

CHAPTER 3

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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).

House committees. These functions are discussed in detail in succeeding sections.

§ 3. Chairmen—Functions

At the beginning of a Congress, the Democratic Caucus and Republican Conference elect chairmen.⁽⁹⁾

The chairman has duties and functions which are to some extent specified in the caucus or conference rules. Thus, the following rule defines the authority of the Democratic Caucus Chairman with respect to determining the time and place of caucus meetings:

Meetings of the Democratic caucus may be called by the chairman upon

9. See 8 Cannon's Precedents §§3603, 3604a; *Cannon's Procedure in the House of Representatives*, H. Doc. No. 122, 86th Cong. 1st Sess. (1959) p. 187; Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), pp. 31, 32.

The chairman of the caucus for the preceding Congress may call the initial meeting to order. See *Cannon's Procedure in the House of Representatives*, H. Doc. No. 122, 86th Cong. 1st Sess. (1959), p. 187.

For discussion of more recent developments, including procedures for calling an organizational meeting of the caucus prior to the opening of a new Congress, see supplements to this edition as they appear.

his own motion and shall be called by him whenever requested in writing by 50 members of the caucus or at the request of the party leader. While the House is in session the Democratic caucus shall meet regularly at a time and place to be determined by the chairman, on the third Wednesday of each month, except January of odd numbered years. If the House not be in session on the third Wednesday, the monthly caucus shall be held on the next succeeding Wednesday on which the House is in session. The chairman may cancel any monthly caucus, but not two consecutive monthly caucuses, provided members are given reasonable notice of such cancellation.⁽¹⁰⁾

The caucus rules also delimit the role of the chairman in determining the order and nature of business to be transacted at caucus meetings. The caucus rules provide that, at each monthly caucus,

. . . members shall have the right to place before the caucus any question, provided that notice of such intention is (1) delivered to the office of the chairman, and (2) transmitted to all members of the caucus not later than 5:00 p.m. on the ninth day immediately preceding the day of such caucus. The chairman shall prescribe the order of business and shall provide members with an agenda at least 5 days before caucus. Amendments to the agenda shall be in order only if

10. Rule 3, Democratic Caucus Rules (July 20, 1971). For general discussion of the caucus rules, see §4, *infra*.

submitted to caucus members at least 48 hours before the hour of convening and if supported in writing by 50 members.⁽¹¹⁾

The following are rules of a general nature that relate to the conduct of business by the chairman:

General parliamentary law, with such special rules as may be adopted, shall govern the meetings of the Caucus.⁽¹²⁾

That the 5-minute rule that governs the House of Representatives shall govern debate in the Democratic Caucus, unless suspended by a vote of the caucus.⁽¹³⁾

. . . If the absence of a quorum is established, the chairman may continue the meeting for purposes of discussion only, but no motion of any kind, except a motion to adjourn, shall be in order at such continued meeting.⁽¹⁴⁾

No persons, except Democratic Members of the House of Representatives, a caucus Journal Clerk, and other necessary employees, shall be admitted to the meetings of the caucus without the express permission of the chairman.⁽¹⁵⁾

In addition to those activities relating directly to his conduct of

11. Rule 3, Democratic Caucus Rules (July 20, 1971).
12. Rule 5, Democratic Caucus Rules (July 20, 1971).
13. Rule 9, Democratic Caucus Rules (July 20, 1971).
14. Rule 4, Democratic Caucus Rules (July 20, 1971).
15. Rule 10, Democratic Caucus Rules (1971).

caucus or conference business, the chairman undertakes certain functions, described in succeeding sections, on the floor of the House. It should also be noted that the chairman may serve as an ex officio member of various party committees; the Chairman of the Democratic Caucus, for example, has in past Congresses been an ex officio member of the Steering Committee.⁽¹⁶⁾

Announcement of Candidate for Speaker

§ 3.1 At the beginning of every Congress, each caucus or conference chairman announces in the House the name of his party's candidate for the office of Speaker.

At the beginning of the 91st Congress, immediately following the roll call of the states to establish a quorum and the announcement of the receipt of the credentials of the Resident Commissioner from Puerto Rico, the Clerk called for nominations for Speaker. The Chairman of the Democratic Caucus, Mr. Daniel D. Rostenkowski, of Illinois, presented the name of Mr. John W. McCormack, of Massachusetts. The Chairman of the Republican Con-

16. See §13, *infra*.

ference, Mr. John Anderson, of Illinois, presented the name of Mr. Gerald R. Ford, of Michigan.⁽¹⁷⁾

§ 3.2 The Speaker having died prior to the second session of the 87th Congress, the Clerk at the beginning of the second session called for nominations for Speaker, and the Chairmen of the Democratic Caucus and Republican Conference announced their respective parties' nominations for Speaker.

On Jan. 10, 1962,⁽¹⁸⁾ the Clerk called the House to order for the purpose of electing a Speaker. Immediately following the call of the roll, the following proceedings took place:

THE CLERK: Nominations for Speaker of the House of Representatives are now in order.

17. 115 CONG. REC. 13, 91st Cong. 1st Sess., Jan. 3, 1969. For substantially the same proceedings in prior Congresses, see, for example, 113 CONG. REC. 12, 90th Cong. 1st Sess., Jan. 10, 1967; and 111 CONG. REC. 17, 89th Cong. 1st Sess., Jan. 4, 1965. In the 90th Congress, 1st Sess. (113 CONG. REC. 12), the proceedings differed mainly in that the Clerk, before calling for nominations for Speaker, announced a vacancy in the second district of Rhode Island occasioned by the recent death of a Representative-elect.

18. 108 CONG. REC. 5, 87th Cong 2d Sess.

The Clerk recognizes the gentleman from Pennsylvania (Mr. Walter).

MR. [FRANCIS E.] WALTER [of Pennsylvania]: 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 Speaker of the House of Representatives the name of the Honorable John W. McCormack, a Representative from the State of Massachusetts.

THE CLERK: The gentleman from Iowa [Mr. Hoeven] is recognized.

MR. [CHARLES B.] HOEVEN [of Iowa]: Mr. Clerk, by authority, by direction, and by unanimous vote of the Republican Conference, I nominate for Speaker of the House of Representatives the Honorable Charles A. Halleck, a Representative from the State of Indiana.

