist of fifteen members, who were specifically named but did not include the Speaker. The motion further authorized the Speaker to appoint at once the Ways and Means Committee and a few minor ones, but not to appoint any other committee unless instructed by the House.²³

The defection of Fitzgerald in the minority party brought about the defeat of the Democratic and "insurgent" Republican coalition by a close vote.²⁴ The House then adopted the Fitzgerald substitute. The substitute provided as concession to the minority that a two-thirds vote should be required to set aside Calendar Wednesday, and that the Rules Committee was specifically forbidden to report any rule interfering with the privileges of members when they had secured the floor.²⁵

The suppression of the Democrats and "insurgent" Republicans at the opening of the Sixty-first Congress (1909-10) was not looked upon by either side as a cessation of hostilities. The leading "regular" Republicans felt very secure. They believed that there was no disposition on the part of the Committee on Rules to report a reforming resolution, and they were confident that there was no power that could compel the committee to take such action. Doubtless they believed that the

²³Ibid., p. 97.

²⁴Congressional Record, Sixty-first Congress, First Session, p. 33.

²⁵Atkinson, op. cit., p. 98.

concession of a Calendar Wednesday and the requirements of a two-thirds vote before it could be set aside would be sufficient to satisfy the demands of the opposition. This overconfidence may have lead to their downfall.²⁶

However, the Calendar Wednesday, thought by the Republicans to be of little worry, came back to haunt them. It was on a Calendar Wednesday that the first assault on the Speaker occurred.²⁷ On Wednesday, March 16, 1910, Speaker Cannon recognized Representative Biggar Crumacker, Republican from Indiana, Chairman of the Committee on the Census, for the purpose of calling up for consideration a minor amendment to the census bill.²⁸ This was a mistake in procedure, for there was no opposition to the proposed amendment, but the men who had fought for the introduction of Calendar Wednesday felt that the introducing of this measure, at this time, would create an objectionable precedent, tending to impair the value of the concession that they had gained.²⁹ They believed that Calendar Wednesday might be turned into a day, not for bringing up legislation disapproved by the Speaker, but a day in which representatives might clutter the calendar with minor items.

A point of order was raised by Mr. Fitzgerald. The Speaker's

²⁶C. R. Atkinson and C. A. Beard, "The Syndication of the Speaker," Political Science Quarterly, LXVI (September, 1911), 395.

²⁷Ibid.

²⁸Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 3, p. 3240.

²⁹Atkinson and Beard, op. cit., p. 396.

ruling that the census amendment was in order as a matter of constitutional privilege was promptly challenged, and after a long discussion, the ruling of the Speaker was reversed by the House.³⁰

Speaker Reed had said on January 26, 1892, that he had been in Congress for fifteen years and had never seen the Speaker overruled, and the members of the House would never see him overruled.³¹ Speaker Reed was proven wrong by the action of the House in overruling Speaker Cannon.

The next day an attempt to weaken further the effectiveness of Calendar Wednesday by the Speaker and his regulars was beaten down in the House by a vote of 201 to 72.³² Just before the House rendered its decision, Mr. Norris indicated his future line of attack against the regulars in the Republican ranks. He said:

Mr. George Norris:
(Rep. of Nebraska)

"I want to ask the gentleman about the constitutional proposition. If his theory is right, would it not follow that this would be in order even though there were no report of a committee on the resolution? To make myself plain, if it is in order because the Constitution makes it in order, then the report of a Committee on the Census does not add anything to it. Would not that follow?

³⁰Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 3, p. 3251.

³¹Congressional Record, Fifty-first Congress, First Session, Vol. XLIII, Part 2, p. 647.

³²Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 3, p. 3290.

Mr. Marlin Olmstead: "It has been so held in election cases, as to the right of a member. It was so ruled by Speaker Reed.

Mr. Norris: "Any member could come in with a bill that had not been printed and take up the time of the House on the question that it was an amendment to the census law."³³

It must be remembered that technicalities are great in the House, and that they are used to the utmost by members of the House. Asher Hinds wrote in 1907 that there were 7,356 technicalities against an individual in the House.³⁴

After the House had voted to give precedent to the Crumpacker Amendment to the census bill, Mr. Norris finally got the floor, taking a wall-worn manuscript from his pocket.³⁵

Mr. Norris: "Mr. Speaker, I present a resolution made privileged by the Constitution."

Mr. Speaker: "If it is a resolution made privileged by the Constitution, the gentleman will present it."

The Clerk then read a resolution providing for a Committee on Rules to consist of fifteen members, geographically distributed; nine of whom should be from the Majority Party, excluding the Speaker from membership.³⁶

³³Ibid., p. 3285.

³⁴Asher Hinds and Clarence Cannon, Procedure in the House (Washington: Government Printing Office, 1907), Vol. I, p. 5.

³⁵Ibid., p. 400.

³⁶Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 3, p. 3292.

Mr. Dalsell: "Mr. Speaker, the resolution by the gentleman is not in order."

Mr. Harris: "I contend that the bill is in order because the census bill has not been made privileged because of the Constitution. My resolution can be taken the same way."

Mr. Clinebald: "Mr. Speaker, the census bill is a case of mandatory order, the rules are not."

Mr. Harris: "It is not mandatory, but it should be voted on by the members."

Mr. Dalsell: "Mr. Speaker, the House is not compelled to make rules."

Mr. Harris: "The Constitution says we make rules. We have just decided that when the Constitution gives us the right to do a thing it is in order, the thing being in the proposition at any time. (cries of no) This resolution is not a mandatory ; it is something the Constitution gives the right to do."

Mr. Dalsell: "No, the gentleman fails to make a very plain distinction. The Constitution gives the right to do it, but that does not make it privileged in the sense that the Constitution makes it."³⁷

The battle was now on between the Democrats and "insurgent" Republicans on one side, and Speaker Cannon, and the "regular" Republicans on the other. The "regulars" jolted by defections, played for time in the hope of being able to prevent the reversal of the Speaker's earlier decision. Speaker Cannon, therefore, withheld his decision for an extremely long time, while his lieutenants sought an adjournment or a recess.³⁸ The "insurgent" Republicans and Democrats early held the

³⁷Ibid.

³⁸Atkinson and Beard, op. cit., p. 402.

House in session all night. It was not until two o'clock in the afternoon of the eighteenth that a recess was taken until four o'clock. The recess was agreed to on the understanding that the Speaker would give his ruling at that time.³⁹

When four o'clock came, the Speaker postponed the ruling until twelve of the next day.⁴⁰

In the long hours that had preceded, disorder and abuse were common. For example, a Mr. Elisha Payne, Republican from New York, said, "The gentleman does not know a point of order from a hole in the ground."⁴¹

The Speaker's ruling was a clear statement of the precedents, saying that the motion by Mr. Norris was not in order. This was cheered by the Republican side of the House.⁴² Seventy-six pages of the Congressional Record are filled with speeches of the Speaker's supporters and his opponents.⁴³

Mr. Norris finally appealed to the previous question, whereupon Mr. Dalsell tried to get the House to table Mr. Norris' motion, but he

³⁹Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 3, p. 3416.

⁴⁰Atkinson and Beard, op. cit., pp. 402-3.

⁴¹Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 4, p. 3406.

⁴²Ibid.

⁴³Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 3, pp. 3292-335, 3388-417.

was defeated by a vote in the House of 182 to 162.⁴⁴

After an ineffectual attempt to agree upon the amount of time to be given to debate, Mr. Norris took the floor to present a substitute resolution. This resolution represented a crystallization of the best thoughts of the allies. The allies presented this resolution because they believed that victory was close at hand. Mr. Norris said:

Mr. Speaker, while I personally prefer the resolution I offered the other day, and which is now before the House over the substitute which I am going to offer, yet my associates or a good many of them are of the opinion that the substitute which I intend to offer is better than the original resolution. Therefore I will support the substitute resolution.⁴⁵

The change in the resolution stated that there shall be a Rules Committee elected by the House consisting of ten members, six from the majority party, and that the Speaker will not be a member. The Committee on Rules was to elect its own chairman from among its own members. It was further resolved that after the adoption of the resolution, the Committee on Rules would be selected in ten days, and the present committee would be abolished.⁴⁶ The debate lasted about an hour, and the remarks made by Mr. Clayton and Mr. Underwood speak for the viewpoint of the advocates of the Norris resolution.

Mr. Henry Clayton:	Mr. Speaker, this is a crisis in the
Democrat from Alabama	legislative history of our country.

⁴⁴Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 4, p. 3428.

⁴⁵Atkinson and Beard, op. cit., p. 408.

⁴⁶Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 4, p. 3428.

"Those of us who favor the proposal advanced by the gentleman from Nebraska recognize that it may be revolutionary. This is necessary to overcome the arbitrary power of the Speaker."⁴⁷

Mr. Oscar Underwood;
Democrat from Alabama

"Mr. Reed adopted a system of rules that would allow the majority of the House to do business at any time. However, in doing so he lodged the power of the House in the Speaker, and there it has remained since that time. We are not fighting the personality of the Speaker. We are fighting the system."⁴⁸

The Norris resolution was agreed on by the House by a vote of 193 to 153. The revolution had been a success.⁴⁹

The Aftermath of the Overthrow of Speaker Cannon

As a sidelight, it is interesting to note that some of the Democrats during the Third Session of the Sixty-first Congress (1910) confessed that the Norris resolution had not been in order, but the time had come to take some action against the Speaker and the Committee on Rules.⁵⁰

It is also interesting to note that in the new Rules Committee a complete triumph for the "insurgent" Republicans and Democrats did

⁴⁷Ibid.

⁴⁸Ibid., p. 3433.

⁴⁹Ibid., p. 3436.

⁵⁰Congressional Record, Sixty-first Congress, Third Session, Vol. XLVI, Part 1, p. 686.

not occur. The reason for this was that in the party caucus all members of the Rules Committee were placed on the new one, with the exception of the Speaker. The new committee did not include any insurgents, nor did it include any high-ranking Democrats.⁵¹ On the face of it, one can say that the power on the Committee on Rules shifted from the Speaker to the friends of the Speaker.⁵²

The defeat of Mr. Cannon, however, was not cheered by everyone. One writer viewing the decision said, "As Mr. Cannon's gavel fell, an epoch in the long and brilliant history of the House of Representatives came to an end."⁵³

Not only during this session had the Rules Committee been affected, but the Speaker had been made weaker in other respects. He was stripped of his power to appoint standing committees and their chairmen. The members of the House also restricted his former right to recognize, or refuse to recognize, designated members of the minority who were offering to recommit to its original committee any bill coming up for a House vote. The action of the House reflected the mood of the country, as a great many people had grown tired of and angry with arbitrary rule.⁵⁴

⁵¹Congressional Record, Sixty-first Congress, Second Session, Vol. XLV, Part 4, p. 3759.

⁵²Atkinson and Beard, op. cit., p. 413.

⁵³George Rothwell Brown, The Leadership of Congress (Indianapolis: Bobbs-Merrill Company, 1922), p. 152.

⁵⁴MacNeill, op. cit., p. 76.

Two other reforms made during this session must be mentioned. The members established a Consent Calendar for handling minor bills. This took them away from the Speaker's control. The House of Representatives provided for a method known as the Discharge Petition. This could bring a measure to the floor at any time, if a certain number of names were signed on the petition. This was aimed at balking committees, especially the House Rules Committee.⁵⁵

Speaker Cannon signified his recognition of the important precedents taken by the members of the House when he announced that he would resign and let the members of the House choose another Speaker. Such a motion was made, but it was defeated. The Republican "insurgents" were willing to form a coalition with the Democrats to revise the rules, but not to elect a Democratic speaker.⁵⁶

The revolution of 1910 drastically changed not only the power of the Speaker, but also the nature of the conduct of House business. However, any one in reading the proceedings of the struggle cannot find anywhere that the power of the House Rules Committee was cut.

⁵⁵Ibid., p. 54.

⁵⁶Quallowy, op. cit., pp. 54-55.

CHAPTER V

THE RULES COMMITTEE AS THE AGENT OF THE MAJORITY PARTY

As we have seen, the House had given Speaker Cannon a blow from which the Speakership would never recover. However, as I have pointed out, the power of the Committee on Rules had not been diminished one iota.

The Rules Committee's Function Under the Democratic Party

When the Democrats captured control of the House, after being absent from power for sixteen years, they changed the rules of the House to a certain extent when they met for the opening of the Sixty-second Congress (1911-12) on April 4, 1911. After Champ Clark, a Democrat from Missouri, had been elected Speaker, the Democratic majority adopted a revised code of rules based on the Crisp rules of the Fifty-third Congress (1894-95). These rules incorporated all the changes affected by the Morris resolution. The rules of the Sixty-second Congress (1911-12) was the final blow to the traditional powers of the Speaker.¹

These rules, as we have mentioned before, deprived the Speaker of his right to appoint standing committees, retain Calendar Wednesday,

¹George B. Galloway, History of the House of Representatives (New York: Thomas Y. Crowell Company, 1961), p. 55.

and also to appoint the Consent Calendar on minor bills.² The power shifted somewhat away from the Speaker in the Sixty-second Congress (1911-12), but his influence was still great.

In the Sixty-second Congress the Democratic party's strategy on legislation was to bypass the steering committee but to concentrate power in the caucus. Oscar Underwood, Democrat from Alabama, was placed as Chairman of the Committee on Ways and Means, to which the caucus gave the assignment to pick the members on the various committees, including the Committee on Rules. It was this combination of Floor Leader, Ways and Means Chairman, Rules Committee, and Speaker of the House that would form the ruling power in the House.³

The Speaker, Mr. Clark, outlined the function of the Rules Committee by saying that its chief function was to expedite desirable or necessary legislation.⁴ It was also under the Speakership of Clark that the Rules Committee was changed to eleven, staying at that number until the Sixty-fifth Congress (1917-18) when the Committee on Rules membership was extended to thirteen.⁵

The power of the Rules Committee to block legislation, which a majority of its members did not approve, was first brought to the

²Ibid.

³Ibid., p. 56.

⁴Champ Clark, My Quarter Century of American Politics (New York: Harper Brothers, 1920), Vol. I, p. 208.

⁵Shang Wei-Chia, The Speaker of the House of Representatives Since 1896 (New York: Columbia University Press, 1928), p. 145.

public's attention during the campaign for women's suffrage. This was the second time the Committee on Rules acted as an obstruction to legislation. It would certainly not be the last. A constitutional amendment to grant the vote to women was reported without recommendation by the House Judiciary Committee in May, 1915. It had been introduced by the Republican floor leader, Representative Frank Mendell of Wyoming. A majority of the Democrats on the Rules Committee were conservatives from the South. Representative Robert Henry, a Democrat from Texas, Chairman of the Committee on Rules, refused to call the committee together for consideration of a special rule that would send the amendment to the floor. Delegations of women were told that their amendment was not on the administration's program, and the Rules Committee would stick with the program of the administration. It was not until President Wilson declared for the amendment in January, 1918, that it was allowed to come before the House on a vote.⁶

The Wilson Administration had no serious trouble with the Rules Committee during its eight years. From 1920 to 1932 the Republican administration had greater success in dealing with the House of Representatives than with the Senate. This was due to the fact that the Rules Committee supported the program of the Republican administration.⁷

⁶Richard M. Boeckel, "Reforms of the Rules Committee," Editorial Research Reports, II (December 9, 1948), 873.

⁷Ibid.

The Scope of Rules Committee Power in 1920

By 1920 the power of the Rules Committee had grown to one of tremendous importance. It had the sole power of letting bills come to the floor for a vote. It limited the time that the bill could be debated and provided for amendments on a bill. This was called an "open rule." It could also place a "closed rule" on a bill. This meant that amendments placed on a bill were forbidden by the Committee on Rules. It also had power over the legislative docket. The committee could decide what business would come before the House and what business would not come before that body. It also had the distinction over other committees of sitting in session at all times. This committee was the only one whose reports had immediate consideration of the House, even before the reading of the House Journal. It could also sit and consider special orders to the House. Moreover, since the Rules Committee was the only channel through which major amendments of the rules could reach the House, it was able to prevent changes in the rules. In summing up, the House Committee on Rules was to a large degree the governing committee in the House.⁸

As I have stated before, the committee now would take a more active role because it was out from under total control of the Speaker. By controlling a majority of members on the Rules Committee, a majority that was generally two to one, the majority or floor leader could act

⁸George Galloway, The Legislative Process in Congress (New York: Thomas Y. Crowell Company, 1953), p. 340.

with swiftness and ran through his party's legislative program. The Floor Leader, Rules Committee Chairman, Ways and Means Chairman, along with the Speaker, generally guided the policy of the majority party. The Rules Committee was to be the political and party vehicle of the majority party.⁹

The usefulness of the Rules Committee was not only to the majority party but also to the House itself. Whereas, once the House had spent five months on a controversial bill; now with the adoption of the rules of the Committee on Rules, debate could be limited to one afternoon. Besides their function of saving time for the complex business of the House, the committee had one further advantage. This was the fact that they could kill or pigeonhole any undesirable legislation coming to the floor, simply by a vote of a majority on the committee. Most members complained about this power. This had been especially true since 1920. A Congressman John Jones could see his pet bill defeated, not by the House itself, but by a committee of twelve or more. Around this power swirled the storms of controversy that would be heard for the next forty years.

The new power of the Rules Committee can be seen as early as the Sixty-second Congress (1911-12), when Mr. Henry, Chairman of the Committee on Rules, told Mr. James Mann, Republican of Illinois, that he had "not made up his mind whether he was going to call up a certain

⁹Wells Mackell, Forge of Democracy: The House of Representatives (New York: David McKay Company, 1963), p. 101.

proposal.¹⁰ This inaction by Mr. Henry was challenged by certain members of the House. According to the rules of the House, Mr. Henry was correct, because the Chairman of the Committee on Rules could or could not report a bill that had been passed by the Committee. He was under an obligation to do so, but could not be forced, even by the Speaker.¹¹ In other words, the revolution of 1910 developed power in an independent and "elected" Chairman of the Committee on Rules, who had the power to veto a bill just by putting the bill in his pocket.¹²

It was thought by some that special orders would not be as numerous under the new Committee on Rules as they had been under "Czar" Cannon. During the Speakership of Mr. Cannon fifty-eight special rules were sent to the House. From the Sixty-second to the Sixty-fifth Congress (1911-1918) that number was exactly doubled, reaching 116. During the preceding Congresses the figure increased to 140. The largest number of special rules reported in one session under Mr. Cannon was only 17 in the Sixty-first Congress (1909-10). In comparison, in the Sixty-seventh Congress (1921-22), thirty rules were reported in one session.¹³ Interesting too is the fact that about half of the bills and resolutions reported for consideration under special order failed

¹⁰Congressional Record, Sixty-second Congress, Third Session, pp. 1586-87.

