

MR. SNELL: Mr. Speaker, there will be a meeting of the . . . Committee on Committees . . . and there will be a Republican Conference in this Hall at 10 o'clock tomorrow morning.

§ 5.5 The Speaker having declined to entertain a request of the Minority Leader that the House take a two-hour recess for a Republican Conference, the Minority Leader subsequently announced a meeting of the Republican Members to take place following adjournment.

On Apr. 11, 1951,⁽¹³⁾ the following proceedings took place:

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: I inquire if the Speaker would agree that the House would take a recess of two hours. I make this request because of the tragic situation that prevails in the world. I should like, if I could, to have a Republican conference. .

THE SPEAKER [Sam Rayburn, of Texas]: The Chair will say that that is a very unusual request. . . .

. . . [T]here is an amendment coming up to the bill that the Chair thinks will take some hours, in all probability.

MR. MARTIN: The Chair understands that in accordance with his policies and the policies I have previously agreed with, too, we desire all our membership to be on the floor when

13. 97 CONG. REC. 3673, 82d Cong. 1st Sess., considering the 1951 amendments to the Universal Military Training and Service Act.

these various bills are being read for amendment. Because of the tremendous importance of the situation in the world today, I should like to submit [the] request. . . .

THE SPEAKER: The gentleman from Massachusetts poses a very hard question for the Chair. For the moment the Chair thinks he will not entertain the request.

Subsequently,⁽¹⁴⁾ Mr. Martin made the following remarks:

. . . I should like to make one more statement: The Members will recall that I was hopeful we might have a recess for two hours in order that we could have a Republican Conference in which we could discuss these latest developments. That request was not granted. May I say, however, that I think the Speaker acted wholly within his province when he did not entertain that request, I know it was neither personal or partisan because I can understand how it might lead to abuses. I am not finding any fault, but I am giving notice that following the adjournment of the House today there will be a meeting of the Republican Members of the House in this Chamber.⁽¹⁵⁾

**§ 6. Specific Functions—
Selection of Leaders**

The caucus and conference organize at the beginning of a Con-

14. 97 CONG. REC. 3676, 82d Cong. 1st Sess., Apr. 11, 1951.

15. For an occasion on which the Minority Leader, without calling a conference meeting, asked on the floor of the House for an informal indication of Republican sentiment on particular legislation, see § 19.2, *infra*.

gress⁽¹⁶⁾ electing their respective chairmen⁽¹⁷⁾ and attending to preliminary business.

An important function of the caucus or conference early in the Congress is to select the party's candidate for Speaker.⁽¹⁸⁾ Each party then selects its floor leader;⁽¹⁹⁾ customarily, it is understood that the minority party's candidate for Speaker will become Minority Leader upon the election of the other party's candidate for Speaker.⁽²⁰⁾

16. 8 Cannon's Precedents §§3602–3604a. For discussion of procedures recently adopted with respect to calling meetings of the caucus for organizational purposes prior to the convening of a new Congress, see supplements to this edition as they appear.

17. See 8 Cannon's Precedents §§3603, 3604a; and *Cannon's Procedure*, H. Doc. No. 122, 86th Cong. 1st Sess. (1959), p. 187. See also Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), p. 32.

18. See §§6.1–6.3, *infra*.

If a Speaker dies in office, the caucus and conference nominate candidates for the vacant office. See §3.2, *supra*.

19. See §6.4, *infra*.

20. See *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 140 (discussion of Minority Leader). See also, Riddick, Floyd M., *Congres-*

The Republican Conference selects its party whip.⁽¹⁾

A Democratic Caucus rule⁽²⁾ provides that, "In the Election of Officers and in the Nomination of Candidates for Office in the House, the Majority of Those Present and Voting Shall Bind the Membership of the Caucus."

Selection of Candidate for Speaker

§ 6.1 Prior to the beginning of a Congress, the Democratic Caucus and the Republican Conference select their respective candidates for Speaker.

In the 92d Congress,⁽³⁾ as in prior Congresses,⁽⁴⁾ the Clerk

sional Procedure, Chapman and Grimes (Boston, 1941), p. 34.

1. See §6.6, *infra*. The Democratic whip is appointed by the Democratic floor leader (See §23, *infra*).

2. Rule 6, Democratic Caucus Rules (July 20, 1971).

See also Ripley, Randall B., *Party Leaders in the House of Representatives*, The Brookings Institution (Washington, D.C., 1967), pp. 58–61, 64, 72, and 76 (functions of party caucuses and committees).

3. 117 CONG. REC. 10, 92d Cong. 1st Sess., Jan. 21, 1971.