Third-Party Nomination for Speaker

§ 3.3 A third party may organize as a conference and name its candidate for Speaker, and the chairman of such conference announces his party's candidate for the Speakership in the same manner as the major parties' candidates are announced.

On Jan. 5, 1937,⁽¹⁹⁾ following the nominations by the Chairman of the Democratic Caucus and Republican Conference of candidates

19. 81 CONG. REC. 11, 75th Cong. 1st Sess.

for the Speakership, the following proceedings took place:

THE CLERK: Are there any further nominations?

MR. [GARDNER R.] WITHROW [of Wisconsin]: Mr. Clerk, as chairman of the Farmer-Labor-Progressive Party's Conference, I have been directed, and I have the authority, to present to this body as a candidate for the Speakership of the Seventy-fifth Congress Hon. George J. Schneider, a Representative-elect from the State of Wisconsin.

Resolution Electing Speaker Pro Tempore

§ 3.4 The Chairman of the Democratic Caucus offered a resolution electing a Speaker pro tempore.

On Jan. 10, 1966, Carl Albert, of Oklahoma, the Speaker pro tempore by designation, left the chair pending the offering of a resolution electing him as Speaker pro tempore during the absence of the Speaker.⁽²⁰⁾ Mr. Albert requested that the chair be tempo-

20. 112 CONG. REC. 6, 89th Cong. 2d Sess.

Parliamentarian's Note: Speaker John W. McCormack (Mass.) was absent because of the death of his brother. Since the duration of the Speaker's absence was uncertain, and since there were new Members present to be sworn as well as business requiring a signature, the election of a Speaker pro tempore was considered essential.

rarily assumed by Mr. Hale Boggs, of Louisiana, who thereupon assumed the chair and recognized the Chairman of the Democratic Caucus for purposes of offering the resolution.

A similar resolution was offered by the caucus chairman in the 87th Congress.⁽¹⁾ Speaker Rayburn being absent on Aug. 31, 1961, Carl Albert, the Democratic whip, called the House to order and laid down a letter from the Speaker designating Carl Albert as Speaker pro tempore for the day. Following the prayer, approval of the Journal and receipt of a message from the Senate, the caucus chairman offered the resolution electing John W. McCormack, of Massachusetts, as Speaker pro tempore.

Announcement of Election of Party Leader

§ 3.5 At the beginning of a Congress, it is usual for announcements to be made by the caucus and conference chairmen as to their respective parties' floor leaders.

On Jan. 3, 1969,⁽²⁾ following the transaction of business relating to

1. 107 CONG. REC. 17765, 17766, 87th Cong. 1st Sess., Aug. 31, 1961.

2. 115 CONG. REC. 34, 91st Cong. 1st Sess.

the swearing in of Members, the following proceedings took place:

MR. [DANIEL D.] ROSTENKOWSKI [of Illinois]: Mr. Speaker, as Chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Oklahoma, the Honorable Carl Albert.

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 selected as the minority leader of the House.⁽³⁾

§ 3.6 Where a vacancy has occurred in the office of floor leader, the chairman of the party caucus announces the party's selection of a new floor leader.

On Jan. 10, 1962,⁽⁴⁾ the Chairman of the Democratic Caucus announced the selection of Carl Albert as Majority Leader, to replace John W. McCormack, of Massachusetts, who had been elevated to the Speakership after the

3. Substantially the same procedure has been followed in other Congresses. See, for example, 113 CONG. REC. 27, 90th Cong. 1st Sess., Jan. 10, 1967; 111 CONG. REC. 20, 89th Cong. 1st Sess., Jan. 4, 1965; and 109 CONG. REC. 13, 88th Cong. 1st Sess., Jan. 9, 1963.
4. 108 CONG. REC. 7, 87th Cong. 2d Sess.

death of Speaker Rayburn. The announcement was made as follows:

MR. WALTER: 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.

Announcement of Republican Whip

§ 3.7 Generally,⁽⁵⁾ after the members of the Republican Conference select their party whip, such selection is announced to the House by the chairman of the conference.⁽⁶⁾

On Jan. 3, 1969,⁽⁷⁾ immediately after announcements relating to the selection of party floor leaders, the following announcement was made by the Chairman of the Republican Conference:

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

5. For occasions on which the selection of the Republican whip has been announced by the Republican floor leader, see § 23.3, *infra*.
6. As to the announcement of the selection of the Democratic whip, see § 20.3, *infra*.
7. 115 CONG. REC. 34, 91st Cong. 1st Sess.

have selected as minority whip the gentleman from Illinois, the Honorable Leslie C. Arends.⁽⁸⁾

Announcements as to Other Party Officers

§ 3.8 The Chairman of the Republican Conference has on occasion announced to the House the selection of other party officers, in particular the Chairman of the Republican Policy Committee and the Chairman of the Republican Committee on Research and Planning.

On Jan. 10, 1967,⁽⁹⁾ the Chairman of the Republican Con-

8. Substantially similar proceedings have taken place in other Congresses. See, for example 113 CONG. REC. 27, 90th Cong. 1st Sess., Jan. 10, 1967. Of course, announcements relating to the selection of the whips are not always made at the same time as announcements relating to the selection of floor leaders. In the 89th Congress, for example, the Chairman of the Republican Conference announced the selection of the minority whip on Jan. 14, 1965 (111 CONG. REC. 656, 89th Cong. 1st Sess.), whereas the selection of the floor leaders had been announced on Jan. 4 (111 CONG. REC. 20, 89th Cong. 1st Sess.).
9. 113 CONG. REC. 27, 90th Cong. 1st Sess. See also 109 CONG. REC. 506, 88th Cong. 1st Sess., Jan. 17, 1963, in which the Chairman of the Repub-

ference, after announcing the selection of the Minority Leader and the minority whip, announced:

The Conference has also directed me to notify the House officially that the Republican Members have selected as Chairman of the Republican Committee on Policy the gentleman from Arizona, the Honorable John J. Rhodes, and has chosen as Chairman of the Republican Committee on Research and Planning the gentleman from New York, the Honorable Charles E. Goodell.