¹¹House Rules and Manual, Seventieth Congress (Washington: Government Printing Office, 1927), p. 314.

¹²Chin, op. cit., p. 154.

¹³Ibid.

passage, either in the House or in the Senate. A few of them were pocketed or vetoed by the President, and some of them died in the Conference Committee.¹⁴

Two tables (Tables 1 and 2, pages 74 and 75) will suffice to point out the differences between the Congresses when Mr. Cannon was Speaker and those Congresses that occurred after the revolution of 1910.

Of the fifty-eight special orders during the Speakership of Cannon, only twenty-eight bills and two resolutions succeeded in finding their places on the statute books. This number is certainly small in contrast with the 12,375 laws and resolutions enacted during the same period.¹⁵ This shows that the Speaker, and in this case, Mr. Cannon, had not the absolute control of the House with his Rules Committee.¹⁶

As I have pointed out, the Chairman of the Committee on Rules had on occasion used his power to block measures during the Wilson Administration. It was not until 1920 that the Rules Committee Chairman became very arbitrary.

The Chairman of the Rules Committee Uses His Position to Accumulate Tremendous Power

The first arbitrary Chairman of the Rules Committee on Phillip Campbell, a Republican from Nebraska. The power of Mr. Campbell and

¹⁴Ibid., p. 155.

¹⁵Chia, op. cit., p. 156.

¹⁶Ibid., p. 157.

TABLE 1

SPECIAL ORDERS FROM THE COMMITTEE ON RULES^a

Congress	Years	First Session	Second Session	Third Session	Fourth Session	Total
58th	1903-04	1	11	1	0	13
59th	1905-06	16	3	0	0	19
60th	1907-08	6	3	0	0	9
61st	1909-10	5	6	6	0	17
62nd	1911-12	8	11	4	0	23
63rd	1913-14	6	15	5	0	26
64th	1915-16	17	13	0	0	30
65th	1917-18	3	24	10	0	36
66th	1919-20	22	12	9	0	43
67th	1921-22	26	30	1	12	69
68th	1923-24	19	9	0	0	28
69th	1925-26	27	14	0	0	41

^aSource: Chang Wei-Chiu, The Speaker of the House of Representatives Since 1896 (New York: Columbia University Press, 1928), p. 155.

TABLE 2

THE FATE OF SPECIAL ORDERS FROM THE COMMITTEE ON RULES^a

	Congresses											
	58th 1903- 1904	59th 1905- 1906	60th 1907- 1908	61st 1909- 1910	62nd 1911- 1912	63rd 1913- 1914	64th 1915- 1916	65th 1917- 1918	66th 1919- 1920	67th 1921- 1922	68th 1923- 1924	69th 1925- 1926
Total Bills and Resolutions Reported	13	7	9	16	32	33	31	36	39	77	28	37
Failing Passage in House			1	2	4	8	7	3		11	8	9
Failing Passage in Senate	5	3		3	9	7	5	7	10	9	6	12
Died in Conference Committee						1	1		1			
Vetoed or Pocketed by President					4			2	5	1		1
Resolution on Order of Business or Suspension of Rules Passed		2	3	2	1			1		2	1	
Resolution on Investigations Passed				2	6		1	1		2		
Bills or Resolutions Unclassified	1			1	1							
Bills and Resolutions Enacted into Law or Agreed to	7	12	5	16	7	17	17	22	23	52	13	15

^aSource: Chang Wei-Chiu, The Speaker of the House of Representatives Since 1896 (New York: Columbia University Press, 1928), p. 156.

the Floor Leader was shown in the Sixty-eighth Congress (1923-24) when a member of the House declared that a minority of two actually controlled the House.¹⁷

As one writer said, "The reforms had thrown out Mr. Cannon, who everyone could see had dictatorial powers, but now no one but the trained observer could actually tell who had control of the House."¹⁸

In the strict control of legislation by Mr. Campbell and the Floor Leader, Mr. Ray Woodruff, a Republican from Michigan, introduced a resolution that did not please the Chairman of the Rules Committee. After many days, knowing that his bill had been given a favorable report, he complained to members of the House that his bill was resting in the pocket of Mr. Campbell.¹⁹ To the House, Mr. Campbell replied that he was only answerable to his committee concerning the Woodruff resolution.²⁰ He also told them that he had the resolution in his pocket, and he would keep it there.²¹ During this same session he roared at members that they all could go "to hell," because it made no difference what they thought or decided. If he disapproved of the

¹⁷Congressional Record, Sixty-ninth Congress, First Session, p. 1053.

¹⁸Robert Luce, Legislative Procedure (Boston: Houghton Mifflin Company, 1922), p. 483.

¹⁹Congressional Record, Sixty-seventh Congress, Second Session, pp. 1741-45.

²⁰Ibid., p. 1745.

²¹Chiu, op. cit., p. 147.

measure, it would not reach the floor of the House. He also said, "I am the Committee on Rules, and I have absolute obstructive powers."²²

In the same Congress Mr. Campbell refused to report two bills of importance under special orders. One was the national prohibition bill. Mr. Andrew Velstead, Republican from Minnesota, Chairman of the Committee on the Judiciary, having reported the bill to the House, applied to the Committee on Rules for a special order for its immediate consideration. Mr. Campbell refused to grant the request on the grounds that there were "too many things in the bill." He made it plain, however, that he would report the bill under a special order only if the Committee on the Judiciary would accept the several amendments which he proposed. The bill was finally passed under a suspension of the rules.²³ This was too much for even Mr. Frederick Britten, a stalwart Republican from Illinois. He commented on the matter by saying:

Now three or four men control absolutely everything that comes before the House. That was illustrated yesterday in the case of the Velstead bill. The Committee on Rules says that you must not bring in the bill, unless you will let us substitute one of our own. The Rules Committee dominates the House.²⁴

The other bill that Mr. Campbell vetoed was the Muscle Shoals

²²Ernyed M. Riddick, The United States Congress, Organization and Procedure (Massachusetts, Virginia: National Capitol Publishing Company, 1916), p. 123.

²³Joseph P. Chamberlain, Legislative Processes, National and State (New York: D. Appleton-Century Company, 1936), p. 112.

²⁴Congressional Record, Sixty-seventh Congress, First Session, p. 1170.

bill. He did this by adjourning a meeting of the Rules Committee before the members could vote.²⁵

One of the difficulties that has faced all Rules Committees is the difficulty of gathering a quorum on certain occasions. Mr. Campbell explained, on one occasion, that in a majority of cases the members were in other departments or doing other business and could not come to the meetings of the Rules Committee.²⁶

Although criticized and praised by many, Mr. Campbell understood the power and responsibility of the Rules Committee. On one occasion he remarked:

The business now coming to the Committee on Rules practically covers the business of the House. Even the Committee on Ways and Means, the Committee on Appropriations, committees that report privileged business, now come to the Committee on Rules for a rule concerning the consideration of matters that they have reported out. Practically every resolution, every bill from every committee of the House, is referred to the Committee on Rules.²⁷

During the 1920's several important additional powers were given the Rules Committee. In 1920 the Chair ruled that although the Committee on Rules is not permitted to do anything which directly dispenses with Calendar Wednesday or the motion to recommit, it can bring in a general rule, which indirectly produces that result as a minor

²⁵Chin, op. cit., p. 149.

²⁶Congressional Record, Sixty-seventh Congress, First Session, pp. 974, 976, 979.

²⁷Congressional Record, Sixty-seventh Congress, First Session, p. 8051.

part of the operation.²⁸ In the same year Speaker Gillett ruled that the Committee on Rules may report a resolution providing for the consideration of a bill which has not yet been introduced.²⁹

In 1922 it was held that the Committee on Rules could originate a resolution for the consideration of a bill, regardless of whether the subject matter had been referred to it by the House, "because the Committee on Rules is the executive organ of the majority in the House."³⁰ Later it was held that the Rules Committee could report a resolution authorizing consideration of a bill on which suspension of the rules had been declared by the House.³¹

Other important measures that affected the Committee on Rules and thereby the House of Representatives were passed during the 1920's. On July 1, 1920, an amendment to the rules of the House was passed by the Rules Committee that all general appropriations reports were to be placed in a Committee on Appropriations. Thus since 1920 the Appropriations Committee had the complete jurisdiction over all general appropriation bills.³²

²⁸Clarence Cannon, Cannon's Precedents in the House of Representatives (Washington: Government Printing Office, 1944), No. 2667, cited in Galloway's History of the House of Representatives, p. 142.

²⁹Ibid., No. 3388, cited in Galloway's History of the House of Representatives, p. 142.

³⁰Ibid., No. 3389, cited in Galloway's History of the House of Representatives, p. 142.

³¹Ibid., No. 3392, cited in Galloway's History of the House of Representatives, p. 142.

³²Galloway, History of the House of Representatives, p. 56.

Another important measure was passed in 1927. This report by the Chairman of the Committee on Rules abolished eleven separate committees combining them into a single committee. This committee was concerned with government operations.³³ This was an important step by the Committee on Rules in streamlining the procedure in the House of Representatives. One observer had called these eleven committees the "ornamental barnacles on the ship of state."³⁴

During the 1920's there were some attempts to revise the power of the Rules Committee. These changes were not of a fundamental nature, but they were designed to curb somewhat the arbitrary power the Rules Committee was now showing.

On January 18, 1924, the House passed an amendment to the rules with the provision that "the Committee on Rules could not call up a report for consideration on the same day it is presented, unless otherwise decided by a two-thirds vote."³⁵

Speaking in a clarification on a point of order in regard to the action of the Rules Committee's creation of bills, Speaker Frederick Gillett, Republican from Massachusetts, made the following statement:

The Committee on Rules is an executive organ of the majority in the House of Representatives. If it were held that it could not act until the subject had been referred to it, then the

³³Ibid., p. 57.

³⁴Lucius Wilmerding, The Spending Power, A History of the Efforts of Congress to Control Spending (New Haven: Yale University Press, 1943), pp. 292-93.

³⁵House Rules and Manual, Seventieth Congress, p. 314.

committee would find it impossible in the morning before a session, to make a decision and bring in a rule which is often necessary and desirable at the first meeting of the House.³⁶

In the Sixty-seventh Congress (1921-22) Finis Garrett, Democrat of Tennessee, asserted that the Committee on Rules had never, within his experience, passed a resolution authorizing, or directing a particular member of that committee to call up a resolution reported by the Committee on Rules.³⁷

It was not until the Sixty-eighth Congress (1923-24) that the House passed an amendment to the rules, which provided that any member designated by the Committee on Rules may after a lapse of nine days call up for consideration a rule or order reported from the committee.³⁸ Later amended, this rule declared that if the rule was not called up by the member making the report within seven legislative days, any member of the Committee on Rules could call up the rule as a matter of privilege.³⁹

The composition politically of the Rules Committee between 1910 and 1928 is of interest. The reconstruction of the committee in 1910 resulted in a shortening of the duration of the terms of its members. From 1890 to 1910 only nine Republicans and eleven Democrats were

³⁶Congressional Record, Sixty-seventh Congress, Second Session, pp. 5976-77.

³⁷Ibid., p. 8924.

³⁸House Rules and Manual, Seventieth Congress, p. 315.

³⁹Galloway, History of the House of Representatives, p. 143.

members of this committee. Of these members the maximum of length of service in the House was eighteen terms, and the minimum was five terms. Without exception, all of those who had served on the committee were leaders in their respective parties. Examination also shows that they had served an average of more than five and one-half terms on other committees before their entrance to the Rules Committee. From 1910 to 1928 there were fifteen Democrats and nineteen Republicans. This length of service ranges from one to thirteen years. The average duration of membership on the committee during this period was less than four and one-half years. Most of these members that served on the Committee on Rules were not well known to the general public.⁴⁰

Another difference that needs to be mentioned is the fact that before 1910 the Speaker, who was Chairman of the Committee on Rules, never appeared on the floor to report a specific order from the Rules Committee, nor did he ever call up a report from the committee for consideration during the morning hour. The function then was usually performed by the ranking majority member on the committee after 1910. As you can see, the system was changed drastically.⁴¹

After Mr. Campbell lost his chairmanship on the committee, many members believed that the new chairman of the committee would not use the power of his predecessor in such an arbitrary manner. They were mistaken. As Mr. Campbell passed off the scene, his place was taken

⁴⁰Id., op. cit., p. 162.

⁴¹Id., p. 152.

by Bertrand Snell, Republican from New York. Mr. Snell was a good friend of both Calvin Coolidge and Herbert Hoover, and he would run the Rules Committee in line with policy set forth by the administration. Mr. Snell summed up his views regarding the House Rules Committee by saying that he understood the role of the Rules Committee to be:

The Rules Committee was to act in harmony with the majority sentiment of the majority party in the House of Representatives. It is to act in co-ordination and harmony with the Steering Committee in the House. It is the duty of the Rules Committee to protect the administration and its legislation. It is also the duty of the Rules Committee to feel the pulse, get the opinion and sentiment of the House. The Rules Committee does not intend to dictate legislation to the country.¹²

However, the same it fell on Chairman Snell, as they had fallen on his predecessor, Mr. Campbell. On one occasion a member said that "Snell is not only unpopular in the House, but he is a demagogue as well, in fact he is the biggest demagogue in the entire House of Representatives."¹³

Mr. Snell in countering these attacks replied, "It is difficult to take the pounding that was forced upon me because I am the Chairman of the Committee on Rules."¹⁴

The strongest attack on Mr. Snell came in 1931 when Representative Edgar Howard, Democrat of Iowa, said:

¹²Congressional Record, Seventy-first Congress, Third Session, p. 3700.

¹³Ibid., pp. 4073-79.

¹⁴Ibid., p. 4083.

Mr. Snell, the Chairman of the Committee on Rules, has more power than the President. His power is so far reaching that he can choke to death any piece of legislation before it can even get a chance of consideration on the floor of the House of Representatives. No member, no matter how charming his personality, should be vested with such vast power. Often now, I am wishing that, but for a moment I might have a tithe of the courage displayed by Andrew Jackson when he spoke to Nicholas Biddle. In that moment I would look Snell squarely in the eye, and my Quaker lips would paraphrase the speech of Andrew Jackson long enough to make them say, "Chairman Snell, the power which under the House gag rule you exercise is too damned much power."⁴⁵

One of the reasons that the members of the Rules Committee took such abuse was that they were carefully selected by their parties with the fact in mind that these men must have courage to kill bills that would be unpopular with pressure groups. In districts that were close, the Congressmen preferred to put the blame on the Rules Committee for not letting the legislation come to the floor, rather than risk a vote on the measure in the House that could prove unpopular with many of their constituents.⁴⁶

When the Democrats took control of the House in December of 1931, the power of the Rules Committee that had been used to support and protect the Hoover administration was turned against the administration. This victory for the Democrats proved highly useful, because under the control of the Democratic party, several groups, including the Rules Committee, thwarted certain Hoover proposals, thereby setting up campaign issues that would be used in 1932. The Republicans, although

⁴⁵Congressional Record, Seventy-first Congress, Second Session, p. 5536.

⁴⁶MacNeil, op. cit., p. 102.

winning the election of 1930, lost their majority because of six deaths in their ranks. This gave the Democrats control of the House and also a glorious opportunity to harass the Hoover administration.⁴⁷

The Rules Committee from 1933 to 1937

The first Congress under the Roosevelt administration met on March 9, 1933, in the midst of the banking crisis and continued until June 16. During the period of the "100 days," emergency bills were put through the House Rules Committee and the Congress in rapid succession. This included such controversial measures as the Emergency Banking Act, the National Industrial Recovery Act, the Tennessee Valley Authority, etc. The urgency shown by the Committee on Rules and the Congress in adopting these measures can be summed up by former Rules Committee Chairman Bertrand Snell, when he said, "The House is burning down, and the President of the United States says, this is the way to put it out."⁴⁸

The Democrats had large majorities in both Houses, but the quick success of the President's legislation was due to the fact that under "gag" rules, which forbade amendments, severe limitations were put on debate.⁴⁹ Thus in the Seventy-third Congress (1933-34) all economy measures came to the floor under "closed rules."

⁴⁷Editorial Research Reports, p. 874.

⁴⁸Galloway, History of the House of Representatives, p. 260.

⁴⁹Editorial Research Reports, p. 874

Mr. Bankhead of Alabama justified this procedure by saying that "the Committee on Rules is the political and policy vehicle of the House of Representatives to effectuate the party program and party policy."⁵⁰

At the opening of the Second Session of the Seventy-third Congress, when there were signs of revolt against the drastic cuts in veterans' benefits and government salaries that had been made in the Economy Act of 1933, the Rules Committee brought forth a rule of unparalleled severity. It provided that there should be no amendments to this bill and no amendments to any appropriations during the remainder of the session that would conflict with the economy program of 1933. The Speaker, Mr. Lilvis Rainey, Democrat from Alabama, interpreted this rule as also prohibiting a motion to reconsider the bill with restrictions to change any of its provisions.⁵¹

Majority Leader William Bankhead, Democrat from Alabama, made the intention of the Democratic leadership very clear. He said: "The purpose is to have the House deliberately determine for today and hereafter during the remainder of the session whether they are going to follow the President's recommendation or not."⁵²

Minority Leader Snell replied:

I have never been opposed to special rules, but I always considered there was a responsibility on the Rules Committee

⁵⁰Galloway, History of the House of Representatives, p. 260.

⁵¹Editorial Research Reports, pp. 874-75.

⁵²Ibid.

to be fairly fair with the House. I say without hesitation and I do not think that anyone on the majority side will deny the statement that this is the most vicious, most far-reaching, special rule that has ever been brought to the floor of the American Congress. If any man can show me where any majority ever dared bring in a rule that not only hog-tied and prohibited the members from expressing themselves on the legislation in hand, but even extended through the entire Congress, I want him to tell me where it was done. Of course I know why you are doing it. You think it will be easier to hog-tie our men today than it will be in five months from today.⁵³

The committee's rule was adopted by a vote of 194 to 192, with all Republicans, eight-four Democrats, and five Farmer-Laborites, voting against the proposal.⁵⁴

The House later got an opportunity to vote on liberalising the economy program in connection with Senate amendments to the Independent Offices bill. Later the House joined with the Senate in voting to override a veto of the bill, giving President Roosevelt his first defeat at the hands of Congress.⁵⁵

During both the First and Second New Deal Congresses, the Rules Committee employed its power not only to assist and safeguard administration measures, but also to obstruct a series of bonus bills, a mandatory thirty-hour work-week bill, and various other measures opposed by the White House.⁵⁶

⁵³Congressional Record, Seventy-fourth Congress, First Session, p. 485.

⁵⁴Editorial Research Reports, p. 875.

⁵⁵Ibid.

