

Party Organization

A. INTRODUCTION

§ 1. In General

This chapter describes the nature and functions of the party structure in the House, including the party leadership and the major party organizations.⁽¹⁾ It should be borne in mind that some of the organizations described do not remain constant in their influence or importance as instruments for the formation or promotion of party policy. Thus, the Democratic Caucus is more active at present than at times in the recent past;⁽²⁾ the Republican Conference has in some measure assumed functions formerly undertaken by the Policy Committee;⁽³⁾ and the Democratic

1. See also the discussion of party organizations in 8 Cannon's Precedents §§ 3602–3629.

This chapter discusses significant developments through the 93d Congress, first session. For discussion of later changes in the structure and procedures of the party organizations, see supplements to this edition as they appear.

2. See *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 604.

3. *Id.* at p. 142.

Steering Committee has been relatively inactive in recent years.⁽⁴⁾

Much of the legislative business that is done is, of course, a result of interaction between the political parties. Many of the rules and procedures of the House can be understood only in the context of the system of government through parties. Jefferson regarded the rules of proceeding as, in some degree, a check on the power of the majority; he stated that,⁽⁵⁾

. . . [A]s it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which . . . [have] become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check. . . .

4. *Id.*

For discussion of recent developments, including the new role assumed by the Democratic Steering and Policy Committee, see supplements to this edition as they appear.

5. Jefferson's Manual, sec. 1 (*House Rules and Manual* § 283 [1973]).

At the same time, it has often been observed that the rules of proceeding are an instrument through which a majority may work its will in the face of the determined opposition of a minority.

Although not always the case, frequently the attitude of members of the same party toward particular legislation is fairly uniform,⁽⁶⁾ so that sentiment in the House with respect to such legislation divides according to party alignment.⁽⁷⁾ Despite the traditional role of partisan rivalry in shaping legislation, however, the spirit of comity that exists between the parties has often been noted.⁽⁸⁾

6. See § 10, *infra*, as to means by which a party may seek to promote uniformity among its members.
7. The terms "majority" and "minority," of course, need not necessarily refer to parties, but may refer to the division of sentiment on an issue where such sentiment does not depend on party alignment. For an instance in which the term "minority" in a special order was construed to refer to the minority party in the House and not to those in the minority on the pending question, see 7 Cannon's Precedents § 767. It is also stated (in 7 Cannon's Precedents § 766) that a division of time for debate between those "for and against" a proposition does not necessarily provide for such division between the majority and minority parties of the House but between those actually favoring and opposing the measure.
8. See, for example, 117 CONG. REC. 1709, 92d Cong. 1st Sess., Feb. 4,

Steps are taken to ensure that in every phase of legislative proceedings each party's interests are represented. Thus, each standing committee is composed of members selected by the respective parties.⁽⁹⁾ Where memberships are added to a committee, they are apportioned between majority and minority.⁽¹⁰⁾ Similar principles of apportionment are applied with respect to subcommittees.⁽¹¹⁾ With respect to the appointment of committee staff personnel, the rules typically contain a provision such as the following:

The minority party on any such standing committee is entitled to and shall receive fair consideration in the appointment of committee staff personnel pursuant to each such primary or additional expense resolution.⁽¹²⁾

1971 (remarks of Mr. James G. Fulton [Pa.]).

9. See § 9, *infra*.
10. See § 17.8 *infra*.
11. See, for example, 4 Hinds' Precedents § 4551.
12. Rule XI clause 32(c), *House Rules and Manual* (1971). This language, offered as part of H. Res. 5, 92d Cong. 1st Sess. (1971), engendered considerable controversy, being a modification of a proposed more specific rule.

A statute [2 USCA § 72a(b)] provides that, subject to appropriations which it shall be in order to include in appropriation bills, the Committee on Appropriations of each House is

Similarly, provision is generally made for majority and minority representation on joint committees.⁽¹³⁾

Care is also taken that the parties are fairly represented on other committees or commissions created for special purposes. For example, commissions that have been appointed for purposes of making recommendations regarding improvement, reconstruction, or the like, of the physical facilities of the Capitol, have been comprised of Members apportioned from the majority and minority parties, including designated party leaders.⁽¹⁴⁾

Although the majority party's candidates for various House offices are routinely elected thereto, the minority's candidates for the

authorized to appoint such staff, in addition to the clerk thereof and assistants for the minority, as each such committee, by a majority vote, shall determine to be necessary, such personnel, other than the minority assistants, to possess such qualifications as the committees respectively may prescribe.