Resolution Naming Officers of the House

§ 3.9 The chairman of the caucus or conference customarily introduces a resolution pertaining to the election of the Clerk of the House, Sergeant at Arms, Doorkeeper, Postmaster, and Chaplain.

On Jan. 3, 1969,⁽¹⁰⁾ the Chairman of the Democratic Caucus of-

lican Conference announced the selection of the minority whip and the Chairman of the Republican Policy Committee. In the 89th Congress (111 CONG. REC. 20, 89th Cong. 1st Sess.), on Jan. 4, 1965, the conference chairman announced first the selection of the Minority Leader and immediately thereafter the selection of the Chairman of the Republican Policy Committee; the announcement of the selection of the minority whip was made by the conference chairman on Jan. 14, 1965 (111 CONG. REC. 656, 89th Cong. 1st Sess.).

10. 115 CONG. REC. 34, 91st Cong. 1st Sess.

ferred the following resolution, which was read by the Clerk:

H. RES. 3

Resolved, That W. Pat Jennings, of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

That Zeake W. Johnson, Jr., of the State of Tennessee, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That William M. Miller, of the State of Mississippi, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That H. H. Morris, of the Commonwealth of Kentucky, be, and he is hereby, chosen Postmaster of the House of Representatives;

That Reverend Edward G. Latch, of the District of Columbia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Immediately after the introduction of the above resolution, the Chairman of the Republican Conference announced that he had a substitute to offer to the resolution. He thereupon requested that there be a division on the question on the resolution so as to permit a separate vote on the office of the Chaplain. After that portion of the resolution providing for the election of the Chaplain was agreed to, the Chairman of the Republican Conference offered a substitute amendment for the remainder of the resolution; such amendment, in the same form as

the original resolution, named different persons to fill the posts of Clerk, Sergeant at Arms, Doorkeeper, and Postmaster. In the proceedings that followed, the substitute amendment was rejected, and the resolution offered by the Chairman of the Democratic Caucus was agreed to.⁽¹¹⁾

In the 89th Congress,⁽¹²⁾ no substitute amendment was offered, and the resolution offered by the caucus chairman pertaining to the election of the House officers was immediately agreed to.

Resolution as to Compensation of Minority Employees

§ 3.10 The chairman of the minority caucus or conference may introduce a resolution relating to the compensation of certain minority employees.

On Jan. 3, 1969,⁽¹³⁾ the Chairman of the Republican Conference

11. 115 CONG. REC. 34, 91st Cong. 1st Sess., Jan. 3, 1969. In the 90th Congress (113 CONG. REC. 27, 90th Cong. 1st Sess., Jan. 10, 1967), the proceedings were substantially the same, except that the request for a division of the resolution electing officers was made by the minority whip.

12. 111 CONG. REC. 20, 89th Cong. 1st Sess., Jan. 4, 1965.

13. 115 CONG. REC. 35, 91st Cong. 1st Sess. For further discussion of the minority employees, see § 1, supra.

offered a resolution relating to the compensation of certain minority employees as follows:

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I offer a resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, six minority employees authorized therein shall be the following-named persons . . . to wit: Harry L. Brookshire and Richard T. Burress to receive gross compensation of \$28,000 respectively. . . .

Election of Members to Committee on Ways and Means

§ 3.11 Resolutions electing Democratic Members to the Committee on Ways and Means, including resolutions to fill vacancies, are offered in the House by the Chairman of the Democratic Caucus.

[Note: For more recent changes in the functions and composition of the Committee on Ways and Means, see supplements to this edition as they appear.]

On Jan. 14, 1969,⁽¹⁴⁾ the following proceedings took place:

MR. [DANIEL D.] ROSTENKOWSKI [of Illinois]: Mr. Speaker, I offer a privi-

14. 115 CONG. REC. 611, 91st Cong. 1st Sess.

leged resolution (H. Res. 124) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 124

Resolved, That Sam Gibbons, of Florida, be, and he is hereby, elected a Member of the standing committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

Substantially the same procedure has been followed in other Congresses.⁽¹⁵⁾ On Jan. 16, 1962,⁽¹⁶⁾ the resolution offered by the caucus chairman named two persons for membership on the Committee on Ways and Means, one of them the first woman elected to the committee. The proceedings were as follows:

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Speaker, by direction of the Democratic Caucus, I send to the desk a resolution and ask for its immediate consideration.

15. See, for example, 114 CONG. REC. 24220, 90th Cong. 2d Sess., July 30, 1968, in which the caucus chairman called up a resolution electing Omar Burlison to the Committee on Ways and Means; Mr. Burlison had previously resigned (114 CONG. REC. 24215, 90th Cong. 2d Sess., July 30, 1968) from two positions on committees pending his election to the Committee on Ways and Means. See also 110 CONG. REC. 10027, 88th Cong. 2d Sess., May 5, 1964.

16. 108 CONG. REC. 263, 87th Cong. 2d Sess.

The Clerk read as follows:

H. RES. 507

Resolved, That Clark W. Thompson, of Texas, and Martha W. Griffiths, of Michigan, be, and they are hereby, elected members of the standing committee of the House of Representatives on Ways and Means.

Resolution Electing Members to Other Standing Committees

§ 3.12 On occasion, the caucus chairman has offered a resolution electing Members to various standing committees of the House.

On Jan. 5, 1937,⁽¹⁷⁾ the Chairman of the Democratic Caucus, Robert L. Doughton, of North Carolina, offered a resolution electing Members to certain standing committees of the House.

On Jan. 23, 1961,⁽¹⁸⁾ the Chairman of the Democratic Caucus, Francis E. Walter, of Pennsyl-

17. 81 CONG. REC. 15, 75th Cong. 1st Sess. Ordinarily, at the beginning of recent Congresses, the resolution electing Democratic Members to the standing committees of the House has been offered by the Democratic Chairman of the Ways and Means Committee. For further discussion of assignments to standing committees, see §§9.1–9.5, *infra*; see also Ch. 17, *infra*.

18. 107 CONG. REC. 1155. 87th Cong. 1st Sess.

vania, offered separate resolutions electing Members respectively to the standing Committee on Rules and the standing Committee on Appropriations.