⁵⁶Ibid.

Many of the most crucial tests of party loyalty took place on the votes to accept or reject the special rules reported by the Committee on Rules. Closed rules were used ten times during the First Session and twice during the Second Session. The House Leadership justified this approach by the need for action in these times. All but one rule was adopted by the Congress during this period.⁵⁷

This record led Lewis Lapham to conclude that the "Rules Committee was an instrument of the House Leadership to control legislative proceedings." The Rules Committee operated in the Seventy-third Congress (1933-34) as an arm of the leadership, and the House apparently approved of this arrangement.⁵⁸

During the Seventy-fourth Congress (1935-36), the Rules Committee played a less active role in the management of the business in the House. It reported only three closed rules, all of which were approved.⁵⁹

One very important rule that was established, divided the Ways and Means Committee. With the addition of three other committees, the Ways and Means Committee had a work load that it was capable of handling. The two chief committees that were created were the Banking and the Currency Committee.⁶⁰

⁵⁷Gallowsy, History of the House of Representatives, p. 146.

⁵⁸Lewis J. Lapham, Party Leadership and the House Committee on Rules, " (unpublished Doctoral dissertation, Harvard University, Cambridge, Massachusetts, 1953), pp. 66-67, citing Galloway's History of the House of Representatives, p. 146.

⁵⁹Galloway, History of the House of Representatives, p. 146.

⁶⁰DeAlva Stanwood Alexander, History and Procedure of the House of Representatives (Boston: Houghton Mifflin Company, 1916), p. 235.

The role of the Rules Committee was explained to the House by its Chairman, Representative John O'Connor, Democrat from New York, when he said:

To some of you new members, I might state in advance that the Rules Committee is an arm of the leadership in the House. It is sometimes called an "arm" of the administration in power. Some people have also referred to it as ~~the political committee~~ or the committee which shapes or brings before the House the policies of the leadership of the House and the President.⁶¹

It is interesting to note that the Rules Committee was then regarded as the agent of both the House majority leadership and the administration. Doubtless it was with a view to strengthening party responsibility, as well as to protecting members from the pressures of organized interest groups, that the Discharge Rule was again amended in 1935, increasing the number of signatures to 218.⁶²

The Discharge Rule was adopted during the Cannon revolution. It could force the Rules Committee to send a bill to the floor by getting a certain number of members to sign a petition releasing the bill.⁶³ The Discharge Rule had been changed in 1924 to require 150 signatures to the petition.⁶⁴

Thus, in 1935, with the additional signatures required on a Discharge Petition, the Rules Committee had even greater control over

⁶¹Congressional Record, Seventy-fourth Congress, First Session, p. 13.

⁶²Galloway, History of the House of Representatives, pp. 146-47.

⁶³MacNeil, op. cit., p. 339.

⁶⁴Galloway, History of the House of Representatives, p. 144.

legislative procedure. Although provisions had been made to get stalled legislation out of the Committee on Rules, it must be pointed out that the Discharge Petition has worked only twice since its birth in 1910. The reason that it is not used more is the fact that it offends the House's love for orderly procedure. This has led many of the House members to have never signed a Discharge Petition, no matter how much they approved of the legislation involved.⁶⁵

Thus the history of the Rules Committee in the 1920's and the early 1930's can be summed up by saying that the Rules Committee was the agent of the wishes of the majority party.

⁶⁵MacNeil, op. cit., p. 340.

CHAPTER VI

THE RULES COMMITTEE AS THE CHIEF OBSTRUCTIVE AGENT FOR THE CONSERVATIVE COALITION

Beginning in 1937 the Rules Committee took on a different function in regard to the administration's program. The Rules Committee did not act any longer as the "party and policy" vehicle of the majority party, but became independent in the House under the control of a coalition of Southern Democrats and North Central Republicans.

The Role of the Southern Democrats from 1920 to 1937

In the 1920's the Southern Democrats were almost the only Democrats in the House. In 1921, for example, ninety-nine out of the House's 134 Democrats came from the South. In 1929 the Southern Democrats numbered 101 of the 190 Democrats in the House. Not only did they outnumber the non-Southern Democrats, but they also outranked them in seniority. Of the fourteen most important House committees in 1929, the ranking Democrat on no less than twelve of these committees came from the South. This gave the Southerners a tremendous influence in the House.¹

These Southerners gave Franklin Roosevelt his earliest support. They helped nominate and elect him President in 1932. They also voted

¹Neil MacNeil, Forge of Democracy: The House of Representatives (New York: David McKay Company, 1963), pp. 282-83.

for his bills in his first year as President. Many of these Southerners, like conservative John Rankin, Democrat of Mississippi, would boast of the earlier New Deal measures. Many of them, however, soon became upset over Roosevelt's domestic policy, his courting of the urban voter, labor unions, and minority blocs.²

The Reasons for the Southern Democrats'

Break with Roosevelt

The actual break with the administration did not come until 1937, when the administration tried to enlarge the Supreme Court and also increase the minimum wage. In August, 1937, the Rules Committee voted ten to four against granting a rule for floor consideration of the wage-hour bill, which had passed the Senate in July by a two-to-one vote. Administration floor leaders used the Discharge Petition to get the measure before the House. In the end, the bill was sent back to the Labor Committee.³ The Rules Committee had made its first blow on behalf of the conservative coalition.

The leaders of the Democrats in the House, Speaker William Bankhead, and Floor Leader Sam Rayburn, Democrat from Texas, lost control of many votes in the defection of the Southerners. From 1937 on, this coalition would attempt to wreck the program of Roosevelt and Truman.

²Ibid.

³Editorial Research Reports, p. 876.

The coalition was formed around two men, Joseph Martin, Republican leader in the House, and Eugene Cox, leader of the Southern Democrats. Martin, writing in his autobiography about Cox, commented:

Cox was the real leader of the Southerners. He was a good speaker and wielded considerable influence. He and I came to Congress in 1925 and we became good friends when we were on the Rules Committee. After I was chosen Republican leader, he and I were the principal points of contact between the Southern Democrats and Northern Republicans.⁴

On the committee and destined to play a large role in the future were some of Cox's lieutenants: Martin Dies of Texas, Howard Smith of Virginia, Bayard Clark of North Carolina, and William Driver of Arkansas.⁵

In 1938 a rule for the wage-hour bill was again refused by a vote of eight to six.⁶ This bill was opposed by the Southerners because of the forty-cent minimum wage that was to be given. Great pressure had been put on the Southerners from Southern textile and lumber manufacturers.⁷ Again this measure was brought to the floor of the House via the Discharge Petition. This time the House passed the bill by a vote of 314 to 77.⁸

⁴Joe Martin (as told to Robert Donovan), My First Fifty Years in Politics (New York: McGraw-Hill Book Company, Inc., 1960), p. 84.

⁵James MacGregor Burns, Congress on Trial: The Legislative Process and the Administrative State (New York: Harper Brothers, 1949), p. 74.

⁶Editorial Research Reports, p. 876.

⁷Time, February 10, 1961, p. 11.

⁸Editorial Research Reports, p. 876.

Because of the opposition of John O'Connor, a Democrat from New York, Chairman of the Rules Committee, to this measure, Roosevelt succeeded in getting him purged in September by his New York constituency.⁹ Roosevelt, using his influence to support O'Connor's challenger, removed the Chairman of the Rules Committee. These moves by Roosevelt, plus the fact of his attempts to purge certain Southern leaders in the primary election of 1938, made the coalition all the more willing to join together.

The Conservative Coalition Dominates the Committee

The purging of O'Connor gave the chairmanship of the committee in the next Congress to an ardent New Dealer, Representative Adolph Sabath of Illinois. This move, however, did not alter the position of the conservative coalition in any way.¹⁰ On many occasions Sabath was more than once embarrassed by the action of his committee, at times having to speak for them, but in no way agreeing with the proposals of the majority of his committee.¹¹

It must be pointed out that the Rules Committee did not block all of the measures advocated by the administration. It concentrated

⁹Ibid.

¹⁰Ibid.

¹¹Roland Young, The American Congress (New York: Harper Brothers, 1958), p. 121.

its fire on domestic legislation particularly concerned with labor and welfare.¹²

As the years passed, the Rules Committee was the spokesman of a bi-partisan majority or minority, asserting a power independent of party and almost without responsibility to any political institution.¹³

During the Seventy-sixth Congress (1939-40), the Rules Committee opposed the majority leadership in the House, not by denying major bills to the floor, but by making their admission depend upon its own terms, which were often distasteful to the leadership.¹⁴

It is interesting to note that during the Seventy-sixth Congress (1939-40) the Democratic party in the House of Representatives held two party caucuses to deal with the problem presented by coalition control of legislative action. At the first meeting held on February 14, 1939, the Democratic leaders, including Speaker Bankhead, Floor Leader Rayburn, Chairman of the Caucus McCormick, treated the problem as one of absenteeism rather than a split in the party. It urged members to co-operate with the President and threatened, if necessary, "to crack the whip" to compel Democrat members to attend

¹²George B. Galloway, History of the House of Representatives (New York: Thomas Y. Crowell Company, 1961), p. 147.

¹³Lewis J. Lapham, "Party Leadership and the House Committee on Rules" (unpublished Doctoral dissertation, Harvard University, Cambridge, Massachusetts, 1953), p. 68, cited in Galloway, History of the House of Representatives, p. 147.

¹⁴Galloway, op. cit., p. 148.

these sessions.¹⁵ When these efforts failed, a second caucus was held on July 28, 1939, at which time a resolution was adopted which censured the rebellious Democrats, who had not supported the Roosevelt administration.¹⁶

It was also during this time that the House Committee on Rules issued a rule to embarrass the administration. It authorized an investigation of the National Labor Relations Board. This was the first, but certainly not the last of the investigations, authorized by the Committee on Rules to embarrass the administration. This power of the committee could be used both for sound and logical purposes or mainly to embarrass the President.¹⁷

As we have explained before, the coalition did not function on every vote in the House Rules Committee and on the floor of the House, but it did join forces in a solid body on economic measures.¹⁸

Martin, in telling how the coalition functioned, cited the general strategy he used. He would ask Cox in an informal way to see if he and John Rankin could not get him some votes against a certain measure that was distasteful to both the Republicans and the Southern Democrats. According to Martin, both sides would agree on the action

¹⁵Ibid., p. 149.

¹⁶Lawrence Berdahl, "Some Notes on Party Membership in Congress," American Political Science Review, (April, 1949), 730-31.

¹⁷Editorial Research Reports, p. 876.

¹⁸MacNeil, op. cit., p. 283.

to be taken, and then they would let the Southern Democrats make the speeches and amendments. The reason for this, as Martin explained, was to get wavering Democrats to vote for a measure that was sponsored by the Democrats.¹⁹

During the early war years (1941-42) the split in the Democratic party was partly smoothed over as the legislature concentrated on defense and war legislation, while the Rules Committee for the most part co-operated with the President's and Majority Leader's desires.²⁰

During the Seventy-eighth Congress (1943-44), however, when the party division in the House was very close, the bi-partisan coalition frequently succeeded in controlling the fate of legislation. Much of their success was due to the fact that they had the advantage of control of the House Rules Committee.²¹

The power to force a committee to amend its bill to which the Rules Committee would agree was in evidence in this session. In one instance, a rule that would have made it in order to consider a price control bill, which had been rejected by the Banking Committee, and had never been reported to the House, was forced to a showdown vote on the floor by the Rules Committee, because it had been sent to the Rules Committee, and they liked it.²²

¹⁹Martin, op. cit., p. 85.

²⁰Galloway, op. cit., p. 148.

²¹Lapham, op. cit., p. 124, cited in Galloway, History of the House of Representatives, p. 148.

²²Galloway, op. cit., p. 146.

The Speaker, Representative Rayburn, denounced the Rules Committee from the floor and asked that the offending provision of the bill be deleted. Mr. Rayburn said, "The Rules Committee was never set up as a legislative committee, and I do not want to see the Committee on Rules take away the rights and privileges of other committees."²³

Representative John Cochran, Democrat from Missouri, complained:

The Rules Committee requires a legislative committee to either strike out certain provisions of a bill or to agree to certain amendments before the rule will be granted. In other words, it has set itself up as a superduper committee assuming control over various committees of the House. I will say that if this practice continues, there will be a revolt.²⁴

During the Seventy-ninth Congress (1945-46) the coalition consolidated its power in the control of the legislative process in the House. Lapham summed up the statement by saying that in 1945 the coalition on the Rules Committee had become so independent that they seemed responsible to no one.²⁵

While the Committee on Rules failed to function during the decade as the instrument of majority party government, nevertheless, it did apparently reflect majority sentiment in the House, which may or may not have reflected majority sentiment in the country. The interesting question this raises is whether the House Committee on Rules

²³Congressional Record, Seventy-eighth Congress, Second Session, p. 5471.

²⁴Ibid., pp. 5469-70.

²⁵Lapham, op. cit., p. 136, cited in Galloway, History of the House of Representatives, p. 146.

should function as the agent of the majority party, so as to enable the party to carry out its platform pledges to the American people, or as the instrument of a bi-partisan coalition, which can control a majority of votes in the House.²⁶

The Conservative Coalition's Control Becomes Even Stronger After the Second World War

The consolidation of the coalition both in Congress and in the Rules Committee, especially after the war, led some observers to speculate that our political parties needed revamping. Arthur Krock of the New York Times said:

Until the major political parties realign, and two parties are formed in each of which there is a common set of political views and principles, these occasional combinations will appear in the House. There is both oil and water in the bottle that bears the label "Democrats" and attempts to mix them will be less and less successful.²⁷

It must be pointed out that the Rules Committee, although blocking many bills, did let quite a few come to the House for a vote. Between 1935 and 1946 Sam Rayburn, serving both in the capacity as Floor Leader and as Speaker, used his influence and personality both on the Republican members and especially on Eugene Cox, leader of the Southern conservatives. Cox and Rayburn, although at odds politically, were great friends. He frequently called in the Speaker's office to discuss

²⁶Galloway, op. cit., p. 149.

²⁷Arthur Krock, New York Times, March 12, 1946, p. 24.

legislation. When Rayburn needed help in getting a bill through the Rules Committee, he simply asked Cox for help, even though Cox opposed the bill. "Do you really need this?" Cox would ask Rayburn. When Rayburn said he did, Cox, if he could, would arrange for the bill to be cleared by the Rules Committee for a vote on the House floor.

Why did Cox help Rayburn? This was answered by Rayburn in an interview with Neil MacNeil of Time magazine. "He was an ornery fellow," said Rayburn. He continued, "He loved me; one time a newspaper reporter wrote a column about me that Cox didn't like, and Cox cornered the reporter and knocked him down."²⁸

The Rules Committee had proved very troublesome for Franklin Roosevelt. It was even more troublesome for Harry Truman.²⁹ The composition of the Rules Committee in 1945 and 1946 (see Table 3) consisted of four members from the South, two from Illinois, and one each from New York, Ohio, Michigan, and Indiana.³⁰ This composition would look twice at any liberal legislation that was to be passed on by the committee.

President Truman met his first rebuff at the hands of the Rules Committee in May, 1945, when the committee refused clearance of a bill to establish a permanent Fair Employment Practices Commission. In a

²⁸MacNeil, op. cit., p. 106.

²⁹Editorial Research Reports, p. 865.

³⁰George B. Galloway, Congress at the Crossroads (New York: Thomas Y. Crowell, 1946), p. 111.

TABLE 3

PARTY COMPOSITION OF THE RULES COMMITTEE^a

Congress	Years	Republicans	Southern Democrats	Northern Democrats	Total
75th	1937-38	4	4	5	14
76th	1939-40	4	5	5	14
77th	1941-42	4	6	4	14
78th	1943-44	5	6	3	14
79th	1945-46	4	4	4	12

^aSource: George B. Galloway, History of the House of Representatives (New York: Thomas Crowell, 1961), p. 147.

public letter Truman asked the Rules Committee to adopt a rule permitting this legislation to be voted upon by members of the House as soon as possible. When the matter was brought up again, the vote was deadlocked at six to six. This deadlock continued to the termination of that session of Congress.³¹

In a radio fireside chat on January 3, 1946, the President said that the fair employment practices bill was being blocked by a "small handful of Congressmen in the Rules Committee, notwithstanding the fact that the overwhelming mass of our citizens favor this legislation and want their Congressman to vote on it."³²

Advocates of the Fair Employment Practices Commission denounced the Rules Committee of the House of Representatives as being a bottleneck to progressive legislation. They said it was under the control of reactionary Southerners.³³ The Rules Committee took no further action on the Fair Employment Practices Commission that session.

Administration appeals for a special rule that would send a bill increasing the minimum wage from forty cents to sixty-five cents received no better response.³⁴

Mr. Truman battled the Rules Committee constantly. In 1946 he helped oppose successfully a Missouri member of the Rules Committee in

³¹Editorial Research Reports, p. 876.

³²Ibid.

³³Galloway, Congress at the Crossroads, p. 114.

³⁴Editorial Research Reports, p. 877.

that state's Democratic primary. Representative Slaughter, member of the Rules Committee, was attacked on many occasions by Mr. Truman. The line of attack centered around his votes on the Rules Committee.³⁵

The most glaring example of rebuff to Mr. Truman came in January, 1946, when the Rules Committee took the extraordinary step of substituting the Francis Case (Republican, South Dakota) labor relations bill for a bill which had been framed by the House Labor Committee. Instead of giving clearance to the bill from the Labor Committee, the Rules Committee reported a special rule for the Case bill, which had been introduced only two days before and had never been considered by the Labor Committee.³⁶ The bill passed the House by a vote of 258 to 114.³⁷

Action, such as this, caused a great deal of grumbling over the power of the Rules Committee. Chairman Sabath condemned the action of his committee as arbitrary and in violation of all the precedents in the House.³⁸

Action such as this caused many members of Congress to criticize such action as the arbitrary use of power.³⁹ Another member commented that the power of the Rules Committee was being used most of the time

³⁵Ibid.

³⁶Ibid.

³⁷Congressional Record, Seventh-ninth Congress, Second Session, pp. 661-69.

³⁸Editorial Research Reports, p. 877.