4. For further examples of announcements made by caucus and conference chairmen in prior Congresses

called on the first day of the Congress for nominations for Speaker; the chairmen of the caucus and conference then presented to the House the names of the persons nominated by

THE CLERK: The next order of business is the election of a Speaker of the House of Representatives for the 92nd Congress. Nominations are now in order.

MR. [OLIN E.] TEAGUE of Texas: Mr. Clerk, as Chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives of the 92nd Congress the name of the Honorable Carl Albert, a Representative-elect from the State of Oklahoma.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Clerk, as Chairman of the Republican Conference and by authority, by direction, and by unanimous vote of the Republican Conference, I nominate for Speaker of the House of Representatives the Honorable Gerald R. Ford, a Representative-elect from the State of Michigan.

THE CLERK: . . . are there further nominations? (After a pause.) There being no further nominations, the Clerk will appoint tellers.

Role in Filling Vacancy in Office

§ 6.2 Upon the death of a Speaker, the caucus and con-

respecting the selection of candidates for Speaker, see §§ 3.1–3.3, *supra*. the respective parties. The proceedings were as follows:

ference select their respective candidates for Speaker, and the names of the candidates are presented to the House as at the beginning of a Congress.

Speaker Sam Rayburn, of Texas, died prior to the second session of the 87th Congress. Proceedings in the second session for selection of a new Speaker are set forth in 3.2, *supra*.

Parliamentarian's Note: In the case of the Speaker's absence, the Chair may be assumed by one who has been designated Speaker pro tempore by the Speaker.⁽⁵⁾ In a case where the Speaker was to be absent for an uncertain length of time, the Chairman of the Democratic Caucus, having been requested to do so by the Speaker, offered in the House a resolution electing the Majority Leader as Speaker pro tempore.⁽⁶⁾

Third-Party Candidate for Speaker

§ 6.3 A third party may organize as a conference and name its candidate for Speaker, and the chairman of such conference announces to the House his

5. See Ch. 6, *infra*.

6. See the proceedings set forth in § 3.4, *supra*.

party's candidate for the Speakership.

In the 75th Congress, the chairman of the Farmer-Labor-Progressive party's conference, Gardner R. Withrow, of Wisconsin, presented to the House the name of his party's candidate for Speaker, George J. Schneider.⁽⁷⁾

Election of Floor Leader

§ 6.4 The caucus and conference elect their respective party floor leaders.

At the beginning of each Congress, the caucus and conference chairmen announce the election by their respective parties of the floor leaders. Thus, in the 75th Congress,⁽⁸⁾ the following announcements were made:

MR. [ROBERT L.] DOUGHTON [of North Carolina]: Mr. Speaker, the Democratic Caucus at a meeting yesterday elected Hon. Sam Rayburn, of Texas, as floor leader of the Seventy-fifth Congress. [Applause]

MR. [ROY O.] WOODRUFF [of Michigan]: Mr. Speaker, I take this opportunity to announce that by the authority and direction of the Republican Conference the honorable gentleman

from New York, Mr. Bertrand H. Snell, has been selected as minority leader of this House. [Applause]

MR. [GARDNER R.] WITHROW [of Wisconsin]: Mr. Speaker, I announce to the House that the Farmer-Labor-Progressive Party's Conference by unanimous consent selected Hon. Gerald J. Boileau, of Wisconsin, as floor leader for the Seventy-fifth Congress. [Applause]

In the 92d Congress,⁽⁹⁾ the announcements were as follows:

MR. [OLIN E.] TEAGUE of Texas: Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected unanimously as majority leader the gentleman from Louisiana, the Honorable Hale Boggs.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, as Chairman of the Republican Conference, I am directed by that conference to officially notify the House that the gentleman from Michigan, the Honorable Gerald R. Ford, has been unanimously selected as the minority leader of the House.⁽¹⁰⁾

§ 6.5 When a vacancy occurs in the office of floor leader, the caucus or conference elects a new floor leader, whose name is presented to the House in the usual manner.

On Jan. 10, 1962,⁽¹¹⁾ the Chairman of the Democratic Caucus an-

7. See the proceedings set forth in § 3.3, supra. For references relating to third parties generally, see § 2, supra.

8. 81 CONG. REC. 15, 75th Cong. 1st Sess., Jan. 5, 1937.

9. 117 CONG. REC. 13, 92d Cong. 1st Sess., Jan. 21, 1971.