Announcement of Caucus Meeting

§ 3.13 The caucus chairman has on occasion made announcements in the House concerning caucus meetings.

On Jan. 12, 1937,⁽¹⁹⁾ the Chairman of the Democratic Caucus made the following announcement in the House:

MR. [ROBERT L.] DOUGHTON [of North Carolina]: Mr. Speaker, I have asked for this time to inform the majority Members of the House that there will be a Democratic Caucus at 10:30 o'clock tomorrow morning to hear a report of the majority Committee on Committees.

Ceremonial Activities; Courtesies

§ 3.14 The chairmen of the caucus and conference have on occasion been appointed to the committee of escort⁽²⁰⁾ which traditionally accom-

19. 81 CONG. REC. 190, 75th Cong. 1st Sess.

20. At times, the committee of escort has consisted only of the majority and minority floor leaders. See §21.1, *infra*.

panies a new Speaker-elect to the chair.

On Jan. 10, 1967,⁽¹⁾ following the Clerk's announcement of the election of the Speaker, the following proceedings took place:

[THE CLERK:] The Clerk appoints the following Committee to escort the Speaker-elect to the chair: . . . the gentleman from Wisconsin [Mr. Laird] . . . the gentleman from Illinois [Mr. Rostenkowski]. . . .

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 90th Congress, who was escorted to the chair by the committee of escort.

Committee to Notify President

§ 3.15 The chairman of the majority caucus has been appointed on occasion to the committee to notify the President as to the assembly of Congress.

In the 86th Congress, the committee to notify the President as to the assembly of Congress consisted of the Majority Leader, the Minority Leader, and the Chairman of the Democratic Caucus.⁽²⁾

1. 113 CONG. REC. 13, 90th Cong. 1st Sess.

2. See 105 CONG. REC. 15, 86th Cong. 1st Sess., Jan. 7, 1959.

Administration of Oath to Speaker Pro Tempore

§ 3.16 On occasion,⁽³⁾ the Chairman of the Democratic Caucus has administered the oath to a newly-elected Speaker pro tempore.

On Aug. 31, 1961,⁽⁴⁾ after the adoption by the House of a resolution introduced by the caucus chairman electing John W. McCormack, of Massachusetts, the Speaker pro tempore, the caucus chairman administered the oath to Mr. McCormack.

Assumption of Duties as Speaker Pro Tempore

§ 3.17 In the 88th Congress, the Chairman of the Republican Conference⁽⁵⁾ presided as Speaker pro tempore during consideration of a resolution expressing the appreciation of the House for the manner in which Speaker John W.

3. For a discussion of other persons who might administer the oath to a newly-elected Speaker pro tempore, see Ch. 6, *infra*.

4. 107 CONG. REC. 17766, 87th Cong. 1st Sess.

5. The chairman was acting for the minority whip, who was absent. The minority whip usually fulfills the duties that were undertaken by the conference chairman on the occasion described above. See §24.1, *infra*.

McCormack, of Massachusetts, performed the duties of the Chair in the 88th Congress.

On Oct. 3, 1964,⁽⁶⁾ shortly before adjournment of the second session of the 88th Congress, the Speaker requested the Chairman of the Republican Conference to assume the Chair as Speaker pro tempore. Having assumed the Chair, the Speaker pro tempore, Gerald R. Ford, of Michigan, recognized the Minority Leader, who sent to the desk the resolution of thanks to the Speaker of the House. The Minority Leader then delivered to the House remarks in praise of the Speaker, at the conclusion of which the Speaker pro tempore stated, "The question is on the resolution." The resolution having been unanimously agreed to, the Speaker pro tempore recognized the Speaker, who responded to the resolution.

Tribute to Speaker for Campaign Efforts

§ 3.18 In the 91st Congress, the Chairman of the Democratic Caucus inserted in the *Congressional Record* the text of a resolution adopted by the caucus expressing gratitude

6. 110 CONG. REC. 24058, 24059, 88th Cong. 2d Sess.

to the Speaker for his efforts during the recent election campaign.

On Nov. 18, 1970,⁽⁷⁾ the Chairman of the Democratic Caucus asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.

MR. [DANIEL D.] ROSTENKOWSKI [of Illinois]: Mr. Speaker, this morning in the Democratic Caucus an extremely meritorious resolution was unanimously adopted commending the Honorable John W. McCormack, of the State of Massachusetts, for his participation in last November's campaign.

This resolution was offered by our distinguished majority leader, the gentleman from Oklahoma (Mr. Albert), and I wholeheartedly subscribe to the resolution which is as follows:

RESOLUTION BY REPRESENTATIVE
CARL ALBERT, DEMOCRATIC CAUCUS,
NOVEMBER 18, 1970

. . . Whereas the Speaker elevated [the] campaign to a higher plane by focusing on valid issues, promoting rational debate, maintaining a demeanor fitting of high public office, and disdaining divisive and inflammatory rhetoric; and

. . . Whereas his efforts in the late days of the campaign, and the catalyzing effect of his statements on the issues were resoundingly [successful]
. . . Be it therefore

7. 116 CONG. REC. 37821, 37822, 91st Cong. 2d Sess.

Resolved, That this Democratic Caucus express its unanimous gratitude to Speaker John W. McCormack for his leadership and guidance during the election period just completed. . . .

Expressions of Praise or Recognition

§ 3.19 On special occasions, the caucus or conference chairman has made appropriate remarks of felicitation or recognition.

On many occasions, the caucus or conference chairman has been among those offering expressions of felicitation or recognition. Thus, during proceedings relating to a resolution offered in the 91st Congress commending Speaker John W. McCormack, of Massachusetts, on his length of service as Speaker, the conference chairman, John B. Anderson, of Illinois, was among those speaking in recognition of the Speaker's record of service.⁽⁸⁾

Similarly, the chairman has announced birthdays and the like, extending appropriate felicitations.⁽⁹⁾

8. 116 CONG. REC. 17023, 91st Cong. 2d Sess., May 26, 1970.

9. See, for example, 112 CONG. REC. 15706, 89th Cong. 2d Sess., July 14, 1966 (birthday of party floor leader).

§ 4. Adoption of Rules; Recent Changes

[Note: Later versions of the caucus rules will be discussed in supplements to this edition as they appear.]