³⁹Estes Kefauver and Jack Levin, A Twentieth-Century Congress (New York: Duall, Sloan, and Pearce Company, 1947), p. 37.

to block majority legislation.⁴⁰

Criticism of this committee and others brought about a change in the rules of the House in 1946. This act, the Legislative Reorganization Act, was a bi-partisan measure passed in the Senate and the House. The chief sponsors of this act were Congressman Mike Monroney, Democrat, and Senator Robert LaFollette, Republican, Wisconsin. Representative Herter, appearing before the Joint Committee, said that the Rules Committee should be required to grant requests for special orders on bills favorably reported by legislative committees within a specified amount of time.⁴¹

The LaFollette-Monroney Committee considered all of the various proposals to change the Rules Committee, but in its final report there was no change in the committee, mainly due to the lack of agreement on what should be done.⁴²

The bi-partisan measure in both the House and the Senate made needed changes in the functional operations of Congress. Standing committees were reduced from forty-eight to nineteen in the House of Representatives. It frowned on the creation of special committees, clarified the duties of the standing committees, regularized the keeping of committee procedure, and banned certain private bills, to ease the work

⁴⁰Wayne Morse, "D-Day on Capitol Hill," Colliers, June 15, 1946, p. 47.

⁴¹Material Research Reports, p. 880.

⁴²Ibid., p. 881.

load of some of the members of the House.⁴³ From 1937 to 1946 the Rules Committee had functioned as the chief agent of the conservative coalition in the House of Representatives. By 1946, there were many people who believed that the Committee on Rules with power had to be changed, because it was acting in an arbitrary role.

⁴³Galloway, History of the House of Representatives, pp. 59-60.

CHAPTER VII

THE RULES COMMITTEE AS REPUBLICAN AGENT AND AS DEMOCRATIC OBSTRUCTIONIST: 1946-1958

In the election of 1946 the Republicans captured the House of Representatives and organized it along party lines. The Chairman of the Rules Committee was Leo Allen of Illinois. Serving with him on this committee were Republicans Clarence Brown of Ohio, James Wadsworth of New York, Forest Harness of Indiana, Edgar Chenoweth of Colorado, Ross Rigley of Oklahoma, Christian Herter of Massachusetts, and Robert Rich of Pennsylvania. On the minority side the members were Adolph Sabath of Illinois, Eugene Cox of Georgia, Howard Smith of Virginia, and Bayard Clark of North Carolina.¹ None of these men came from the West, North Central, East South Central, nor the Pacific Coast. Only Sabath came from an urban district. Two other members' districts, Herter and Wadsworth, took in parts of cities. The other men came from totally rural districts.² These men in general represented conservative viewpoints; therefore they got along very well with Speaker of the House Joe Martin, who shared these same views.³

¹Editorial Research Reports, p. 867.

²Ibid.

³Neil MacNeil, Forge of Democracy: The House of Representatives (New York: David McKay Company, 1963), p. 105.

The Rules Committee in the Eightieth Congress (1947-48)

The Rules Committee during the Eightieth Congress returned to its traditional role as the agent of the majority party. In sharp contrast to its conduct during the preceding decade, the committee now co-operated with the party leaders to promote the majority party's program and to translate its campaign pledges into legislative action.⁴

Just as the Democrats had relied on closed rules to avoid internal dissension and expedite passage of their measures, so now in the Eightieth Congress the Republicans did likewise. The Rules Committee reported nine closed rules during the two years, five in the first session and four in the second.⁵

The committee made frequent use of the rule waiving points of order on appropriations bill in order to clear the way for the elimination of "wasteful" governmental functions and bureaus. It also tabled rules for the consideration of bills for American membership in the World Health Organization and for selective service, not approving these measures until they were forced by the Republican leaders.⁶

Other bills, including the Universal Military Training bill and the O'Mahoney-Kefauver bill, prohibiting the purchase of assets of

⁴George B. Galloway, History of the House of Representatives, (New York: Thomas Y. Crowell Company, 1961), p. 151.

⁵Ibid.

⁶Editorial Research Reports, pp. 877-78.

corporations, were pigeonholed by the Rules Committee.⁷

Dr. Lephman concluded that although the Rules Committee came in for a lot of abuse during the Eightieth Congress (1947-48), the record showed that the Speaker, Majority leader, and the Republican Steering Committee could get a bill out of the committee, if it wanted to badly enough.⁸

Results of the 1948 Election--liberal Democrats Control the House but not the Committee on Rules

The opening of the Eighty-first Congress (1949-50) changed again the Rules Committee from one of help to the majority party to one of hindrance. The Democrats by winning the election of 1948 controlled the House of Representatives, but they did not control the coalition on the Rules Committee, and the same outlook faced the program of the administration, as had faced it in 1946. Many of the members of the House were angry at the tactics of the Committee on Rules. The feeling was best summed up by Representative Kucharer, who said that "the Rules Committee was supposed to direct the legislative traffic, but it had usurped this power by allowing bills to come before the House only on its own terms." Many Congressmen

⁷Galloway, op. cit., pp. 151-52.

⁸Lyons J. Lephman, "Party Leadership and the House Committee on Rules" (unpublished Doctoral dissertation, Harvard University, Cambridge, Massachusetts, 1953), p. 163, cited in Galloway, History of the House of Representatives, p. 152.

believed that there should be some reforms of the Rules Committee so a small minority could not block the program of the majority.⁹

Representative Sabath and Representative Forand suggested that the Rules Committee be enlarged to fifteen members, and the additional members be men who would support the program of President Truman. This plan was not favored by many in the administration; so it was dropped.¹⁰

At the opening of Congress on January 3, 1949, those that favored a change in the House rules won a vote over the coalition by a vote of 275 to 142.¹¹ Then the House adopted the so-called Twenty-one-Day Rule. Under this rule the chairman of a legislative committee which had favorably reported a bill could call it up for House consideration, if the Rules Committee reported adversely on it or failed to give it a "green light" to the House within twenty-one days.¹²

It must be pointed out that although the Twenty-one-Day Rule was in effect, it did not necessarily weaken the strength of the coalition on the House Rules Committee. In June of 1949 Representative Sabath, then eighty-three years of age, wanted to loosen the committee's stranglehold on legislation. As usual, Gene Cox, now sixty-nine years old, saw no need for it. Chairman Sabath had succeeded in

⁹George Galloway, "Leadership in the House of Representatives," Western Political Quarterly, XII (June, 1959), 440.

¹⁰Editorial Research Reports, p. 869.

¹¹Galloway, History of the House of Representatives, p. 61.

¹²Ibid.

getting a howling bill past his committee's anti-administration coalition and onto the floor. Cox demanded more time in debate to point out the socialistic tendencies involved. The venerable Sabath was on his feet, arguing that a longer discussion was useless, when the Georgian blew his top. "Glar," shouted Cox, striking at the Chairman's nose, causing his glasses to fall to the floor. Sabath rocked back, recovered, and sent a left and right to the jaw of the Georgian. Then they were separated, and moments later they were posing suitably arm in arm for the benefit of the cameras.¹³

This was not the last time the two adversaries would resort to radical action. On another occasion Cox, the second-ranking Democrat on the committee, wanted to vote on a resolution to change the committee's rules so that any committee member could call up bills for votes, even if the chairman objected. Sabath begged Cox not to insist on the resolution. Sabath pleaded that he had a weak heart, and that if this resolution was passed, it would kill him. Cox said that "he didn't care, that Sabath had delayed too long." Upon hearing this, Sabath abruptly lurched forward, pitched out of his chair and fell sprawling onto the carpeted floor at Cox's feet.

Cox leaped up shouting, "My God, I've killed him." Committee members rushed to Sabath's aid; four of them carried him to the Chairman's adjoining room and put him on the leather couch. All of the committee members but Clarence Brown dashed off to secure medical aid.

¹³Henry and Katherine Pringle, "The Terrible Twelve of Capital Hill," Saturday Evening Post, CCXXVI (June 29, 1954), 22.

Brown, still puffing from exertion, stood watch over the prostrate chairman. Sabath opened one eye and looked around the room. "Why you old rascal!" roared Brown. "There's nothing wrong with you."

"Well," said Sabath, "Mr. Cox didn't get his resolution, did he?"¹⁴

The Twenty-one-Day Rule remained in effect throughout the Eighty-first Congress (1949-50), despite a determined effort to repeal it early in the Second Session. A coalition led by Congressman Cox of Georgia was defeated on January 20, 1950, by a vote of 236 to 183. Eighty-five Southern Democrats voted for the Cox repeal, while sixty-four Republicans sided with the administration against their own leadership.¹⁵

During this session of Congress, the Twenty-one-Day Rule brought the anti-poll tax bill to the House for a successful vote and forced action on the minimum wage and housing bills. It also enabled the House to vote for other important legislation. Altogether during this Congress, eight measures were brought to the House under the Twenty-one-Day Rule. Because of this rule, the Committee on Rules was forced to bring other measures to the floor for a vote.¹⁶

Although the Twenty-one-Day Rule stayed in effect throughout the Eighty-first Congress (1949-50), there was an increasing volume

¹⁴MacNeil, op. cit., p. 103.

¹⁵Galloway, "Leadership in the House of Representatives," Western Political Quarterly, pp. 440-41.

¹⁶Galloway, History of the House of Representatives, p. 62.

of attack on the measure, In 1950 the ranking Republican on the Rules Committee, Leo Allan of Illinois said:

If we do not rescind the Twenty-one-Day Rule we will go into the red over 10 billion dollars. The issue is whether or not the entire Truman socialistic program will succeed or be defeated. I refer especially to the socializing of medicine and the socialistic Brennan plan and about ten others.¹⁷

Another criticism of the Twenty-one-Day Rule was that it bypassed the Committee on Rules. This was in contrast to the love of orderly procedure that was observed in the House.¹⁸ Others defended the plan by saying this measure gave the Rules Committee a leading function in the formation of the administration's policy.¹⁹ Republican gains in the election of 1950 helped those that favored the abolition of the Twenty-one-Day Rule.²⁰

In the election in January of 1951, the Cox resolution, rescinding the Twenty-one-Day Rule, passed by a vote of 247 to 149.²¹

The make-up in the House Rules Committee was not especially representative, either of the membership or of the country. The twelve members on the committee had served an average of eight terms each. The Chairman, Sabath, had served ten terms or longer. Three

¹⁷Pringle, op. cit., p. 129.

¹⁸Lloyd Riddick, "The Eighty-first Congress, First and Second Session," Western Political Quarterly, IV (March, 1951), 59.

¹⁹Galloway, History of the House of Representatives, p. 152.

²⁰James Robinson, "The Role of the Rules Committee in Analyzing the Program of the United States House of Representatives," Western Political Quarterly, XII (September, 1959), 660.

²¹George B. Galloway, The Legislative Process in Congress (New York: Thomas Y. Crowell Company, 1953), p. 271.

of its members came from west of the Mississippi River. The Committee had four members from the North Central States, four from the South, two from the Middle Atlantic States, and two from the Pacific area.²²

Although opposed by Labor, the National Association for the Advancement of Colored People, and other urban groups, most big-city Congressmen voted in favor of rescinding the rule. Sixty-four Republicans voted with the administration. Eighty-three Southern Democrats went against the administration. This is interesting because in the original vote in 1949, only thirty-five Southern Democrats had gone against the President, and only forty-nine Republicans had supported the Twenty-one-Day Rule. Martin and Rayburn said the vote showed the unfavorable attitude of the House toward Mr. Truman's program.²³

The reasons for the defeat of the Twenty-one-Day Rule were given to be lack of orderly procedure under the rule and the Rules Committee should block bad legislation. The main reason the Twenty-one-Day Rule was killed was because of the heavy flood of bills that were coming onto the floor, forcing the House to try to take care of more business than it was capable of handling.²⁴

Two opposing principles were again involved in the vote on the Rules Committee. It was whether legislative action should be controlled by a majority of the entire House, or the majority party should control

²²Ibid.

²³New Republic, January 30, 1950, p. 5.

²⁴Gerald Young, The American Congress (New York: Harper and Brothers, 1958), p. 123.

through his nominal agent.²⁵

There is one bit of irony that must be explained here. The attack on the Rules Committee at times is a screen. The Rules Committee may be a "whipping boy" for the Congressman, but every Congressman is at one time or another very grateful to this committee. This is a hidden reason in the defeat of the Twenty-one-Day Rule.²⁶

There are many reasons for a Congressman to be grateful to the Rules Committee; however, they generally boil down to two main reasons. The first reason is that on many occasions the Rules Committee had given a favorable rule on a particular bill that he was interested in or that his political life depended. Perhaps the greatest blessing that the Rules Committee bestowed was the fact that many times it bottled legislation in committee, that if sent to the House for a vote could prove to be embarrassing for the legislator, because his vote on the bill might alienate many voters in his district. Then he could safely report to his constituents that the reason the bill did not get to the floor was because of the "obstructionist Rules Committee."

Insofar as the Rules Committee is concerned, the situation following the repeal of the Twenty-one-Day Rule in 1951 remained substantially to what it had been prior to the adoption of the rule in 1949.

²⁵Bellocq, History of the House of Representatives, p. 62.

²⁶Congressional Digest, "Coalition Fights Its Control and Eighty-second Congress Commences," XIX (February, 1951), p. 33.

In both foreign and domestic affairs the majority party official leadership was often at odds with the majority of members on the Rules Committee.²⁷

On one occasion in 1951 former Rules Chairman Snell referred to the committee as a "coalition of six or more members, who might arrogate unto themselves the power to determine what vital legislation should or should not receive consideration by this legislative body."²⁸

The Rules Committee During the Eisenhower Administration

The Republican Presidential and Congressional victories in 1952 once again put the Rules Committee in the position of an agent of the majority party. Joseph Martin, Speaker of the House, got along fine with the committee, as it represented a moderate conservative view-- a view that was prevalent in the Eisenhower administration.²⁹

An example of this type of thinking can be seen by the statement of Charles Halleck, a Republican from Indiana, concerning the Rules Committee. He said that the function of the committee was to "block, un-wise, ill-timed, socialistic measures."³⁰

²⁷Galloway, History of the House of Representatives, p. 153.

²⁸Congressional Record, Eighty-second Congress, First Session, p. A8012.

²⁹ManNeil, op. cit., pp. 104-5.

³⁰Time, January 15, 1951, p. 14.

The composition of the Committee in 1953 reflected the rural conservative pattern. Of the eight Republicans and four Democrats, four were from the South, three from the northeast, three from the Middle West, and one each from the Rocky Mountain and Pacific Coast states.³¹

The close working relationship between the Rules Committee and the Republican leadership can be seen on many occasions. For example, every Monday morning at breakfast a meeting was held between Leo Allen, Chairman of the Rules Committee, and party leaders, Martin, Halleck, and Arends.³²

There was, however, some occasional bitterness. The Rules Committee under Allen at one-time bottled up a pet tax-reduction bill of Uncle Dan Reed, Chairman of the Committee on Ways and Means. Reed bombarded Allen with protests on how the Committee on Rules had bottled up his bill. Allen replied that his committee was to be guided by Speaker Martin. Reed vowed that he would force the bill from the committee. The old New Yorker took his fight to the floor, but in vain. Later, he was to ask the House what grievance he had caused the members to be treated in such a manner. Later in the session, when the embittered Reed refused to let his own committee pass on a tax extension needed to balance the budget, the Rules Committee, in a dramatic move,

Quellway, Legislative Process in Congress, p. 340.

³²Pringle, op. cit., p. 23.

took the administration bill out of the Ways and Means Committee. With an open fight about to break out, a compromise was reached by Speaker Martin.³³

During the two years in which the Republicans were in the majority in the Eisenhower administration, the relationship between the House Committee on Rules and the administration was very friendly.³⁴ This is not to say that Mr. Eisenhower had no battles with the Rules Committee. In 1954, much to the dismay of the administration, the Rules Committee held back a rule for lending authority for the Small Business Administration, federal funds for polio vaccination, and others. The administration had to force these bills out.³⁵ Once a rift occurred between President Eisenhower and Rules Committee Chairman Leo Allen. The dispute was over a tax amendment placed by the Rules Committee on a pet Eisenhower bill. Although the Allen amendment was not liked by Mr. Eisenhower, he accepted it with the statement that "you had to take a little castor oil along with the sweetening."³⁶

At the end of the Republican controlled Congress the Rules Committee had continued functioning in the same way as it had under previous Democratic Congresses, but the chief difference was the fact that the

³³Ibid.

³⁴Ibid., pp. 22-23.

³⁵Nation's Business, February, 1956, p. 102.

³⁶Pringle, loc. cit.

leadership of the Republicans had views similar to those held by the members of the Committee on Rules.

At this time it would be, perhaps, wise to take into account how the Rules Committee had functioned on certain measures from the Seventy-sixth Congress to the Eighty-fourth Congress. As I have pointed out, the committee has tremendous power in deciding what measures may, or may not be considered for debate. Perhaps, the most powerful weapon the Rules Committee has is the power to adopt either closed or open rules.³⁷

The decision to decide in the committee whether a bill needs to be passed or not is a very important one. Actually, one-tenth of the bills considered by the Rules Committee fall into an important category, taking up around three pages of discussion in the Congressional Record. More than one-half of these bills are handled by special resolutions from the Committee on Rules.³⁸

The House Rules Committee on many occasions denies hearings when there are many bills, or when legislative committees are tardy in their votes. Nevertheless, in recent years, the committee has denied very few requests for hearings and most of them have been on minor bills.³⁹

³⁷James Robinson, "The Role of the Rules Committee in Regulating Debate in the United States House of Representatives," Midwest Journal of Political Science, V (February, 1961), 69.

³⁸Robinson, "The Role of the Rules Committee in Analyzing the Program of the United States House of Representatives," p. 653.

³⁹Ibid., p. 654.

The tables on the next four pages will give an indication of how the Rules Committee has dealt with several of the matters that I have mentioned.

A brief summary of the tables leads to these conclusions:

1. The number of requests for rules denied after hearings (Table 4) have been very small in number excluding the Eighty-first Congress (1949-50). The Rules Committee has not denied to members of the House the rules which they desire, but only on a very few occasions.
2. That bills reported by the committee but not called up by the leaderships (Table 5) have been scarce. This proves that the Rules Committee's function is generally considered not only to be essential to legislative business, but also that when the Rules Committee gives a favorable rule to a bill, it is one that the entire House is interested in.
3. Table 6 shows that the Rules Committee in the interest of passing legislation has given rules that permitted debate, but not unlimited debate, and also has passed only one closed rule. This record indicates that the Rules Committee rarely issues a rule that does not allow members of the House a chance to express themselves concerning the measure.
4. Table 7 points out the fact that the leadership calls up bills in other ways rather than directly from the House Committee on Rules. This shows that the Rules Committee

TABLE 4

NUMBER OF REQUESTS FOR RULES DENIED AFTER HEARINGS^a

Congress	Years	Number
80th	1947-48	14
81st	1949-50	38
82nd	1951-52	8
83rd	1953-54	7
84th	1955-56	9
85th	1957-58	7

^aSource: James Robinson, "The Role of the Rules Committee in Analyzing the Program of the United States House of Representatives," Western Political Quarterly, XII (September, 1959), p. 656.