10. Substantially the same proceedings have taken place in other Congresses. See § 3.5, supra.

11. 108 CONG. REC. 5, 87th Cong. 2d Sess.

nounced the selection of Carl Albert, of Oklahoma, as Majority Leader, to replace John W. McCormack, of Massachusetts, who had been elevated to the Speakership after the death of Speaker Rayburn. The announcement was made as follows:

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Speaker, as Chairman of the Democratic Caucus I am directed to report to the House that the Democratic Members have selected as Majority Leader the gentleman from Oklahoma, the Honorable Carl Albert.

Selection of Republican Whip

§ 6.6 The members of the Republican⁽¹²⁾ Conference select their party whip.⁽¹³⁾

Announcements traditionally made in the House with respect to the selection of the Republican whip have generally indicated that such selection is made by the party members in their conference. There is reference in

12. The Democratic whip is appointed by the Democratic floor leader. See §23, *infra*.
13. See, in addition to the discussion in this section, 8 Cannon's Precedents §3615, in which Mr. Guy U. Hardy, of Colorado, is quoted as remarking, (69 CONG. REC. 8439, 1st Sess. 70th Cong., May 11, 1928), "The Republican Whip was formerly appointed by the Speaker, but is now chosen by the party caucus."

some authorities⁽¹⁴⁾ to a practice, at least at one time, whereby the Republican party's Committee on Committees would recommend to the Republican Conference the name of the person to be designated Republican whip. The role of the Committee on Committees was reflected, for example, in the announcement by Mr. Charles A. Halleck, of Indiana, in the 83d Congress:⁽¹⁵⁾

MR. HALLECK: Mr. Speaker, on behalf of the Committee on Committees, I hereby wish to announce the selection of Hon. Leslie C. Arends, of Illinois, as majority whip.

In other announcements, reference has been made to the "approval" by the Republican Conference of the Republican whip. In the 88th Congress,⁽¹⁶⁾ for example, the conference chairman announced as follows:

MR. [GERALD R.] FORD [of Michigan]: Mr. Speaker, as the chairman of the Republican Conference, it is my privilege to report to the House that the Republican conference has unanimously approved the gentleman from Illinois [Mr. Arends] as minority whip. . . .

14. See Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), pp. 36, 37.
15. 99 CONG. REC. 134, 83d Cong. 1st Sess., Jan. 6, 1953.
16. 109 CONG. REC. 506, 88th Cong. 1st Sess., Jan. 17, 1963.

In the 82d Congress,⁽¹⁷⁾ Joseph W. Martin, Jr., the Minority Leader, announced:

Mr. Speaker, I would like to announce to the House that the gentleman from Illinois, Mr. Leslie C. Arends, has been elected Republican whip.

More recent announcements have been as follows:

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, as Chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as minority whip the gentleman from Illinois, the Honorable Leslie C. Arends.⁽¹⁸⁾

And in the 90th Congress:

Mr. [Melvin R.] Laird [of Wisconsin]: Mr. Speaker, as Chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as minority whip the gentleman from Illinois, the Honorable Leslie C. Arends.⁽¹⁹⁾

§ 7. —Nomination of House Officers

The Constitution⁽²⁰⁾ states that, "The House of Representatives

17. 97 CONG. REC. 40, 82d Cong. 1st Sess., Jan. 4, 1951.

18. 115 CONG. REC. 34, 91st Cong. 1st Sess., Jan. 3, 1969.

19. 113 CONG. REC. 27, 90th Cong. 1st Sess., Jan. 10, 1967.

20. U.S. Const. art. I, §2.

shall chuse their Speaker⁽¹⁾ and other Officers." Officers include the Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and Chaplain,⁽²⁾ no one of whom has ever been chosen from the sitting Membership of the House, and who continue in office until their successors are chosen and qualified,⁽³⁾ in one case continuing through the entire Congress succeeding that in which they were elected.⁽⁴⁾

In practice, each party in its caucus or conference selects its candidates for election to the posts of Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and Chaplain. The names of the persons selected as candidates are then presented to the House in the form of a resolution, usually offered by the caucus or conference chairman.⁽⁵⁾

It is customary for both parties to present their respective can-

1. As to selection by the caucus and conference of candidates for Speaker, see §6, supra.
2. 1 Hinds' Precedents § 187.
3. *Id.*
4. 1 Hinds' Precedents §§ 244, 263. An amendment to the Legislative Reorganization Act of 1946 was enacted by the 83d Congress (2 USC § 75a-1) authorizing temporary appointments by the Speaker to fill vacancies in the offices of Clerk, Sergeant at Arms, Doorkeeper, Postmaster, or Chaplain.
5. See §3.9, supra.