The party caucus or conference adopts rules that govern its proceedings.⁽¹⁰⁾ The Republicans have in the past adopted as the rules for the conference the rules of the preceding Congress so far as applicable and except as modified.⁽¹¹⁾ Democratic Caucus rules adopted at the commencement of each Congress have, with few exceptions, remained substantially unchanged for a period of many years. The earlier caucus rules are set forth elsewhere,⁽¹²⁾ and a more recent, though substantially similar, version was inserted in the Record of the 92d Congress.⁽¹³⁾ Only the significant changes in the rules will be noted here.⁽¹⁴⁾

10. See 8 Cannon's Precedents §§ 3603, 3604a, 3609, and 3610.

11. 8 Cannon's Precedents § 3610. See also Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), p. 32.

12. See 8 Cannon's Precedents § 3609.

13. 117 CONG. REC. 434, 92d Cong. 1st Sess., Jan. 25, 1971.

14. Further discussion of the caucus rules as they relate to specific subjects is to be found in the sections that deal with such subjects. See, for

Some changes have taken place in the caucus rules with respect to time and place of meeting and the agenda. Former rule 3⁽¹⁵⁾ provided simply that “Meetings of the Democratic Caucus may be called by the Chairman upon his own motion, and shall be called by him whenever requested in writing by 25 members of the caucus.”

The present rule⁽¹⁶⁾ specifies in some detail the conditions under which meetings will be held and the matters that will form the agenda.

Present rule 4 provides, as did the former rule 4, that “A quorum of the Caucus shall consist of a majority of the Democratic Members of the House.” Additional language in the present rule 4, however, sets forth specific limits on the business that may be transacted in the absence of a quorum. The rule states:⁽¹⁷⁾

4. . . . If the absence of a quorum is established, the chairman may continue the meeting for purposes of dis-

example, §9, *infra*, for discussion of election of Members to committees; and §10, *infra*, for discussion of instances in which party members will be considered bound by vote of the caucus.

15. 8 Cannon’s Precedents §3609.

16. Rule 3, Democratic Caucus Rules (July 20, 1971), quoted in §3, *supra*.

17. Rule 4, Democratic Caucus Rules (July 20, 1971).

cussion only, but no motion of any kind, except a motion to adjourn, shall be in order at such continued meeting.

Finally, with respect to persons permitted to attend meetings of the caucus, the former rule 10⁽¹⁸⁾ prohibited all but certain persons from attending meetings. The present rule 10⁽¹⁹⁾ gives to the caucus chairman some authority to admit persons to meetings.

§5. Time and Place of Meetings

A caucus rule, quoted above,⁽¹⁾ contains detailed provisions as to when caucus meetings may or must be held.

The Hall of the House may be used for caucus meetings. A rule

18. 8 Cannon’s Precedents §3609.

19. Democratic Caucus Rules (July 20, 1971), quoted in §3, *supra*.

Note: An addendum to the caucus rules as adopted in 1973 set forth certain procedures to be followed when it was proposed that a bill be considered in the House pursuant to a closed rule. The procedures to be followed in such circumstances were designed primarily to afford the caucus an opportunity to decide whether the bill should be open to particular amendments. Some discussion of the operation of this provision can be found in Ch. 21, *infra*, of this edition. Further discussion will be found in this chapter in supplements to this edition as they appear.

1. Rule 3, Democratic Caucus Rules (July 20, 1971), quoted in §3, *supra*.

of the House⁽²⁾ provides that, with certain exceptions, "The Hall of the House shall be used only for the legislative business of the House and for the caucus meetings of its Members. . . ."

Notice of caucus or conference meetings may be by letter from the caucus or conference chairman.⁽³⁾ Notice of the meeting at which the caucus or conference organizes for a new Congress is given by the chairman of the caucus or conference of the preceding Congress.⁽⁴⁾

Although the caucus or conference chairman is the officer generally responsible for calling and announcing caucus or conference meetings, other party leaders have on occasion taken the initiative in this regard. Thus, announcements respecting such meetings have been made in the House by the party floor leaders⁽⁵⁾

2. Rule XXXI. See §5.3, *infra*, for an announcement of a meeting to be held in the Hall of the House.
3. See *Cannon's Procedure*, H. Doc. No. 122, 86th Cong. 1st Sess. (1959), p. 187.
4. *Id.*
5. See §§5.3 (Majority Leader), 5.4 and 5.5 (Minority Leader), *infra*. 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*.

and even by the Speaker of the House.⁽⁶⁾

The demands of business in the House may prevent the scheduling of meetings at the times desired by the party leaders. On one occasion, the Minority Leader asked that the House take a recess so that a meeting of the Republican Conference could take place; the Speaker declined to entertain the request.⁽⁷⁾

Announcement by Caucus Chairman

§ 5.1 On occasion, the caucus chairman has made an announcement in the House respecting a caucus meeting to be held.

On Jan. 12, 1937,⁽⁸⁾ the Democratic Caucus Chairman, Robert L. Doughton, of North Carolina, announced:

MR. DOUGHTON: Mr. Speaker, I have asked for this time to inform the ma-

For discussion of the more recent procedures used in calling organizational meetings of the caucus prior to the convening of a new Congress, see supplements to this edition as they appear.

6. See §5.2, *infra*.
7. See §5.5, *infra*.
8. 81 CONG. REC. 190, 75th Cong. 1st Sess.

majority Members of the House that there will be a Democratic Caucus at 10:30 o'clock tomorrow morning to hear a report of the majority Committee on Committees.

Announcement by Speaker

§ 5.2 The Speaker announced to the House the calling of a Democratic Caucus to fill a vacancy on the Committee on Ways and Means.

On July 23, 1968,⁽⁹⁾ a Member's letter of resignation from the Committee on Ways and Means having been laid before the House,⁽¹⁰⁾ Speaker John W. McCormack, of Massachusetts, announced from the floor:

Mr. Speaker, I want to announce publicly that there will be a Democratic Caucus on Friday morning at 10 o'clock for the purpose of filling a vacancy that exists on the Ways and Means Committee by reason of the resignation of the gentleman from Florida [Mr. Herlong], whose resignation has been accepted today. I want to make this announcement for the benefit of my Democratic colleagues, so we can have as democratic a caucus as possible.