TABLE 5

BILLS REPORTED BY THE COMMITTEE BUT NOT CALLED UP^a

Congress	Years	Number
76th	1939-40	3
77th	1941-42	2
78th	1943-44	2
79th	1945-46	10
80th	1947-48	8
81st	1949-50	7
82nd	1951-52	3
83rd	1953-54	1
84th	1955-56	6

^aSource: James Robinson, "The Role of the Rules Committee in Analyzing the Program of the United States House of Representatives," Western Political Quarterly, XII (September, 1959), p. 662.

TABLE 6

TYPES OF RULES CALLED UP BY THE LEADERSHIP
FROM 1939 TO 1956^a

Types	Number
One Hour—Open	29
Two Hour—Open	10
Three Hour—Open	1
Four Hour—Open	1
One Hour—Closed	1

^aSource: James Robinson, "The Role of the Rules Committee in Analyzing the Program of the United States House of Representatives," Western Political Quarterly, XII (September, 1959), p. 663.

TABLE 7

**BILLS GRANTED FAVORABLE RULES BY THE COMMITTEE
BUT CALLED UP BY OTHER MEANS^a**

Congress	Years	Number
76th	1939-40	26
77th	1941-42	14
78th	1943-44	14
79th	1945-46	24
80th	1947-48	15
81th	1949-50	15
82nd	1951-52	10
83rd	1953-54	25
84th	1955-56	17

^aSource: James Robinson, "The Role of the Rules Committee in Analyzing the Program of the United States House of Representatives," Western Political Quarterly, XII (September, 1959), p. 663.

does not have to be used in every case to get a bill to the floor. For various reasons the leadership in the House believes that these other methods on occasion are more desirable.

As a final note, it should be pointed out that from 1937 to 1956, only nineteen rules of the House Rules Committee were defeated. This generally shows that the majority of the members in the House agreed with the action taken by the Committee on Rules.⁴⁰

Dr. James Robinson, a student of the legislative procedure in the House Rules Committee, has made several interesting observations concerning the committee.

1. The committee withholds rules from only a few bills each session. Generally from five to nineteen in number.

2. The committee hears all but a small number of requests for hearings in recent years.

3. The House discharges the committee at least once a session.

4. The leadership usually ignores a few rules in each Congress—from one to ten—and schedules some bills without using the rules reported by the Committee on Rules, usually from three to twenty.

5. The House averages defeating one rule each session.⁴¹

These facts that have been pointed out by Dr. Robinson leads to several conclusions. The Rules Committee does have the majority of the House's support as it carries out its committee function.

⁴⁰Ibid., p. 665.

⁴¹Ibid., p. 669.

They do not block legislation, per se. The members are diligent in their duty, as they conduct a tremendous amount of business in each session.

In 1954 the Democrats captured control of the Congress once again. The Rules Committee took on once again its status as the defender of conservative action. As Eisenhower tried to push through certain measures that would be called liberal, he was aided in his attempt by Speaker of the House, Sam Rayburn. The bills reached the House Committee on Rules, where they ran upon strong opposition. The great majority of these bills were blocked by this committee.⁴²

Mr. Rayburn had the job of trying to get these measures passed through an obstinate committee. This was made even more difficult, because Rayburn's good friend, Eugene Cox, had died, and the leader of the Southern conservatives in the House was Howard Smith of Virginia, Chairman of the Committee on Rules. Sometimes, Rayburn did manage to secure help from his old friend and Republican leader, Joe Martin.⁴³

Speaker Rayburn, although a Democrat, attempted to help President Eisenhower with his moderate measures. This was true of many other Democrats who often helped the liberal Republican push measures through the House. These measures were generally opposed by the conservative wing of the Republican party and by the Southern Democrats led by Howard Smith, Democrat from Virginia.

⁴²MacNeil, op. cit., p. 105.

⁴³Time, February 10, 1961, p. 11.

Howard Smith as Rules Committee Chairman

Under Judge Smith the conservative coalition on the Rules Committee tightened its grasp on legislation. One of its pet tricks was to place an amendment on the bill that members of the House could not dare attack; because in attacking the amendment, they would attack some key provision of the bill intertwined in the amendment. This was done on the reciprocal trade bill, federal highway funds, and the minimum wage.⁴⁴

Mr. Rayburn offset this conservative majority and tried to get Democrats of liberal leanings on the committee to neutralize the conservatives.⁴⁵

This staffing by Rayburn did not change the outlook on the committee to an appreciable degree. In 1956, for example, the committee struck down a housing bill sponsored by Albert Rains, a Democrat from Alabama, and supported by the Speaker. At the time the committee killed the bill, Rains commented that "the bill represents eighteen months' work, and they have killed it in eight minutes without even reading the bill."⁴⁶

In rallying support for the bill, a delegation of mayors from almost every major city in the country had come to Washington to lobby for the bill. As it was getting late in the session, pressure was

⁴⁴Watson's Business, p. 102.

⁴⁵Ibid., p. 35.

⁴⁶MacNeil, op. cit., p. 106.

being put on Chairman Smith to give the bill a favorable report. The mayors went to Smith's office looking for the chairman. Smith could not be found. The mayors and other interested parties combed Washington, trying to find the gentleman from Virginia. Later in the week, Smith turned up, and in mock surprise said, "I did not know that I would be missed so much; I only went down to my farm to look at the hay crop that I was afraid had been damaged by a severe storm."⁴⁷

This type of opposition to vital measures by the Rules Committee was sometimes encouraged by the President. On other bills, supported by Eisenhower, this opposition was discouraged.⁴⁸

With the obstructionist tactics of the Rules Committee, a counterforce to these tactics was developing. The more the committee used its power in an arbitrary manner, the more discussion was held on the possibility of changing the committee. Many members of Congress felt as one distinguished observer felt when he said that, "The Rules Committee had tremendous power."⁴⁹

The years between 1946 and 1958 show the different roles played by the Rules Committee. At times, the committee was the agent of the Republican party. At other times, it opposed the program of Eisenhower. The reason for this was the fact that the Republican party, as the Democrats, had both a liberal and conservative wing, and the Rules Committee

⁴⁷Ibid., p. 104.

⁴⁸Galloway, History of the House of Representatives, p. 297.

⁴⁹Dean Acheson, A Citizen Looks at Congress (New York: Harper Brothers, 1956), p. 22.

was a bastion for conservative forces. If you could sum up the activities of the Rules Committee during this period in history, you could use one word--"independent."

It is interesting to note that the power of the Rules Committee was never changed no matter how equal the political parties were divided in the House, or whether one party had a heavy edge in numbers over the minority parties. The reason for this was that most members resided in safe districts. In these districts, whether Democrat or Republican, they were never challenged seriously by an opponent; therefore, their vote in the Rules Committee was never watched with great interest by their constituents. Table 8 will point out the political division in the House.

TABLE 8

POLITICAL DIVISIONS OF THE HOUSE OF REPRESENTATIVES
FROM THE 75TH TO THE 87TH CONGRESS^a

Congress	Years	Number of Representatives	Republicans	Democrats	Others
75th	1937-38	435	89	333	13
76th	1939-40	435	169	262	4
77th	1941-42	435	162	267	6
78th	1943-44	435	209	222	4
79th	1945-46	435	190	243	2
80th	1947-48	435	246	188	1
81st	1949-50	435	171	263	1
82nd	1951-52	435	199	234	2
83rd	1953-54	435	221	213	1
84th	1955-56	435	203	232	
85th	1957-58	435	201	234	
86th	1959-60	436	153	283	
87th	1961-62	437	174	263	

^aSource: George B. Galloway, History of the House of Representatives (New York: Thomas Y. Crowell Company, 1961), p. 297.

CHAPTER VIII

THE FIGHT OVER THE RULES COMMITTEE EXTENSION IN 1961

Throughout this paper I have referred to a coalition of Southern Democrats and Northern Republicans as the conservation coalition. It must be pointed out that in the House of Representatives there was also a bloc of liberals that was forming. From this group of liberals would come the force behind the change that was made in the Rules Committee in 1961. Around 1956 this bloc was being formed around Eugene McCarthy of Minnesota, and it was called "McCarthy's Mavericks."

The Formation and Objectives of the Liberal Group

In 1957, taking a cue from the southern bloc, the liberal bloc issued a manifesto of its own outlining the group's legislative goals. The document was signed by twenty-eight Northern and Western Democrats. Among them were Lee Metcalf of Montana, Stewart Udall of Arizona, Henry Reuss of Wisconsin, and Frank Thompson of New Jersey. Richard Bolling of Missouri stayed somewhat aloof from formal identification with the liberal bloc; but he, as an intimate friend of Sam Rayburn, provided them with close liaison with the Speaker.

After the election of 1958, an election in which the Democrats controlled the House by a two-to-one majority, the new liberal group plotted their strategy. The leader of the group now was Lee Metcalf.

He took the place of McCarthy, who had moved to the Senate. By January, 1959, the liberals had received feelers from around 170 Democrats in the House. The liberals decided that they would attack the bastion of the conservative coalition's strength, the House Rules Committee.¹

The liberals knew that to work a change in the Rules Committee they would have to get the approval of Speaker Sam Rayburn. Chet Holifield of California was sent to Rayburn. He suggested to Rayburn several ways to offset the power of the Rules Committee. There were four proposals. The first was for the Democratic caucus to place the Democratic members on the Committee. The second was to expand the Committee to fifteen members, adding the Speaker, Majority Leader, and one other member. The third proposal was that a tie vote would count as an affirmative vote. The last proposal was to adopt the old "Twenty-one-Day Rule."² To these and other proposals, Rayburn said "no."³ There had been other suggested changes in the Rules Committee such as: the Committee on Rules must report out a bill if it is called up a second time.⁴ Another one advanced has been that the Rules Committee must come up with a rule, if the committee to which the bill had been

¹Neil MacNeil, Forge of Democracy: The House of Representatives (New York: David McKay Company, 1963), pp. 291-92.

²Congressional Record, Eighty-second Congress, Second Session, p. 16699.

³MacNeil, op. cit., p. 293.

⁴Nation's Business, February, 1956, p. 105.

assigned gave the bill a favorable vote.⁵

Mr. Sam encountered only moderate difficulty in the 1959 session, mainly because the Democrats were holding their big bills until election year.⁶ One of the reasons that Mr. Rayburn was having trouble with the Rules Committee was because his old friend Joe Martin had been dumped by the Republicans, and into his place had stepped Charles Halleck, a conservative Republican, not to be influenced by the Speaker.⁷

By late 1959 the liberal Democrats decided that something more stringent would have to be done if they were to break the conservative hold on the Rules Committee. Working to put this together were Metcalf, Holifield, Udall, Thompson, Roosevelt of California, Blatnik of Minnesota, and George Rhodes of Pennsylvania. The organization they formed was known as the Democratic Study Group. Metcalf was chosen chairman; Roosevelt, vice-chairman; and a thirty-three man policy committee was appointed. The group selected formal "whips" with the responsibility to keep the members of the Democratic Study Group in line. Metcalf appointed "task forces" to study problems and to plan the Democratic Study Group's over-all strategy on the proposed bills. A staff was headed by William Phillips, a legislative technician. To help pay for the cost of the operation, each of the 100-odd members was charged

⁵Richard Boeckel, "Reforms of the Rules Committee," Editorial Research Reports, II (December 9, 1948), 881.

| ⁶Time, February 10, 1961, p. 12.

⁷Ibid.

twenty-five dollars a year for dues.

The Rules Committee as Obstructionist in 1960

In 1960 the liberals presented a seven-point program of the session. Included were recommendations for a federal construction bill, a civil rights bill, an increase in minimum wages, and medical care for the aged. Most of these bills had the approval of John McCormack and Speaker Rayburn.⁸

During 1960 the liberals along with Speaker Rayburn tried to get measures passed—such as the Democratic housing bill. This bill, with many other measures, met death in the House Rules Committee.⁹

The post-convention session in August of 1960 increased even greater the hostility toward the Committee on Rules. The Rules Committee had stymied most of the Democratic bills, and Rayburn was in humiliation because of the way he was being treated by the Rules Committee. Ever since he had been in the House, the Rules Committee had been always an obstruction to legislation, and he did not like the arbitrary powers of this committee that made the Speaker have to negotiate and give in, in order to get a few bills passed. At a meeting of the Rules Committee in August, 1960, Ray Madden, Democrat of Indiana, and Thomas O'Neill, Democrat of Massachusetts, tried hard to force

⁸MacNeil, op. cit., pp. 293-94.

⁹Time, February 10, 1961, p. 12.

Smith to release all the Democratic bills pending in the committee.¹⁰ Smith refused. "The only legislation I will consider," he said, "is the minimum-wage bill. You can tell your liberal friends that they will get that or nothing. If you try to bring up anything else, I'll adjourn this meeting." Judge Smith and Charles Hallock's friends had turned the short session into a fiasco.¹¹

By the end of the summer strategy sessions were being held between Helifield, Thompson, Udall, and Belling to discuss the strategy of taking over the Rules Committee. One of their plans of strategy worked perfectly during the short session. The liberals introduced bills designed to help various pressure groups, only to have them killed in the Committee on Rules. This is what they had hoped for, since these groups became very antagonistic towards the Committee on Rules. Another device was used by Frank Thompson. A card on every representative was prepared by the Democratic Study Group. This card contained all pertinent information about the representative that might be useful. "This," said Thompson, "was an attempt to reach everyone."¹²

On election day John Kennedy and a Democratic majority were elected. The new House had 261 Democrats and 174 Republicans. The Democrats had lost a score of seats from the North, and this made the

¹⁰MacNeil, op. cit., p. 414.

¹¹Time, February 10, 1961, p. 12.

¹²MacNeil, op. cit., pp. 415-16.

House more conservative.¹³ It was at this time that Sam Rayburn decided something would have to be done about the Committee on Rules, or all of the President's legislation would be blocked.¹⁴

The Position of Liberal and Conservative Forces in the Rules Fight in 1961

Although Democrats on the Rules Committee had an eight-to-four majority, they were often stymied by two of the Democrats on the committee, Judge Smith and William Colmer. Colmer had supported an independent group of electors in Mississippi, and the Democratic rebels wanted to purge him from the block.¹⁵ The rebels thought this would be the easiest procedure since all it would take would be a majority vote in a Democratic caucus. Right after the election, the conservatives in the House began to move to head off the liberal assaults. Judge Smith declared that the Committee on Rules was all right the way it was, and that it would represent the conservative majority in the House. Two weeks later Smith came to Washington to confer with Charles Halleck of Indiana, the Republican floor leader. Attending the conference was William Colmer, the principal target of the liberals' attack. The meeting was devoted to preliminary preparation for the

¹³Ibid.

¹⁴Ibid., February 10, 1961, p. 12.

¹⁵Ibid.

conservative coalition in the fight over the Rules Committee. Hallack declined to reveal at the time the details of the discussion. "We've seen eye to eye in the past and I expect we will see eye to eye in the future," said Hallack.¹⁶ The position of the President was not known at this time, other than the fact that he wanted the Rules Committee to be changed. This was quite different from his former opponent, Mr. Nixon, who had stated he preferred the Rules Committee's present setup.¹⁷

For a month both sides worked anxiously to build their strength. The Democratic Study Group staff under the direction of William Phillips had already compiled a series of monographs on the Rules Committee, which included a fourteen-page analysis of proposals to "overcome legislative obstruction by the Rules Committee" and other pamphlets along this line. These papers were distributed to members of the House to make the liberals' argument. Thompson flew to Palm Beach to brief the President-elect on the maneuvers of the Democratic liberals. Judge Smith's lieutenants polled the members of the House on how they stood in the Rules fight.¹⁸

In November certain Republicans began to doubt the desirability of trying to defeat Mr. Sam. On November 9 Representative Thomas Curtis,

¹⁶Hallack, op. cit., p. 427.

¹⁷Industrial Union Department of the AFL-CIO Bulletin, Spring, 1961, p. 20.

¹⁸Hallack, loc. cit.

a Republican from Missouri, called several Republicans, saying that an open conservative coalition would be disastrous for the Republican party in the future. He suggested the reorganization of the Republican "Response Group," first formed in 1959 by a group of fifteen GOP House Members with the purpose of altering the conservative bloc.¹⁹

The Rules Committee Fight and the Techniques of Both Sides

By late December the lines of battle were drawing tight. For either an extension of the committee or the purging of William Cramer were the Democratic liberals, the Speaker, the Kennedy Administration, and certain Republican liberals. In opposition to any plan were the Southern Democrats and the majority of the Republican House members.

The pro-change groups position was built around the fact that if the Rules Committee was not altered in some way it would block all legislation of a liberal nature that would be decided by the administration. The anti-change forces contended that to change the Rules Committee would in effect be turning it into a "rubber stamp" for President Kennedy. They pointed out the fact that the incoming Congress was more conservative, and in effect the Rules Committee by being conservative was voicing the will of the majority of the House.

As this question was one of great importance to the members of the House, each faction had to proceed cautiously to gain its objectives.

¹⁹Congressional Quarterly Weekly Reports, No. 4, January 27, 1961, p. 174.

The liberals could not be too extreme in their demands for a change since the House had many conservatives and moderates, who might later vote against liberal programs, because of the activity of the liberals in the Rules Committee fight. Another reason for the cautious move was the fact that any radical action on the part of the liberals would turn Speaker Rayburn against their cause. Mr. Rayburn, in turn, knew that any extreme change in House Rules would turn many against him and the program of Mr. Kennedy. This was especially true in regard to the Southerners, those men who were the chairman of the important House Committees. If Kennedy did not have their support, his program was in trouble. The Kennedy Administration, knowing it needed the change in the Rules Committee, moved carefully, taking its cue from Speaker Rayburn, knowing that any attempt to dictate change to the House would have dire consequences. Likewise, the Republicans that favored changing the Rules Committee knew that radical action on their part could and probably would bring down repercussions on them from the Republican leadership.

Although many on the anti-rules change groups wanted no compromise on the question, the Southern leader, Representative Smith and the Republican leader, Mr. Hallack, were not so adamant on their question. They realized that it might be possible to work out some type of compromise that might satisfy their opponents but would leave their power in the Rules Committee intact. The conservatives realized that if they were outvoted in this fight that there would be a showdown on the floor and that many moderates, men who were wary of a change in the House

rules, might vote with the opposition. The strategy of the conservatives would be first to work out a compromise; if this failed to play upon the moderates' uneasiness about rules change, then use pressure upon certain members when needed.