As to committees and committee staff generally, see Ch. 17, *infra*.

- 13.** See *House Rules and Manual* §§ 983a et seq. (1973).
- 14.** See 40 USCA § 166 (notes); see also § 17 *infra*, discussing measures taken to ensure equitable representation on the Commission on the Extension of the Capitol.

offices are generally named to positions as "minority employees" in the House.⁽¹⁵⁾ Moreover, provision is made for the appointment and compensation of a minority pair clerk and a "staff director to the minority."⁽¹⁶⁾

On occasion, a Member has changed party affiliation, sometimes after acts on his part that his party has deemed disloyal and for which the party has imposed discipline on the Member. Thus, Mr. Albert W. Watson, of South Carolina, who had been elected to the 89th Congress as a Democrat, was the subject of punitive action taken by the caucus on account of his having supported a Republican Presidential candidate. Mr. Watson subsequently announced his intention to change his political affiliation from Democratic to Republican and to resign so that his constituents could, by their votes in a special election, indicate

- 15.** See 117 CONG. REC. 13 (resolution naming minority candidates), 15 (resolution as to compensation of certain minority employees), 92d Cong. 1st Sess., Jan. 21, 1971. As a further example, see 99 CONG. REC. 15, 24, 25, 83d Cong. 1st Sess., Jan. 3, 1953. Resolutions relating to minority employees of the House are discussed further in § 17.10, *infra*.
- 16.** See, for example, 117 CONG. REC. 15 (H. Res. 6), 92d Cong. 1st Sess., Jan. 21, 1971. See also H. Res. 441, 91st Cong. 1st Sess. (1969).

their approval or disapproval of his activities. Mr. Watson's letters tendering his resignation to the Governor of his state and informing the Speaker of such resignation appear in the *Congressional Record*.⁽¹⁷⁾

In the 85th Congress, Mr. Vincent J. Dellay, of New Jersey, changed his party affiliation from Republican to Democratic. A letter written by him to the Republican floor leader appears in the *Congressional Record*;⁽¹⁸⁾ the letter indicated that Mr. Dellay had informed certain Democratic leaders on both the national and state levels of his intention to change party affiliation. Also appearing in the Record⁽¹⁹⁾ is Mr. Dellay's letter of resignation from a House committee as a Republican Member. Mr. Dellay was subsequently elected as a Democratic Member to certain House committees.⁽²⁰⁾

17. 111 CONG. REC. 1452, 89th Cong. 1st Sess., Jan. 28, 1955.

As to constitutionality, construction, and application of statutes regarding party affiliation or change thereof as affecting eligibility to nomination for public office, see annotation, 153 ALR 641.

18. 104 CONG. REC. 674, 85th Cong. 2d Sess., Jan. 20, 1958.

19. *Id.*

20. See H. Res. 452, 85th Cong. 2d Sess. (1958).

Speaker's Relation to Party Structure

Since the Speaker is the subject of another chapter (Ch. 6, *infra*) no attempt will be made here to discuss his office in depth. It is worth quoting here, however, certain remarks of Minority Leader Gerald R. Ford, of Michigan, on the subject of the Speakership; the remarks, made during discussion of a resolution commending John W. McCormack, of Massachusetts, on his length of service as Speaker, were as follows:⁽¹⁾

The office of the Speaker is a unique one in the American Government. He is at once the leader of his party and the impartial Presiding Officer of the House. As his powers are great, so must his sense of fairness be extraordinary. As his position is exalted among his legislative equals, so must his tact and consideration . . . be constantly exercised.