Announcement by Floor Leader

§ 5.3 In the 90th Congress, the Majority Leader announced

9. 114 CONG. REC. 22800, 90th Cong. 2d Sess.

10. See 114 CONG. REC. 22795, 90th Cong. 2d Sess., July 23, 1968.

in the House that the Democratic Caucus would meet to elect Members to the Committee on Ways and Means.

[Note: For discussion of procedures recently adopted with respect to announcement of organizational meetings of the caucus prior to the convening of a new Congress, see supplements to this edition as they appear.]

On July 30, 1968,⁽¹¹⁾ the following proceedings took place:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent to address the House for one minute and to revise and extend my remarks.

THE SPEAKER: Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MR. ALBERT: Mr. Speaker, I take this time to advise the Democratic Members that a caucus of the Democratic Members of the House is called to meet in the Hall of the House of Representatives on Thursday, August 1, 1968, at 10 a.m., for the purpose of electing Members to the Ways and Means Committee.

§ 5.4 The Minority Leader made an announcement in the House concerning a meeting of the Republican Conference.

On Jan. 13, 1937,⁽¹²⁾ the Minority Leader, Bertrand H. Snell, of New York, announced as follows:

11. 114 CONG. REC. 24269, 90th Cong. 2d Sess.

12. 81 CONG. REC. 201, 75th Cong. 1st Sess.

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.

didates for House offices, the minority party candidates being presented in the form of a substitute amendment to the resolution offered by the chairman of the majority caucus.⁽⁶⁾ There have been exceptions, however; in the 89th Congress,⁽⁷⁾ no substitute amendment was offered, and the resolution offered by the caucus chairman pertaining to the election of the House officers was immediately agreed to.

A Democratic Caucus rule⁽⁸⁾ provides that, "In the Election of Officers and in the Nomination of Candidates for Office in the House, a Majority of Those Present and Voting Shall Bind the Membership, of the Caucus."

Nomination Procedure

§ 7.1 The names of the majority party's candidates for House offices are presented to the House by resolution, and a substitute resolution is usually offered by the minority party naming that party's candidates for the offices.

6. The proceedings relating to the election of House officers are discussed in detail in § 3.9, *supra*. See also Ch. 6.

7. 111 CONG. REC. 20, 89th Cong. 1st Sess., Jan. 4, 1965.

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

On Jan. 3, 1969,⁽⁹⁾ the Chairman of the Democratic Caucus offered a resolution naming selections for Clerk of the House, Sergeant at Arms, Doorkeeper, Postmaster, and Chaplain. The Chairman of the Republican Conference asked for a division on the question on the resolution so as to have a separate vote on the office of Chaplain; that portion of the resolution providing for the election of Chaplain was then agreed to. The Chairman of the Republican Conference then offered a substitute amendment to the remainder of the resolution, naming different persons to the posts; the substitute amendment was rejected, the original agreed to.⁽¹⁰⁾

§ 8. —Creation of Party Committees

The main party organizations in the House, the caucus and the conference, have from time to time delegated some of their functions to smaller party committees. Generally, the creation of, and the determination of membership on, such specialized committees are in large measure functions of the caucus or conference.

9. 115 CONG. REC. 34, 91st Cong. 1st Sess.

10. See also § 3.9, *supra*.

A Republican Committee on Committees consisting of one Member from each state having Republican representation in the House was created in 1919 by resolution of the conference.⁽¹¹⁾ The Republican Committee on Committees is largely responsible for assigning Republican Members of the House to House committees.⁽¹²⁾ Members of the Republican Committee on Committees are selected by the Republican delegations in the House from the several states,⁽¹³⁾ subject to the approval of the conference.⁽¹⁴⁾

The Democratic Caucus has also delegated to a Committee on Committees the responsibility for assigning party members to House committees, such assignments being subject to caucus approval.⁽¹⁵⁾ In past Congresses, Democratic members of the Committee on Ways and Means have served as the Committee on Committees for their party⁽¹⁶⁾ and the

caucus, by secret ballot, has elected the Democratic members of the Committee on Ways and Means.⁽¹⁷⁾

A Steering Committee was created in 1933 by the Democratic Caucus.⁽¹⁸⁾

The responsibilities of the Steering Committee lay mainly in the area of ascertaining and consolidating party sentiment with respect to particular legislation, and assisting in the development of party policy and floor strategy.⁽¹⁹⁾ In order to provide a geographical basis of representation on the Steering Committee, the caucus in 1933 authorized the division of the United States into geographical regions, each member of the Steering Committee to be elected by the Democratic Members of the House from the several states comprising a particular region.⁽²⁰⁾

In 1919, the Republican Conference created a Steering Committee, the members of which were to be nominated by the Com-

11. See 8 Cannon's Precedents §3616.

12. See §11, *infra*, for further discussion of the party Committee on Committees.

13. See 8 Cannon's Precedents §3616.

14. See Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), p. 36.

15. See 8 Cannon's Precedents §3617.

16. See §11, *infra*, for further discussion of the party Committee on Committees.

17. See §9.1, *infra*.

18. 8 Cannon's Precedents §3622.

19. See §13, *infra*, for more detailed discussion of the party Steering Committee. For discussion of recent changes leading to development of the present Steering and Policy Committee, see supplements to this edition as they appear.