On December 30 a meeting of thirty-four Democratic liberals instructed a delegation of three to meet with Rayburn and convince him of the necessity of altering the Rules Committee. It is interesting to note, however, that they adopted no plan to change the committee.²⁰ Also during the latter part of December some Republicans, who shared the view of Curtis, spoke with Charles Halleck about the views of the few liberal Republicans. Halleck rebuffed the group.²¹

Rayburn invited Smith to call on him in his office. Smith came, and the two old antagonists talked for two hours about the Rules Committee. Rayburn did not suggest that Colmer be purged. Instead, he asked Smith to agree to add three new members to the Rules Committee. Two of the three would be Democrats, and one would be a Southerner. Smith flatly rejected this proposal, because he knew that Rayburn would pick a Southern liberal.²²

The next day the Democratic liberals' spokesmen, Blatnik, Thompson, and Holifield met with Speaker Rayburn about the change in the Rules

²⁰Congressional Quarterly Weekly Reports, No. 1, January 6, 1961, p. 4.

²¹Congressional Quarterly Weekly Reports, No. 4, January 27, 1961, p. 174.

²²MacNeil, op. cit., p. 419.

Committee. They reported back to the committee that the Speaker was planning to make a change, but they had given him their word that they would not tell anyone what the plan was.²³ The following day Rayburn met with some liberals and party leaders and told them of his decision to purge Colmer. This was quite unlike the Speaker, since he did not operate in this manner. The intimates of Rayburn did not believe that he would follow this line, but he was only letting this out to put pressure on the Southern bloc. This came as a blow to the old members of the House, for it undercut the seniority system. Clarence Cannon, a Democrat from Missouri, Carl Vinson, a Democrat from Georgia, Francis Walters, a Democrat from Pennsylvania, and others rushed to the Speaker's office to denounce this plan. However, Mr. Sam did not change his mind, and for a week waited for Judge Smith to come see him.

In the meantime Wilbur Mills, Democrat from Arkansas, and others were trying to work out some compromise between the two factions. On January 9 the pressure on Smith from the wavering Southern ranks caused him to go to Rayburn with a compromise. The Rules Committee would let five of the major Kennedy bills go through the committee. Rayburn rejected Smith's offer, and he insisted that either Colmer be purged or that the three members be added on. Smith would not yield, "no purgin," "no packin."²⁴ When Smith walked out of the office without reaching a

²³Congressional Quarterly Weekly Reports, No. 1, January 6, 1961, p. 4.

²⁴MacNeil, op. cit., p. 424.

compromise with the Speaker, Carl Vinson, second in command of the Southerners, knew that Rayburn had the votes to purge Colmer if he wanted to. A Southern caucus was held that afternoon, attended by most of the Southern Democrats. They agreed, over Smith's objection, to settle the argument of Rayburn's terms in enlarging the membership on the committee, rather than to endanger the seniority system. A lieutenant of Rayburn had been planted in the caucus as a spy, and he informed Rayburn of the decision. With this assurance at hand he called a special news conference to announce that there would be an attempt to raise the number of the Committee on Rules from twelve to fifteen.²⁵

Up until this time the fight had been only in the Democratic camp, but with the change in Rayburn's tactics it took on the aspects of a messy political fight with the Republicans. Some Republicans saw no sense in this fight because it would align them with Southern Democrats.²⁶ On January 1, Congressman Florence Dwyer of New Jersey, John Lindsay of New York, Silvio Conte of Massachusetts, Seymour Halper of New York, William Cahill of New Jersey, and Perkins Bass of New Hampshire issued a statement on the floor of the House that it was not in the best interest of the Republican party to join this coalition. A resolution was sent to the Republican Policy Committee from the Republican Caucus for further study.²⁷ Curtis associates said that Halleck and the Policy

²⁵Ibid., pp. 425-26.

²⁶Time, February 10, 1961, p. 12.

²⁷Congressional Quarterly Weekly Reports, No. 4, January 27, 1961, p. 175.

Committee Chairman, John Byrnes of Wisconsin, assured Curtis and his colleagues that their resolution would get full consideration. The Policy Committee, it was charged, failed to hold hearings on the resolution, and on January 19 voted unanimously against it.²⁸

It must also be noted here that another prominent Republican was siding with the Speaker. Denying that his position was one of vengeance against Mr. Halleck, Joe Martin pledged support to the Speaker.²⁹

In the Democratic caucus Rayburn said that he had no malice in his heart and would not purge anyone. Judge Smith followed Rayburn and said that he could count, and he knew that Rayburn had the votes, but he would fight it on the floor. Smith agreed to give the rule to the House, and the Democrats roared their approval as a resolution was passed to give approval to the extension of the Rules Committee.³⁰

On January 19 the House Republican Policy Committee disapproved of the Rayburn plan. However, many Republicans said that this decision did not speak for them. The 174-man GOP caucus on January 23 approved of the Policy Committee's stand, but a few dissents were heard.³¹

The Republican forces came out of the caucus determined to fight the Speaker. Some members said it reminded them of the court-packing

²⁸Id.

²⁹Time, February 10, 1961, p. 12.

³⁰New York Times, January 19, 1961, p. 1.

³¹Congressional Quarterly Weekly Reports, No. 4, January 27, 1961, p. 109.

plan of Roosevelt in 1937. Others said that the plan made the Rules Committee a "rubber stamp" of the Kennedy administration.³²

Charles Halleck defended the committee by saying that at one time or another every member of the House was grateful to the Committee on Rules for killing a piece of legislation that was embarrassing to him.³³ Judge Smith was adamant, saying that the function of the Rules Committee was to block undesired legislation, and that he was not supposed to be a traffic cop.³⁴

Lobbying against the proposal were the United States Chamber of Commerce, the American Farm Bureau, the National Association of Manufacturers, the Southern States Industrial Council, the National Association of Real Estate Boards, and the National Lumber Manufacturers Association.³⁵ Groups sending mail in backing the Rayburn proposal were the AFL-CIO, the National Education Association, the Civil Rights lobby, the League of Women Voters, and the Association of University Women.³⁶ Other groups backing the extension of the committee were the Americans for Democratic Action, the American Municipal Association,

³²MacNeil, op. cit., p. 428.

³³U. S. News and World Report, February 13, 1961, p. 16.

³⁴Paul Duke, Wall Street Journal, "Rules Committee Issue," January 31, 1961, p. 12.

³⁵Congressional Quarterly Weekly Reports, No. 4, January 27, 1961, p. 171.

³⁶Newsweek, February 6, 1961, pp. 27-28.

the United States Conference of Mayors, and the National Farmers Union.³⁷ Both camps along with interested individuals flooded the mails, hoping to influence the votes of their congressman.³⁸ Representative Hoffman of Michigan said that he had not seen as much mail on any one issue since the court-packing plan of Roosevelt in 1937.³⁹

The nation's press was also having its say concerning the Rules Committee fight. Most of the small papers and Southern papers favored Judge Smith. Many big city newspapers favored Rayburn, among these the influential New York Times.⁴⁰

It is interesting to note that in all of the concern over the Rules Committee during these months, only one scholarly and non-prejudiced article could be found.⁴¹ This was by Dr. James Robinson.

The Republican leaders had entered the fight, doubting that they had much of a chance to win. This assumption was based on the fact that they believed that Carl Vinson of Georgia would pull too many Southerners to the Rayburn side. When Vinson broke with Smith, Rayburn felt confident that he would win the parliamentary fight. This switch of tactics from purging Colmer to increasing the membership of the committee had an

³⁷Congressional Quarterly Weekly Reports, No. 4, January 27, 1961, p. 171.

³⁸ManNeil, op. cit., pp. 429-30.

³⁹Congressional Record, Eighty-seventh Congress, First Session, p. 1388.

⁴⁰New York Times, January 24, 1961, p. 28.

⁴¹James A. Robinson, "Coming Conflict Over the House Rules Committee," The Progressive, December, 1960, pp. 29-32.

unforeseen result, however. Not only did the Republicans join in the fight, but the Southerners, Vinson pledged to Rayburn, darted away. During the week-end of the inauguration, the conservatives compared notes. Smith's Lieutenants compared notes on the Southern delegation and discovered that Vinson had not dealt Smith a mortal blow.¹²

Speaker Rayburn announced on Monday that the vote would come on Thursday, January 26. This left four days for campaigning. Lobbyists swarmed into Washington and took up residence all over the Capitol. Letters and telegrams poured in from constituents to be piled up on the desk of their representatives. Many representatives from close districts feared "damnation" no matter how they voted. One of particular interest was Frank Boykin of Alabama who shifted three times to each side.¹³

On Wednesday, January 25, Speaker Rayburn postponed the coming vote the next day. The reason that he postponed the balloting was probably due to the fear that he would get defeated by the Smith-Hallack forces. The Speaker gave the reason for the postponement by saying that there were some sick members on both sides. "I still think we can win," said the Speaker. Many of Rayburn's Lieutenants did not share that view.¹⁴ The leader of the opposition looked at the situation

¹²Macfieil, op. cit., p. 430.

¹³Ibid., p. 432.

¹⁴New York Times, January 25, 1961, p. 20.

in a different light when he said, "The New Frontier is having trouble with its first round-up."⁴⁵

On Wednesday, January 25, during the President's News Conference, the President in answering a question on the Rules Committee extension said that the members of the House should have the opportunity of voting on legislative proposals to be presented by his administration, and he hoped that a small group would not prevent them from doing so.⁴⁶

On Saturday, the 28th, efforts were made between the two sides to work out a compromise. This probably indicated that both sides feared defeat. Attempts were made to reach a settlement. Rayburn said that he would call off his plan if Smith agreed to give all of the Kennedy bills a "green light." This was rejected by Smith, who promised to get five bills of the administration onto the floor. At a special news conference Speaker Rayburn rejected all attempts at a compromise.⁴⁷

On Friday and Saturday Rayburn's forces decided that if they were to win they must get a lot of help from the administration, including the Vice President, Lyndon Johnson, Robert Kennedy, the Attorney General, and Larry O'Brien, assistant to the President. These men drew up a list of members in the House that they would call and try to

⁴⁵MacNeil, op. cit., p. 437.

⁴⁶New York Times, January 26, 1961, p. 10.

⁴⁷New York Times, January 29, 1961, p. 15.

persuade to go with Rayburn.⁴⁸ Three other Cabinet members were used extensively in the fight for Speaker Rayburn's proposal. These were Luther Hodges, Secretary of Commerce, Postmaster General Edward Day, and the Secretary of the Interior, Stewart Udall. Hodges attempted to use his influence on his Southern friends in Congress. Day called many members and asked them if they needed post offices in their district. He casually mentioned in at least four or five cases that the administration was in favor of House Rule 127.⁴⁹ Udall used pressure, especially on Congressmen who wanted reclamation projects for their districts.⁵⁰ O'Brien also let it be known that the President believed that his prestige in the world would receive a tremendous defeat, if he was the loser in the Rules Committee outcome.⁵¹

As the final showdown appeared, President Kennedy threw his weight into the affair. He made three or four key calls to various members in the House who he hoped to persuade. One of these went to Harold Cooley of North Carolina, the Chairman of the House Agriculture Committee. North Carolina had been treated well in appointments, and the President expected help. However, Cooley voted with Smith and went to the top of Kennedy black list.⁵²

⁴⁸Time, February 10, 1961, p. 14.

⁴⁹Newsweek, February 6, 1961, p. 13.

⁵⁰New York Times, January 31, 1961, p. 12.

⁵¹Ibid.

⁵²Ibid.

Cracking down on liberal Republicans who had promised to vote for the Rayburn proposal, these insurgents were threatened by the Republican leaders. Charlie Halleck at one point grabbed a Congressman by the coat lapels and shook him. The man staggered away cursing Halleck, but he did switch his vote from Rayburn to Smith. No Republican doubted the measures that Halleck would use against them in the future.⁵³

Democrats were threatened with the prospect of being put on minor committees. One of Rayburn's old friends, Carl Vinson of Georgia, trying to force three freshman congressmen from Georgia in line, reminded them of the committee assignments, as he said: "I'm telling you here and now, if you don't vote with the Speaker, the only committee assignments you will receive will be on the 'Committee for the Disposition of Useless Executive Papers.'"⁵⁴

Rayburn would call Congressmen into his office or buttonhole them and ask them if they were going to vote with him or "Old Man Smith."⁵⁵ Governor Terry Sanford of North Carolina called the members of the North Carolina delegation asking them to support Kennedy. However, his pleas were not heeded by these members. Orvil Faubus put pressure on three Arkansas members to go along with the Rayburn proposal.⁵⁶

On Tuesday, January 31, the galleries in the House were packed.

⁵³Time, February 10, 1961, p. 14.

⁵⁴Newsweek, February 13, 1961, p. 27.

⁵⁵Time, February 10, 1961, p. 14.

⁵⁶Ibid.

Policemen had to hold the crowds outside of the door to the Chamber. As San Rayburn marched to his place, he was greeted by a standing ovation from the gallery. The debate on the measure was limited to one hour.⁵⁷

Representative Hoffman said the extension of the committee was a measure by certain Democrats to put some "yes" men on the Rules Committee, "those who will dance when the Speaker, without his gun, and the Vice President, who may have one, will make them dance."⁵⁸

Brown of Ohio, a member of the committee, seemed to lay down the position of the Republicans when he said that other committees may be peaked next. Hart was Judge Smith, who complained about the time given to him to present his side of the argument. He was given eight minutes. His position was that he had never held up as many bills, as had many of the standing legislative committees. He said he had tried to compromise, but his pleas had fallen on deaf ears. He blamed the action of the Rayburn forces on the shoulders of certain liberal representatives from northern and western states, who had started the drive in the last session of Congress. He also blamed the Americans for Democratic Action.⁵⁹

⁵⁷Id., February 10, 1961, p. 14.

⁵⁸Congressional Record, Eighty-seventh Congress, First Session, p. 1388.

⁵⁹Congressional Record, Eighty-seventh Congress, First Session, p. 1504.

Sam Rayburn spoke next and thanked the House for the courtesy shown him. He said the essential argument was that the nation was in need of certain measures, and the best way to get these measures was through an extension of the Rules Committee.⁶⁰

Other Democrats and Republicans followed. The Democrats advocated that the country needed legislation, and that an extension of the Rules Committee would insure these measures. The Republicans claimed that it was a very dangerous step; other committees could be packed very easily.⁶¹

The vote lasted thirty-five minutes. The spectators in the gallery blazed and booed many of the no votes. The Smith-Hallack forces were in the lead through the first 200 votes. However, the last votes tabulated put the victory in the hands of the Rayburn men. The vote was 217 to 212 with four members not voting. After the vote, there was a tremendous cheer from the Democratic side.⁶²

The Aftermath of the Rules Committee Vote

However, after the vote, hardly anyone was happy. Many Republicans in the twenty-two that voted for Speaker Rayburn knew that they would face reprisals from the Republican leaders. Likewise, many Democrats knew that they would face the wrath of the administration and

⁶⁰Congressional Record, Eighty-seventh Congress, First Session, p. 1508.

⁶¹Congressional Record, Eighty-seventh Congress, First Session, pp. 1509-17.

⁶²Newsweek, February 13, 1961, p. 27.

Speaker Rayburn. Others knew that they would have a lot of explaining to do in their districts. All sixty-four Democrats who had gone against the proposal were from the eleven Confederate States, plus one each from Missouri and Oklahoma. Thirty-seven from the South went with the Speaker.⁶³

Speaker Rayburn and his aides displayed pleasure over the victory. The Republicans made light of the victory, due to the closeness of the vote. Different Congressmen told of the various pressures that had been put on them by members of both sides. Certain Congressmen in the South went along with Rayburn, due to the threat on projects in their districts. This cannot be proven, but evidence seems to indicate it.⁶⁴

It is also true that due to his important role in the fight, Richard Belling of Missouri will be one of the leading figures in the Congress for many years.⁶⁵

The voting in the Rules struggle is an interesting study. One hundred and ninety-five Democrats voted along with twenty-two Republicans for the increase on the Rules Committee. One hundred and forty Republicans teamed with sixty-four Democrats to vote against the measure. In the ranks of the Southern Democrats, as shown in Table 9, forty-seven

⁶³New York Times, February 1, 1961, p. 16.

⁶⁴Newsweek, February 13, 1961, p. 28.

⁶⁵William S. White, "The Invisible Gentleman from Kansas City," Harpers, May, 1961, p. 84.

TABLE 9

SOUTHERN REPRESENTATIVES AND HOW THEY VOTED ON
THE RULES COMMITTEE EXTENSION^a

States	Yes Votes	No Votes
Alabama	4	5
Arkansas	4	2
Florida	1	7
Georgia	2	8
Kentucky	7	1
Louisiana	5	3
North Carolina	1	11
Oklahoma	4	2
South Carolina	0	6
Tennessee	4	5
Texas	14	7
Virginia	1	9

^aSource: Congressional Quarterly Weekly Reports, No. 4, January 27, 1961, p. 174.

voted with the Speaker, and sixty-three voted against him.⁶⁶

The young men that made up the GOP dissenters included five freshmen. Of these dissenters nineteen from New England, three from the Mid-West, and one from the Far West.⁶⁷

The great importance of the House Rules Committee was emphasized in the battle over extension of committee members in 1961. Looking back on the struggle we can surmise a few things.

1. The power of the Rules Committee was not diminished in any way.
2. The Southern Democrats do not vote as a bloc--48 voted with the liberals and 66 with the conservatives.
3. That both sides agreed to the importance of a Rules Committee and its wise role of killing legislation in committees to avoid the jamming of the Calendar with unimportant bills.
4. The extension of the Rules Committee has made easier passage of liberal legislation.
5. That the members of the Rules Committee including the new liberals, have at times shown that they could and would act independently of majority or minority wishes by killing various measures. This proves once again that you may place

⁶⁶Congressional Quarterly Weekly Reports, No. 4, January 27, 1961, pp. 170-71.

⁶⁷Ibid.

a man on a committee with the avowed purpose of having him act in a certain way, only to find that when he believes his position to be secure to act as independent as he desires.

6. As long as the Rules Committee is in a position to send or block measures, it will always be the center of political struggle, no matter what the issue and regardless which party is in the minority.

With the victory won, Rayburn informed Wilbur Mills and the members on Mill's Committee on Committees that he wanted Carl Elliott of Alabama and B. J. Sisk of California, both liberals, to be named as the new Democratic members on the Rules Committee. Halleck and the Republican Committee on Committees named William Avery of Kansas, a moderate conservative. The additional three members shifted the balance of power in this crucial committee from conservative to liberal. Where the conservatives had held a balance of power under the six-to-six conservative-liberal stalemate, the newly added members gave the liberals an eight-to-seven dominance on the committee.⁶⁸

The Rules Committee in 1961 and 1962

The Rules Committee in 1961, without delay, cleared for formal House action many of Kennedy's controversial bills--bills that otherwise would have been buffeted and harassed by the Rules Committee. Among

⁶⁸Madell, op. cit., p. 447.

these were a depressed areas bill, a minimum-wage bill, legislation providing unemployment benefits, and a far-ranging housing bill. Even with these the committee members did not automatically ratify every administration bill. In 1961 the Rules Committee voted to kill several of Kennedy's domestic bills, including the school construction bill. In 1962 the same committee refused to send Kennedy's plan to create a Department of Urban Affairs. Even so, the House supporters of President Kennedy felt that a change in the political attitude of the House Rules Committee was more than worth the effort to get it.⁶⁹

⁶⁹Ibid., pp. 447-48.