The Speaker is, of course, his party's leader. Nominated by the party caucus, he has received, in the election that takes place in the House at the beginning of a Congress, the universal support of the members of his party despite the range of ideological variations that may exist in the party. Historically, moreover, the Speaker will frequently rise to that posi-

1. 116 CONG. REC. 17021, 91st Cong. 2d Sess. May 26, 1970.

tion after having served as his party's floor leader and perhaps, prior to that service, as the party whip. The minority party's candidate for Speaker generally becomes that party's floor leader, and may reasonably expect to be elevated to the Speakership upon a shift of power in the House.⁽²⁾

The Speaker has on occasion taken the floor to promote certain measures that have been endorsed by his party. Thus, on Jan. 4, 1965,⁽³⁾ Speaker John W. McCormack, of Massachusetts, took the floor to urge adoption of rules for the 89th Congress that included certain provisions that had the endorsement of the Democratic Caucus. He stated that since the resolution under consideration

contemplated certain changes in the rules, he felt that his views should be made known to the Members of the House.

On one occasion, the caucus chairman inserted in the Record a resolution, previously approved by the caucus, praising the Speaker of the House for his efforts on behalf of Democratic candidates in a recent election campaign.⁽⁴⁾

In fulfilling the duties of the Chair, the Speaker is impartial, and assiduous in protecting the rights of the minority. Of course, this does not mean that the exigencies of business in the House cannot interfere with his ability to accommodate the minority party in particular instances. Thus, on a day on which the House was considering the 1951 amendments to the Universal Military Training and Service Act, the Speaker declined to entertain a request of the Minority Leader, made shortly after convening on that day, that the House take a two-hour recess for a Republican Conference.⁽⁵⁾ But a Speaker must always concur with the sentiments expressed by Speaker John W. McCormack, of Massachusetts, in the 91st Congress:⁽⁶⁾

2. See, generally, the discussion of leadership posts in the House in *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), pp. 140, 141. In 6 Cannon's Precedents § 35 is cited an unusual instance in which Speaker Joseph G. Cannon, of Illinois, following a vote upon an essential question indicating a change in the party control of the House, announced that under such circumstances it was incumbent upon the Speaker either to resign or to recognize for a motion declaring vacant the office of Speaker.

3. 111 CONG. REC. 23, 89th Cong. 1st Sess.

4. See § 3.18, *infra*.

5. See § 5.5, *infra*.

6. 116 CONG. REC. 17041, 91st Cong. 2d Sess., May 26, 1970.

There is one thing that I would like to be remembered for by my colleagues and that is that John McCormack was always the Members' Speaker. . . . It is because of the intense love I have in my heart for the House of Representatives and the deep respect I have for all Members. And also for the fact that whenever a Member takes the Chair as Speaker he represents all of the

Members without regard to political party; to protect their rights under the Rules of the House of Representatives; and, even more, protecting their rights on a broader scale where that is necessary. I have always tried to impartially carry out the Rules of the House of Representatives.

B. PARTY CAUCUS OR CONFERENCE

§2. In General; Nature and Purposes

The primary party organizations in the House are the Democratic Caucus and the Republican Conference. Generally, the Democratic Caucus is composed of all Democratic Members of the House,⁽⁷⁾ and the Republican Conference is composed of all Republican Members.⁽⁸⁾ The main func-

tions of the two party organizations are to promote unity; to determine party policy with respect to anticipated legislation; to select their respective candidates for the Speakership and other offices in the House; to choose party leaders; and to play a role in selecting party members for positions on

7. See Rule 1, Democratic Caucus Rules (July 20, 1971).

8. See Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), p. 31.

Collateral references: Binkley, Wilfred Ellsworth, *American Political Parties; Their Natural History*, 4th edition, rev., Alfred A. Knoph Co. (New York, 1972); Fine, Nathan, *Labor and Farmer Parties in the United States, 1828-1928*, Russell and Russell (New York, 1961); Haynes, Frederick E., *Third Party Movements Since the Civil War*, Russell and Russell (New York, 1966);

Hesseltine, William B., *Third Party Movements in the United States*, Van Nostrand (Princeton, N.J., 1962); Hicks, John Donald, *The Populist Revolts; A History of the Farmers' Alliance and the People's Party*, University of Nebraska Press (Lincoln, 1961); Nash, Howard Pervear, *Third Parties in American Politics*, Public Affairs Press (Washington, D.C., 1959); Ripley, Randall B., *Party Leaders in the House of Representatives*, The Brookings Institution (Washington, 1967) pp. 41-46 (development of party caucuses); Steadman, Murry Salisbury and Susan W. Stedman, *Discontent at the Polls; A Study of Farmer and Labor Parties, 1827-1948*, Russell and Russell (New York, 1967).