20. See 8 Cannon's Precedents §3622.

mittee on Committees and elected by the conference.⁽¹⁾ Now known as the Policy Committee, the committee advises the Republican leadership on matters of party policy and strategy.⁽²⁾

Other committees that have been created by, and derive their authority from, the party caucus or conference include patronage committees,⁽³⁾ political campaign committees,⁽⁴⁾ and research committees.⁽⁵⁾

§ 9. —Assigning Members to House Committees

The House rules provide for election by the House of the standing committees,⁽⁶⁾ their

1. See 8 Cannon's Precedents §3621.
2. See Congressional Quarterly's *Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), pp. 142, 604.
3. § 14, *infra*.
4. § 16, *infra*.
5. § 12, *infra*.
6. Rule X clause 1, *House Rules and Manual* §669 (1973). A former version of Rule X provided that unless otherwise specially ordered by the House the Speaker should appoint the standing committees (see 4 Hinds' Precedents §4448); the Speaker in practice usually, but not always, accepted the Minority Leader's recommendations with respect to

chairmen,⁽⁷⁾ and election by the House of Members to fill vacancies in standing committees.⁽⁸⁾

In practice, the political parties decide as to assignments of their respective party members to House committees, and resolutions providing for such elections are presented in the House by the majority and minority parties as soon as they are able to perfect their lists. The practice is indicated in the following exchange from the Record of the 92d Congress:⁽⁹⁾

MR. GERALD R. FORD [of Michigan]: Is it correct that the resolution presently before the House is a resolution offered on behalf of the Democratic caucus? The resolution is the recommendations for committee assignment on the Democratic side.

THE SPEAKER:⁽¹⁰⁾ The gentleman is correct.

MR. FORD: Is it the procedure to be followed that subsequently a com-

minority party members' committee assignments (see discussion in 8 Cannon's Precedents §2172 [quoted remarks of Joseph G. Cannon]). For further discussion comparing the former with the present practice, see Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), pp. 35, 36.

7. Rule X clause 4, *House Rules and Manual* §672 (1973).
8. Rule X clause 5, *House Rules and Manual* §673 (1973).
9. 117 CONG. REC. 1710, 1711, 92d Cong. 1st Sess., Feb. 4, 1971.
10. John W. McCormack (Mass.).

parable resolution will be offered representing the views of the Republican conference?

THE SPEAKER: The gentleman is correct.

The lists presented by the parties indicate not only the membership but also the ranking of the Members on the House committees.⁽¹¹⁾

The caucus and conference thus play a major role in determining assignments to House committees. Each party has created⁽¹²⁾ a committee on committees,⁽¹³⁾ which is charged with the responsibility of nominating party members for positions on House committees. The caucus or conference elects or approves⁽¹⁴⁾ the membership of the party's committee on committees.

In addition to having created the committee on committees and selecting or approving the membership thereof, the caucus or conference may formulate rules or guidelines affecting the composition of House committees. For example, in an addendum to the caucus rules of 1971,⁽¹⁵⁾ it was

11. For further discussion of procedures for electing House committees, see Ch. 17, *infra*.
12. See § 8, *supra*.
13. For a general description of the committee on committees, see § 11, *infra*.
14. See § 9.1, *infra*.
15. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 3. For

stated to be the sense of the Democratic Caucus that no Member should be a member of more than two committees with legislative jurisdiction. Another provision in the addendum⁽¹⁶⁾ stated that recommendations by the Committee on Committees as to nominees for chairmen and membership of the committees "need not necessarily follow seniority." In similar fashion, the ratio between the majority and minority parties on the standing committees, which varies with the respective membership of the parties in the House, may be in large measure determined by the caucus. An addendum to the caucus rules of 1971⁽¹⁷⁾ stated the following to be the sense of the caucus:

Committee ratios should be established to create firm working majorities on each committee. In determining the ratio on the respective standing committees, the Speaker should provide for a minimum of three Democrats for each two Republicans. On those committees on which the Resident Commissioner of Puerto Rico serves, said Commissioner shall be considered, in the 92nd Congress, as a Member of the minority and the Democratic mem-

discussion of later versions of the caucus rules, see supplements to this edition as they appear.

16. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 5.
17. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 10.

bership should be increased accordingly.⁽¹⁸⁾

Finally, the assignments made by the party Committee on Committees are subject to caucus or conference approval.⁽¹⁹⁾

An addendum to the caucus rules of 1971⁽²⁰⁾ stated that, "The Committee on Committees shall recommend to the caucus nominees for chairmen and membership of each committee and such recommendation need not necessarily follow seniority." It was stated further:⁽¹⁾

The Committee on Committees shall make recommendations to the caucus, one committee at a time. Upon a demand supported by 10 or more Members, a separate vote shall be had on any committee chairman or any member of the committee. If any such motion prevails, the committee list of that particular committee shall be considered recommitted to the Committee on Committees. Further, such demand, if

made and properly supported, shall be debated for no more than 40 minutes with the time equally divided between proponents and opponents. If the caucus and the Committee on Committees be in disagreement after completion of the procedure herein provided, the caucus may make final and complete disposition of the matter.

[Note: For discussion of the current version of this provision, see supplements to this edition as they appear.]

The Republican Conference has similarly adopted procedures whereby certain recommendations of the Republican Committee on Committees are submitted to a vote in the conference.⁽²⁾

The list of committee assignments presented by each party to the House in the form of a resolution has generally been routinely approved by the whole House. But in the 92d Congress, a challenge was made to the tradition whereby each party, rather than the whole House, assumes primary responsibility for determining assignments of members of that party to House committees. Dissatisfied with one committee chairmanship as determined by the majority caucus, certain members of the majority party attempted to present the issue of that chairmanship for determina-

18. For further discussion of the determination of the ratio between the majority and minority parties on standing committees, see 8 Cannon's Precedents §§2186, 2187. Rule X clause 1, of the House Rules indicates the total number of Members to be elected to each standing committee.

19. For more detailed discussion of such approval, see §9.2, *infra*.

20. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 5.

1. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 6.