CHAPTER IX

CONCLUSION

The history of the Rules Committee of the House of Representatives has been one of turmoil and controversy. From an insignificant select committee in 1789, the House Rules Committee has risen to a position of extreme importance. There can be no doubt that in 1962 the Committee on Rules is the most powerful committee in the entire House.

Summary

During the period between 1789 and 1835, the Rules Committee was a minor committee in the House of Representatives. At first the committee issued rules that would govern the House. In these early years the rules of the House, not the Committee on Rules, were the focal points on which some controversies would take place.

In the late 1790's the House engaged in a political struggle between the supporters of Jefferson and Hamilton. Political parties in the period between 1800 and 1836 used the rules to their advantage. On many occasions the administration and the House leadership were thwarted by the rules of the House, especially concerning the War of 1812. The rules of the House during this span of years had some effect on public policy. By the use of the filibuster and other dilatory

tactics, the majority in the House was hampered in the conduct of business.

Speaker White's ruling in 1840, which permitted reports by the committee to come to the floor easier, made the committee stronger and gave them more important powers. Two important things that were given to the committee during this period were the addition of the Speaker to the committee and the rules revision in 1860. These helped to enhance the position of the committee in the eyes of the House members. With the addition of the Speaker, the Rules Committee was led by the most powerful official in the House.

At times the rules were used by the majority party, but mainly the rules of the House were a haven for the minority party. By using the filibuster, amendments to the One-hour rule, the "no quorum present" tactic, and others, many measures of the majority were blocked.

The majority party, House leadership, and the administrations of various Presidents, viewed the rules of the House, not the Rules Committee, as an obstruction to orderly business in the House. This is why the various revisions, the One-hour rule, and other measures were pushed so hard.

The effect of the rules on public policy at this time was very great. The examples of the "no quorum present" tactic on the Kansas-Nebraska Act, and the long delay in the election of Speaker Pennington, made people feel that the rules of the House should be changed. Generally they favored the revisions of the rules.

In the period from 1860 to 1890 the Rules Committee achieved a

position of power that it has held to this day. The function of the committee changed from one of insignificance, generally used by the majority party, to one of great importance, dominated by the Speaker and the majority party. From 1860 to 1880 with an increase in House business, the Rules Committee played a more important role in the House. The Rules Committee in 1890 had revised the rules, had become a standing committee, was composed of the House's ablest members, and had defeated the filibuster and the "no quorum present" tactic. Even more important because of the Reed rules, the Rules Committee was now no longer just another House committee but the steering committee of the majority party.

By the early 1890's the Rules Committee was attacked for the power it had been given. There was a clamor for a change in the composition of the committee.

Until the Speakership of Reed, the Presidential administrations had been concerned mainly with the cumbersomeness of the House rules and the dilatory acts on the part of the minority. With the revision of 1880 and especially the Reed rules, the Rules Committee was now the steering committee of the administration and the majority party in the House. Although the Republicans were the instigators of the steering committee, the Democrats also used it when they gained control of the House in the 1890's. It is ironic that before the revision of 1880, the Reed rules, the rules of the House, and at times the Rules Committee, had been used to the advantage of the minority, and now only a few years later, it was being used as the chief agent of the majority party.

The period from 1890 to 1911 was very important concerning the Rules Committee. It is interesting to note that the attack on the Rules Committee by various people was not really an assault on the committee, but rather the use of the committee by the Speaker. The function of the Rules Committee was not changed one iota as a result of the deposing of the Speaker. Excluding the Speaker did not change the committee from being an agent of the majority party.

Now the committee was no longer dominated by the Speaker, but it was still to be used by the majority party as a steering committee. The committee would guide to the floor the legislation of the majority party.

Democrats and Republicans combined to defeat Mr. Cannon, but their attack was the domination of the committee by one man, and not an attack on the function of the Rules Committee. Both parties when in control of the House used the committee to their utmost advantage.

The overthrow of Speaker Cannon was generally applauded by the public. The Committee on Rules, that had suffered such great abuse in the press and elsewhere, was not viewed favorably by most people. During this period the overthrow of the Speaker occupied the minds of the people, and not the everyday work of the Committee on Rules.

Between 1911 and 1937 the function of the Rules Committee, whether under the Democrats or Republicans, was the right arm of the administration. It gave favorable rules to legislation which the House leadership and the administration favored. In addition, the committee was to block measures disliked by the majority party. Interesting is

the fact that at times, especially in the 1920's, the Rules Committee would act independent of the majority party. Phillip Campbell and Bertrand Snell, while chairmen of the Rules Committee, would at times block legislation desired by many members. This arbitrary action by the chairman was a new development in the history of the Rules Committee. By the 1920's the committee was the most powerful group in the House.

The effect on public policy by the committee during this period was not spectacular; however, much business was passed to the floor of the House by the Rules Committee. Programs pushed through the House were given credit to the administration or to a certain individual, but rarely was any credit given to the committee. There was a sour note concerning activity of the Rules Committee. For the first time some representatives were complaining to their constituents that the Rules Committee was an obstructive element in the House.

The period between 1937 and 1946 shows the Rules Committee in an entirely different light. Functioning now as the agent for the conservatives in the House, the committee became the graveyard for liberal measures of both Roosevelt and Truman. The Rules Committee was close to the top of the black list of both administrations because these Presidents and the House leadership saw their programs wrecked on many occasions. Liberal Democrats had no use for the action of the Rules Committee in blocking legislation, placing amendments on bills, and other dilatory or arbitrary acts. Needless to say, the committee was the darling of the Southern Democrats and Republicans.

As the Rules Committee became such a conservative force, the image of the House Committee changed greatly. Under Speaker Cannon, Crisp, Carlisle, and others, the Rules Committee was associated with the movement of legislation and the destruction of out-dated procedure. Now it was synonymous with delay and reactionary thinking, a stigma that is carried today by the committee. In the realm of public policy the Rules Committee was looked upon as the agent of the House to stop all progressive legislation.

From 1946 to 1958 the role played by the Rules Committee was determined by what political party controlled the House and the Presidency. For Mr. Truman and the Democratic-controlled House, the committee played the role of obstructionist. While under Republican control, they served generally as the agent of the majority party. The reason for the obstructionism under the Democrats was that certain Democratic members were in agreement with the Republicans rather than with their own. These members, residing in safe political districts, had worked their way up on the Rules Committee through the seniority system. These reasons made the Committee on Rules come under sharp attack by the Democrats, but rarely scolded by the GOP.

Mr. Truman and the House leadership of the Democrats had no great love for the conservatives on the Rules Committee. In the early years of the Eisenhower Administration there was great accord. However, in the latter years (1957-1960) the committee was opposed at times by the President and the liberal Republicans, but was cheered by the conservatives in the party.

The function of the committee did not change. It served as the committee in charge of keeping an orderly flow of business in the House; killing some bills, and passing others. In the House there was a growing concern that the committee was taking action that it was not supposed to take. Many bills were being killed that a number of legislators desired to come to the floor for a vote. This was the reason for the introduction of the ill-fated Twenty-one day rule. By 1958 the committee had tremendous power; in fact, many members believed that it was using power to judge legislation, rather than giving the entire House that right.

The role played by the Rules Committee in the area of public policy is interesting. It was the Rules Committee that sounded the death knell to many bills during this period. For this they made news. Other bills, just as important, were passed by the Rules Committee. Once again the Rules Committee was being identified with obstructionism.

The function of the Rules Committee between 1958 and 1961 did not change as far as power was concerned, but its composition and outlook changed noticeably.

Beginning in 1958 the Rules Committee became an even stronger bastion for the conservative forces in the House, even though the Democrats held a tremendous majority. Experiencing frustration at the hands of the coalition on the Rules Committee, the House leadership, administration, and some liberal Republicans decided to try to remedy the situation. In a bitter fight the liberals of the House, Democrats and Republicans, with much moderate support, won a bitter battle over the House

conservatives. The number on the committee was changed from twelve to fifteen. The new men gave the House Rules Committee a liberal leaning.

Due to this change, the effect on public policy in the House has been interesting. Measures pushed by the administration and the House leadership would be sent to the floor in a much speedier fashion. Once again the committee was acting as an agent for the majority party.

The Reason for the Power of the Rules Committee

The reason for the accretion of power in the hands of the members of the Rules Committee is due to the uniqueness of the committee. While other committees debate the merits of legislation, the Committee on Rules must decide whether to let a measure go through for a vote. If it decides to let the bill go to the floor of the House, then it must decide what form the bill will take. Will amendments be allowed? How much time shall be given for the debate? It is in reality a little House of Representatives, debating whether or not to let the big House of Representatives decide a matter. The power these men hold by their positions on the committee is enormous. Eight representatives can kill a bill which many members desire.

As I have tried to point out, the Rules Committee has not grasped power by some unlawful measure or by a coup d'etat in the House. The power that has been acquired by this committee has been vested in it by the members of the House. There are not just one or two issues

that face the present day representative, but literally hundreds of subjects that must be studied. Because of this, the Rules Committee had to be given this extraordinary power. If the Rules Committee did not function properly, the House could not carry on its business in an efficient manner.

In defense of the Rules Committee, I believe that my thesis will bear out the facts that on the whole the Rules Committee has had members who were hard-working, conscientious, and who worked with the good of the country in mind. The high regard that is held for the members of this committee can best be seen by the fact that there has not been any great assault on the function of the Rules Committee, with the exception of the Twenty-one day rule, which was killed after two years without great mourning.

The Validity of the Twelve Assumptions

In the introduction of the thesis I pointed out that I would test twelve assumptions which are widely held by many people. I think that if I have done nothing else, I proved these assumptions to be false.

1. The House of Representatives could function without a Committee on Rules.
2. The Chairman of the House Rules Committee can bottle up legislation, thereby preventing the members of the House from voting on the measure.

3. The Rules Committee is synonymous with conservatism.
4. Members of the Rules Committee can block legislation desired by the majority of House members; therefore, they are a little undemocratic group of men bent on stopping progressive legislation.
5. The Rules Committee has never played any important role in the history of the House of Representatives other than to block legislation not wanted by the conservatives in the House.
6. Until 1958 the Rules Committee of the House of Representatives had never made news in the daily papers of the United States.
7. Each year the Rules Committee blocks a tremendous amount of legislation in each session of Congress.
8. The members of the House would like to see the Committee on Rules abolished or seriously weakened, because the individual representative has never been in gratitude to this committee.
9. In the past the Rules Committee may have served a purpose, but in the Atomic Age it is an anachronism.
10. All Presidential administrations have trouble with this committee and desire to see it abolished.
11. The Rules Committee has always been a bastion of strength for the Southern Democrats.

12. In the history of the House of Representatives the Rules Committee has been used more for the advantage of the minority party than in aiding the majority party.

What Should Be the Role of the Rules Committee

The one big question remaining is: What role shall the Rules Committee play in the House? I do not mean whether the power of the Rules Committee be diminished, or added to, but whether it should be independent of the majority and minority parties, or would it be better for it to represent the majority view in Congress, whether it be liberal or conservative. Another role it could play would be that of a brake on the majority party. This would cause the committee to serve as an agent for the minority party. There are many who believe the Rules Committee should serve as the party and policy vehicle of the majority party. The last of these roles is the one I adhere to.

The Rules Committee Should Be the Agent of the Majority Party

What are the reasons for my stand? I believe that the political parties in our country will travel either of two roads. One is toward realignment, the other is a continuation of the fragmentary parties that are in existence today. No matter which way the development takes place, the Rules Committee as the vehicle of the majority party would, I believe, serve a more useful function.

If there is realignment, it will be over the central question

concerning the role of the federal government in the affairs of our country. Already there are three fragments of the Republican party: the conservatives (South, Midwest, a good representation from the Far West, and a few from New England, and some from the Border States); the liberals (located mainly in the Northeast); and a third, not really a group but moderates who vote with one side on one occasion and with the other side at another time.

The Democrats have two wings of their party. These are not as evenly distributed as the Republicans. The liberal group of the Democratic party is much stronger than the conservative wing. Also the conservatives are sectional, confined in the main to the South.

If there is realignment, and this looks very feasible, as a result of the apparent nomination of Senator Goldwater, the Rules Committee in the House can serve as a vehicle for either the liberals or the conservatives, depending upon which one occupies a majority in the House.

If, on the other hand, there is no realignment and there is only a continuation of the present party set up, I believe that it would serve the best interests of our country for the Committee on Rules to be the agent of the majority in the House. I will explain briefly the reasons for my view.

With the exception of 1937 to 1961 the Committee on Rules has traditionally served as the agent of the majority party. It is true that while serving in this capacity there have been some abuses on the part of the committee, but these abuses have been infinitesimal,

stemming mainly from the individuals on the committee, rather than the committee's function.

In these days of loose party alignment it seems that the Rules Committee, acting as a type of steering committee of the majority party, is what is needed to give direction to majority party legislation. The House leadership (Majority Leader, Party Whip) working together with the Rules Committee could become the unofficial steering committee of the majority party. With the Rules Committee serving in this manner, the majority party would have more cohesion and direction in its leadership in the House. Under the conservative coalition the majority party may have had complete cohesion, but had to worry about being defeated by members of its own party on the Rules Committee.

Let us look at another reason why the Rules Committee should serve the majority party. If the majority party does not hold a majority on the Rules Committee, and I mean by this a majority that favors the legislation of the administration and House leadership, and not the minority wing of the majority party, then all legislation by the majority party faces defeat at the hands of these representatives. This I believe should not be allowed. It is a sham on the House of Representatives and the representative process to allow three representatives to consistently block legislation desired to be voted on by members of the House. I know some would argue that there are ways in which legislation can be brought out of the committee and that it is a false argument to claim that three men can block legislation. The fact is that measures can be brought out of the committee by the

Discharge Petition and by other methods. However, all are difficult and time consuming.

The members placed by the majority party on the committee should be some of the most able representatives in the House. These men, I believe, should represent each geographical section of our country, and should include representatives from rural and urban areas. One definite requirement should be that they represent the majority party's dominant wing.

This type of Rules Committee will place the dominant wing into a position of power, forcing the minority group in their party to support them or the minority party, rather than helping kill legislation in the committee, so the minority group and minority party would not have to vote on the measures when they reach the floor.

It is true that while the seniority system is incorporated in the rules of the House, members cannot be arbitrarily removed from a committee. I do not think that would be wise. If there are members of the Rules Committee who hold views different than the dominant wing of the majority party, then there are two courses available. One is to wait until the representative retires. The other and most feasible is to enlarge the committee so that the majority can place enough members favorable to them on the committee. This was done in 1961.

The political platforms of the parties could be made more meaningful if the Rules Committee served as the agent of the majority party. As long as the Rules Committee was used as a roadblock, the platforms of the parties meant very little, because all members knew that any

measure may be born in a platform, only to see it die in the Rules Committee. This, combined with the Rules Committee acting as an unofficial steering committee, would make for tighter disciplined political parties.

I am of the opinion that there has been too much government by stalemate. The fragmented parties have been able to check moves made by another group through many ways and especially in the House Rules Committee.

It is my contention that party responsibility should be stronger, whether this be in a realignment, or, if there is a continuation of the fragmented parties, in letting the dominant wing of either party send its legislation through a Rules Committee, not only acting its usual function but as the unofficial steering committee.

I know that there would be the protest that by placing the Rules Committee in this role, it becomes a "rubber stamp." I do not think this is correct. It is true that the committee has served as the agent of the majority party in the past, but after the deposing of the Speaker, there is no indication that the committee automatically approved of every bill sent up by the administration. These men on the Rules Committee are representatives with constituents. These voting citizens will invariably favor one bill over another, putting pressure on their congressmen for the defeat, or the approval of the measure. The representatives have likes and dislikes concerning all types of legislation. I do not think they will, nor would I want them to, act as a "rubber stamp" for legislation. They should represent the dominant wing of

the fragmented parties, or the new liberal and conservative parties. When a representative becomes placed on a committee, he may act independently some of the time. After he had held this position for a while, he feels he is secure. However, if he acts too independently, he should be replaced by his party. Finally, the committee would not be a "rubber stamp." If the majority of the House would want to kill a bill, they would accomplish this purpose on the floor.

In summation, if the Rules Committee acts as the party and policy vehicle of the majority party, it will give greater cohesion to House leadership, it can serve as an unofficial steering committee, the dominant wing of the majority party will be placed in a position of power, political platforms will become more meaningful; the individual representative will face greater party responsibility; the differences between the parties will be illuminated, thus giving the citizen a clearer distinction in the parties. This type of committee will not allow three representatives to block legislation in the House. Finally, the Rules Committee will not be a "rubber stamp."

The last observation that I make will contain a bit of prophecy. The Rules Committee will be in the news for years to come. There is no doubt of this because of the important role it plays in the House of Representatives.

BIBLIOGRAPHY

BIBLIOGRAPHY

Books

Acheson, Dean. A Citizen Looks at Congress. New York: Harper Brothers, 1956.

Alexander, DeAlva Stanwood. History and Procedure of the House of Representatives. Boston: Houghton Mifflin Company, 1916.

Atkinson, C. R. The Committee on Rules and the Overthrow of Speaker Cannon. New York: Columbia University Press, 1911.

Bartlett, John. Bartlett's Famous Quotations. Thirteenth edition; Boston: Little, Brown and Company, 1955.

Benton, Thomas H. Thirty Years in the United States Senate. 2 vols. New York: D. Appleton & Company, 1854 and 1856.

Brown, George Rothwell. The Leadership of Congress. Indianapolis: Bobbs-Merrill Company, Inc., 1922.

Bryce, James. The American Commonwealth. 2 vols. New York: Macmillan Company, 1893.

Burns, James MacGregor. Congress on Trial. New York: Harper & Bros., 1949.

Cannon, Clarence. Cannon's Procedure in the House of Representatives. Washington: Government Printing Office, 1944.

Chamberlain, Joseph P. Legislative Processes, National and State. New York: D. Appleton-Century Company, 1936.

Chia, Chang-wai. The Speaker of the House of Representatives Since 1896. New York: Columbia University Press, 1928.

Clark, Champ. My Quarter Century of American Politics. 2 vols. New York: Harper & Bros., 1920.

Essary, J. Frederick. Covering Washington. Boston: Houghton Mifflin Company, 1927.

Follett, M. P. The Speaker of the House of Representatives. New York: Longmans, Green & Company, Inc., 1896.

- Fuller, Hubert Bruce. The Speakers of the House. Boston: Little, Brown & Company, 1909.
- Galloway, George B. Congress at the Crossroads. New York: Thomas Y. Crowell Company, 1946.
- Galloway, George B. The Legislative Process in Congress. New York: Thomas Y. Crowell Company, 1953.
- Galloway, George B. History of the House of Representatives. New York: Thomas Y. Crowell Company, 1961.
- Harlow, Ralph V. The History of Legislative Methods in the Period Before 1825. New Haven: Yale University Press, 1917.
- Hinds, Asher C., and Cannon, Clarence. Precedents of the House of Representatives of the United States. II vols. Washington: Government Office, 1907 and 1936.
- Hoar, George F. Autobiography of Seventy Years. 2 vols. New York: Charles Scribner's Sons, 1907.
- Kefauver, Estes, and Levin, Jack. A Twentieth-Century Congress. New York: Duell, Sloan & Pearce, Inc., 1947.
- Lucas, Robert. Legislative Procedure. Boston: Houghton Mifflin Company, 1922.
- MacNeil, Neil. Forge of Democracy: The House of Representatives. New York: David McKay Company, 1963.
- McCall, Samuel W. The Business of Congress. New York: Columbia University Press, 1911.
- McCall, Samuel W. The Life of Thomas Brackett Reed. Boston: Houghton Mifflin Company, 1914.
- McConachie, L. G. Congressional Committees: A Study of the Origin and Development of Our National and Local Legislative Methods. New York: Thomas Y. Crowell Company, 1898.
- Martin, Joe (As Told to Robert J. Donovan). My First Fifty Years in Politics. New York: McGraw-Hill Book Company, Inc., 1960.
- Reinsch, Paul S. American Legislatures and Legislative Methods. New York: Century Company, 1913.
- Riddick, Floyd M. The United States Congress, Organisation and Procedure. Washington, Virginia: National Capital Pub., Inc., 1949.

Wheeler, Henry G. History of Congress. 2 vols. New York: Harper & Bros., 1913.

Wilmington, Lucius. The Spending Power, a History of the Efforts of Congress to Control Expenditures. New Haven: Yale University Press, 1913.

Wilson, Woodrow. Congressional Government, A Study in American Politics. Boston: Houghton Mifflin Company, 1885.

Young, Roland. The American Congress. New York: Harper & Bros., 1958.

Congressional Documents

Annals of Congress, First and Second Congress.

Congressional Globe, Twenty-fourth Congress, First Session.

Congressional Globe, Twenty-sixth Congress, First Session.

Congressional Globe, Twenty-seventh Congress, First Session.

Congressional Globe, Thirty-first Congress, First Session.

Congressional Globe, Thirty-third Congress, First Session.

Congressional Globe, Thirty-fifth Congress, First Session.

Congressional Globe, Thirty-sixth Congress, First Session.

Congressional Globe, Forty-second Congress, Second Session.

Congressional Record, Forty-second Congress, First Session.

Congressional Record, Forty-third Congress, Second Session.

Congressional Record, Forty-sixth Congress, First Session.

Congressional Record, Forty-sixth Congress, Second Session.

Congressional Record, Fiftyeth Congress, First Session.

Congressional Record, Fiftyeth Congress, Second Session.

Congressional Record, Fifty-first Congress, First Session.

Congressional Record, Fifty-second Congress, First Session.

Congressional Record, Fifty-third Congress, First Session.

Congressional Record, Fifty-ninth Congress, First Session.

Congressional Record, Sixty-first Congress, Second Session.

Congressional Record, Sixty-first Congress, Third Session.

Congressional Record, Sixty-second Congress, Third Session.

Congressional Record, Sixty-seventh Congress, First Session.

Congressional Record, Sixty-seventh Congress, Second Session.

Congressional Record, Sixty-ninth Congress, First Session.

Congressional Record, Seventy-first Congress, Second Session.

Congressional Record, Seventy-first Congress, Third Session.

Congressional Record, Seventy-fourth Congress, First Session.

Congressional Record, Seventy-eighth Congress, Second Session.

Congressional Record, Seventy-ninth Congress, First Session.

Congressional Record, Eighty-second Congress, Second Session.

Congressional Record, Eighty-seventh Congress, First Session.

House Journal, First and Second Congress.

House Journal, Third and Fourth Congress.

House Journal, Eleventh Congress.

House Journal, Thirteenth Congress.

House Journal, Twenty-seventh Congress, First Session.

House Journal, Twenty-seventh Congress, Second Session.

House Journal, Twenty-eighth Congress, First Session.

House Journal, Twenty-eighth Congress, Second Session.

House Journal, Thirty-fifth Congress, First Session.

House Journal, Thirty-fifth Congress, Second Session.

House Journal, Thirty-eighth Congress, First Session.

House Rules and Manual, Seventieth Congress, Washington: Government Printing Office, 1927.

Magazines, Newspapers, and Periodicals

Arena, May, 1908.

Atkinson, C. R., and Beard, C. A., "The Syndication of the Speaker," Political Science Quarterly, XXVI (September, 1911), 395-411.

Berdahl, Clarence. "Some Notes on Party Membership in Congress," American Political Science Review, April, 1949.

Boeckel, Richard. "Reforms of the Rules Committee," Editorial Research Reports, II (December 9, 1948), 865-888.

Century, June, 1902.

Colliers, March 6, 1909.

Congressional Digest, February, 1951.

Congressional Quarterly Weekly Reports, January 6, 1961.

Congressional Quarterly Weekly Reports, January 27, 1961.

Cosmopolitan, April, 1910.

Current Literature, February, 1910.

Galloway, George. "Leadership in the House of Representatives," Western Political Quarterly, XII (June, 1959).

Galloway, George. "Precedents Established in the First Congress," Western Political Quarterly, XI (September, 1958).

Harpers Weekly, February 29, 1908.

Industrial Union Department of the AFL-CIO Bulletin, Spring, 1961.

Morse, Wayne. "D-Day on Capitol Hill," Colliers, June 15, 1946.

Nation, September 8, 1908.

Nation's Business, February, 1956.

Newsweek, February 6, 1961.

Newsweek, February 13, 1961.

New Republic, January 30, 1950.

New York Times, March 12, 1946.

New York Times, January 24, 1961.

New York Times, January 25, 1961.

New York Times, January 26, 1961.

New York Times, January 29, 1961.

New York Times, February 1, 1961.

North American Review, February, 1906.

Outlook, April 10, 1909.

Pringle, Henry, and Katherine. "The Terrible Twelve of Capitol Hill," Saturday Evening Post, June 19, 1954.

Riddick, Floyd. "The Eighty-first Congress, First and Second Sessions," Western Political Quarterly, IV (March, 1951).

Robinson, James. "Coming Conflict over the House Rules Committee," The Progressive, December, 1960.

Robinson, James. "The Role of the Rules Committee in Regulating Debate in the United States House of Representatives," The Midwest Journal of Political Science, V (February, 1961).

Robinson, James. "The Role of the Rules Committee in Analyzing the Program of the United States House of Representatives," Western Political Quarterly, XII (September, 1959), 653-69.

Time, February 10, 1961.

U. S. News and World Report, February 13, 1961.

Wall Street Journal, January 31, 1961.

White, William. "The Invisible Gentleman from Kansas City," Harpers, May, 1961.

APPENDIX

GLOSSARY OF LEGISLATIVE TERMS

Administration bills: Bills drafted in the executive departments and agencies designed to implement the legislative program of the Administration and sponsored in Congress by spokesmen for the government.

Appropriation bill: A bill that grants money for the support of the Government and the financing of authorized programs. There are three types of appropriation bills: general, deficiency, and supplemental.

Calendar: A record of the order in which bills are to be taken up for consideration. The House has five calendars: Consent Calendar, House Calendar, Private Calendar, Union Calendar, and the Calendar of Notices to Discharge Committees.

Calendar Wednesday: Wednesdays are set apart for the floor consideration of privileged bills on the House and Union Calendars which are taken up under a procedure called the "call of the committees." Calendar Wednesday is not observed during the last two weeks of a session, and is usually dispensed with by unanimous consent.

Chair: The seat or position on the rostrum of the House floor occupied by the presiding officer or, alternatively, the occupant of this position, who may be the Speaker, the Speaker pro tempore, or the Chairman of the Committee of the Whole. Hence the expression: "the decision of the Chair."

Chamber: The Hall of the House of Representatives where the entire membership meets, as distinguished from the committee rooms. The House met in what is now Statuary Hall down to 1857 when the House wing of the Capitol was completed.

Closed hearing: A committee hearing to which only members of the committee are admitted.

Closed rule: A rule recommended by the House Committee on Rules that limits or prohibits amendments from the floor.

Closure (or cloture): A procedure for closing debate which is effected in the House by adoption of the previous question motion, or by unanimous consent, or by a motion to lay on the table.

Committee hearings: (1) Meetings of committees at which interested parties give testimony during the consideration of proposed legislation or during the conduct of investigations. Only a small proportion of all bills introduced are sufficiently important to justify the holding of formal hearings. (2) The recorded testimony presented at such meetings.

Committee of the Whole: Any one hundred or more members of the House who may consider legislation on the Private or Union Calendars, adopt amendments without record votes, and report them to the House for further action. It is a device for expediting business since a quorum in Committee of the Whole is one hundred and no record votes are taken.

Committee on Committees: A political party committee that draws up slates of standing committee assignments for the members of the party in the chamber.

Companion bills: Bills identical to those introduced in the other chamber.

Conference: A meeting of representatives of the two Houses of Congress for the purpose of reaching an agreement on conflicting views on bills and joint resolutions or parts thereof.

Conference committee: A committee appointed by the Speaker of the House and the President of the Senate, composed usually of the ranking members of the committees of each House that originally considered the legislation in disagreement. The members on the part of the House of Representatives are referred to as "managers" and those on the part of the Senate as "conferees." The purpose of the committee is to consider the points of conflict between the two Houses on a specific bill with a view to reaching an agreement.

Dilatory motion: A motion, usually made upon a technical point, for the purpose of killing time and preventing action on a bill. The rules outlaw dilatory motions, but their enforcement is largely within the discretion of the presiding officer.

Discharge rule: A rule of the House which permits a committee to be relieved of jurisdiction over a measure before it. Under this rule, after reading of the Journal on the second and fourth Mondays, a motion which has been signed by 218 members, to discharge a committee from consideration of a public bill which has been referred to it thirty days, may be called up by any of the 218 members, and the House shall proceed to consideration without intervening motion except one motion to adjourn.

Division: A standing non-record vote on the House floor in which Members stand and are counted for and against a proposal by the presiding officer who announces the result.

Enacting clause: Key phrase in bills reading, "Be it enacted by the Senate and House of Representatives. . . ." A successful motion to strike this clause from a bill kills the measure.

Engrossed bill: A bill that has passed the House of origin and is sent to the other House for further action, or having passed the other House

also, is sent back to the House of origin for enrollment. The engrossed copy of a bill that has passed both Houses together with its engrossed amendments is the official working copy from which an enrolled bill is prepared.

Enrolled bill: The final draft of an engrossed bill that has passed both Houses, embodying all amendments. Such a bill is enrolled on paper (formerly on parchment) and is signed first by the Speaker of the House and secondly by the President of the Senate. On the back is an attestation by the Clerk of the House or the Secretary of the Senate, as the case may be, indicating the House of origin. This final draft is then presented to the President for his approval or disapproval.

Exclusive committee: A standing committee whose members are excluded from serving on any other standing committee of the House.

Executive session: Committee meetings that are held behind closed doors and are not open to the public.

Filibuster: A time-consuming tactic used by a minority in an effort to prevent a vote on a bill. The strict rules of the House make filibusters more difficult than in the Senate, but dilatory tactics are sometimes employed in the House through such devices as repeated demands for quorum calls.

Five-minute rule: A House rule dating from 1847 under which, when general debate is closed in Committee of the Whole, any Member proposing an amendment has five minutes in which to explain it, after which the Member who shall first obtain the floor is allowed to speak five minutes in opposition to it.

Floor: The ground level of the Hall of the House where its business is conducted and where Members sit and speak and enjoy certain rights.

Item vote: Disapproval by the Executive of portions of a bill such as separate items of appropriation or "legislative riders" on appropriation bills.

Joint hearings: Hearings held by members of two or more committees of Congress.

Joint rules: Rules governing the procedure of the two Houses of Congress in matters requiring concurrent action. The joint rules were abrogated in 1876, but the most useful of their provisions continue to be observed in practice.

Journal: The official record of the proceedings of the House. It summarizes the actions taken in the chamber, but does not provide an adversative transcript of the proceedings which is given in the Congressional Record.

Legislative committees: Committees that report legislative measures as distinguished from investigating committees, study committees, party policy committees, etc.

Legislative veto: Disapproval by Congress or either House of a legislative proposal or an executive reorganization plan submitted by the President.

Lobbying: Making representations to Members and committees of Congress for or against the passage of legislative proposals.

Majority Leader: Chief strategist and floor spokesman for the majority party in the chamber. He is elected by his party conference and is in charge of its program on the House floor.

Marking up a bill: Going through a measure in committee, section by section, making changes, revising language, adding amendments, etc. If the bill is extensively revised, a "clean bill" with a new number may be introduced in place of the original one.

Minority Leader: Chief strategist and floor spokesman for the minority party on the floor of the House.

Morning hour: The time set aside at the beginning of each legislative day for the consideration of regular routine business. The House rarely has a morning hour, unlike the Senate, where the first two hours of a daily session following an adjournment are usually devoted to morning hour business.

Open hearing: A committee hearing from which members of the press and the public are not excluded.

Open rule: A rule recommended by the House Committee on Rules that allows a bill to be amended by the House.

Paire: A pair is a written agreement between Members on opposite sides not to vote on a specified question or during a stipulated time. It is available to Members not wishing to be recorded on a proposition, or those desiring to preserve their vote or the vote of a colleague during absence from the House.

Party caucus: A meeting of all the members of a political party in either House of Congress held to select party leaders in the chamber or to establish party policy on legislative questions and promote party unity. House Democrats customarily call such meetings caucuses; House Republicans refer to them as conferences.

Party conference: A meeting of all the members of a political party in the House or Senate.

Party Whip: A party official chosen to assist his leaders in the management of the congressional party, by securing the attendance of party members on all necessary occasions, especially for votes, arranging pairs, and acting as a channel of information between the rank and file and the party chiefs.

Pigeonhole: The act of a legislative committee in laying aside indefinitely or shelving a report.

Point of order: An objection raised by a Member that the pending proceedings are in violation of some rule of the House and a demand for immediate return to the regular order. Questions of order are decided by the Speaker.

Previous question: The motion for the previous question is a debating-limiting device which, when carried, has the effect of cutting off debates and of forcing a vote on the subject at hand. It is not admitted in Committee of the whole or in the Senate.

Privileged: The right given to an individual or a committee by the rules of the House, placing their report in priority.

Public law: A law that is of universal application, that is clothed with any public interest, or that applies to a class of persons as opposed to a law that applies only to a specified individual or legal entity.

Question Period: Times at the committee or floor stage when legislators may put questions to administrative officials.

Quorum: The number of members whose presence is necessary for the transaction of business. A quorum is 100 in the Committee of the whole and 216 (a majority of the membership) in the House. If a point of order is made that a quorum is not present, the only business in order is either a motion to adjourn or a motion to direct the Sergeant at Arms to request the attendance of absentees.

Recommit: To send a bill back to the committee that reported it.

Resolutions: There are three forms of resolution: simple, concurrent, and joint. A simple resolution is a measure whose authority extends only to the House. It does not contain legislation and does not require concurrence of the Senate or Presidential approval. Simple resolutions are used to express the will of the House, to create special committees, to authorize the printing of reports, and to request information from administrative agencies. A concurrent resolution indicates joint action and requires the concurrence of the Senate. It contains no legislation and its authority does not extend beyond Congress. It is used, for example, to set the time for a sine die adjournment, to correct enrolled bills, to express the will of Congress, and to create special joint

committees. It does not require Presidential approval. A joint resolution is a form of proposed legislation almost identical to a bill which requires the signature of the President or passage over his veto before it becomes law (except a joint resolution proposing an amendment to the Constitution).

Revenue bills: Bills that originate with the Committee on Ways and Means and levy taxes.

Rider: A provision tacked on to a bill in the hope of getting it enacted into law, even though it may not be germane to the main measure. The most familiar form of rider is that providing for legislation in appropriation bills. A rule bans such riders, but it is not always invoked.

Roll call: (1) The calling of the roll of Members for the purpose of determining the presence of a quorum or for recording the yeas and nays. (2) The record of roll calls taken.

Select committee: A committee created by a simple resolution of the House to perform a special function. Its members are appointed by the Speaker and it expires upon the completion of its assigned duties.

Seniority: Tenure of Congressmen either in the House or on a particular committee.

Speaker of the House: The presiding officer of the House of Representatives, elected by its Members at the opening of each new Congress.

Speaker's table: All bills transmitted by message from the Senate, whether Senate bills or House bills with Senate amendments, go to the Speaker's table. Under the rules, all bills on the Speaker's table are distributed by reference to the appropriate committees, with two exceptions.

Special order: (1) A report by the Committee on Rules providing for the consideration of a measure, which is agreed to by a majority vote; (2) permission to address the House for a specified period of time not to exceed one hour, following the legislative program.

Standing committee: A permanent group of Members whose size and jurisdiction are prescribed in the standing rules of the House. The House had twenty standing committees in 1961.

Steering committee: A political party committee which formerly advised the leadership regarding the order of business on the House floor, but which in the later practice has fallen into disuse.

Subcommittee: A subdivision of a standing committee that considers specified matters and reports back to the full committee.

Suspension of the rules: A time-saving House procedure in order on the First and third Mondays and the last six days of a session only, when the rules may be suspended by a two-thirds vote. Debate is limited to forty minutes and no amendments from the floor are allowed. Permission of the Speaker must be secured to make the motion and is within his discretion. The practice has been for the Speaker to list the Members he agrees to recognize in the order of their application and recognize them in turn.

Table: To dispose of a matter finally and adversely without debate.

Teller vote: A method of voting in the House in which Members file down the center aisle past tellers who count those for and against a measure, but do not record individual votes. Tellers are ordered upon demand of one-fifth of a quorum, which is forty-four in the House and twenty in Committee of the Whole.

Voice vote: A method of voting in the House in which Members answer "aye" or "no" in chorus and the presiding officer decides the result.

Yeas and nays: The record of the vote on a matter by the Members of the House.*

*Source is George B. Galloway's History of the House of Representatives (New York: Thomas Y. Crowell Company, 1961), pp. 314-21.