2. See §9.2, *infra*.

tion by both majority and minority party members. The House declined to depart from tradition, however, and the resolution naming members of the majority party to positions on House committees was adopted without change.⁽³⁾

The presence of third parties in the House may complicate procedures for determining committee ratios and making committee assignments. In the 75th Congress,⁽⁴⁾ for example, members of the Farmer-Labor and Progressive parties sparked a debate in the House over procedures by which committee assignments should be allotted to third parties. The Farmer-Labor-Progressive group were critical of the procedure whereby members of that group had been given their committee assignments from the quota for the Democratic majority and had been nominated for committee membership in the resolution naming Democratic Members to committees. Members of the Farmer-Labor-Progressive group contended that their committee assignments should either have been taken out of the quota set aside for minority Members of the House, or awarded from a bloc of

assignments specifically reserved for their group. The arguments of the Farmer-Labor-Progressive group did not prevail, and the House adopted the resolution assigning Democrats and the third party members to committees.⁽⁵⁾

It is worth noting here that the power of each party to determine committee assignments and rank of Members on committees is sometimes the instrument by which party discipline is maintained and party members “punished” for actions considered disloyal to the party.⁽⁶⁾ Factors other than party loyalty, however, enter more frequently into the determination of Members’ committee assignments; such factors include length of service in the House, geographical considerations, and the desires of the individual Member himself.⁽⁷⁾

Election by Caucus of Committee on Committees

§ 9.1 Democratic members of the Committee on Ways and Means, who serve as their party’s Committee on Com-

3. See §9.3, *infra*.

4. For a detailed discussion of the proceedings described here, see §9.4, *infra*.

5. See §9.4, *infra*.

6. See §9.5, *infra*.

7. For further discussion of committees and committee assignments, see Ch. 17, *infra*.

mittees⁽⁸⁾ are elected in the party caucus by secret ballot.

[Note: The following is descriptive of the practice that has been in effect in some Congresses. For discussion of current practice in which the function of determining committee assignments has been delegated to a different committee, see supplements to this edition as they appear.]

On Mar. 2, 1956,⁽⁹⁾ a Member addressed remarks to the House concerning a newspaper article that had charged Speaker Sam Rayburn, of Texas, with exercising influence over the selection of members of the Committee on Ways and Means for the purpose of excluding from that committee any Member who might be opposed to certain tax benefits enjoyed by the oil industry. At the conclusion of the Member's remarks, the Speaker pro tempore, John W. McCormack, of Massachusetts, observed:

The Chair may make the personal observation that members of the Ways and Means Committee on the Democratic side are elected in caucus by secret ballot.

Parliamentarian's Note: Announcements made in the House

8. The Republican Committee on Committees is constituted somewhat differently. See § 8, supra.
9. 102 CONG. REC. 3839, 84th Cong. 2d Sess.

have referred to caucus meetings to be held for purposes of electing members of the Committee on Ways and Means. See § 5.3, supra.

Approval of Committee Assignments

§ 9.2 Nominations for assignments to standing committees of the House are made by the party Committee on Committees and reported to the caucus or conference for approval.

This practice is of long standing.⁽¹⁰⁾ Thus, on Jan. 14, 1965,⁽¹¹⁾ Majority Leader Carl Albert, of Oklahoma, announced a caucus meeting "for the purpose of agreeing to recommendations of the Democratic Committee on Committees in designating Democratic Members of the several committees and their assignment thereon."

The excerpts below, from a debate⁽¹²⁾ in the House over the procedures for making certain committee assignments, indicate that the practice as now followed reflects reforms recently adopted by

10. See 8 Cannon's Precedents §3617, discussing the practice of the Democratic party.
11. 111 CONG. REC. 660, 89th Cong. 1st Sess.
12. For more detailed discussion of the debate, see § 9.3, infra.

both parties⁽¹³⁾ with respect to the effect of seniority on committee assignments.

During the debate, which centered upon a certain committee chairmanship,⁽¹⁴⁾ the following remarks were made by the Republican floor leader, Gerald R. Ford, of Michigan:

. . . Let me make another observation, Mr. Speaker. In 1970, the Republican Party took the initiative to make some changes in the election of our ranking Republican member, or the chairman, if we were in the majority. Under the Conable task force, a great deal of time and study resulted in a procedure which we followed yesterday. Each of our ranking Members was voted on separately and secretly. The net result was that we chose responsible members for each committee to be the ranking minority member. We have made that decision on our side, and we do not think you should come over and upset those decisions on our side. And I do not think . . . that we should make any decision as far as your party caucus is concerned.⁽¹⁵⁾

In response, the Majority Leader, Hale Boggs, of Louisiana, made the following remarks:⁽¹⁶⁾

13. See the Parliamentarian's note at the end of this section.
14. In the caucus, "a majority decision [had been made] to [accept] the committee chairman as recommended by the committee on committees." (Remarks of Mr. Boggs, 117 CONG. REC. 1709, 92d Cong. 1st Sess., Feb. 4, 1971.)
15. 117 CONG. REC. 1711, 92d Cong. 1st Sess., Feb. 4, 1971.
16. *Id.*

First, I wish to commend the minority leader for the statement he has made . . .

I would also point out that we, too, had a task force, known as the Hansen Committee. That committee worked hard and diligently . . . [t]hey came to a unanimous resolution on their recommendations, and those recommendations in turn were adopted by the caucus.

Just as the gentleman from Michigan said that they had the right to vote on each of their ranking Members separately, so we had the same right and did so on yesterday.

At a later point in the debate, Mr. Ford again stated:⁽¹⁷⁾

Mr. Speaker, if the gentleman will yield further, our Members will have voted for our nominees for ranking members on each of the committees and we did it in our caucus or conference by a secret ballot with a separate vote in each case.

Parliamentarian's Note: As previously noted in this section, the Democratic Committee on Committees has traditionally nominated Democratic party members for assignment to House committees and reported such nominations to the caucus for approval.⁽¹⁸⁾ Pursuant to recommendations of the Hansen Committee mentioned above in the remarks of Mr. Boggs, the

17. 117 CONG. REC. 1712, 92d Cong. 1st Sess., Feb. 4, 1971.

18. 8 Cannon's Precedents §3617.

Democrats provided in an addendum to the caucus rules that, "The Committee on Committees shall recommend to the caucus nominees for chairman and membership of each committee and such recommendation need not necessarily follow seniority,"⁽¹⁹⁾ and that the Committee on Committees should make its recommendations "one committee at a time."⁽²⁰⁾ Provision was also made for a separate vote, in certain circumstances, on any committee chairman or member of a committee."⁽¹⁾

The history of Republican procedures for making committee assignments has been similar in many respects to that of the Democratic party's procedures. In 1919,⁽²⁾ the Republican Conference defined the duties of the Committee on Committees to include the selection of the Republican members of the standing

19. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 5. For discussion of a more recent version of this provision, including special procedures for nominating members of the Committee on Rules, see supplements to this edition as they appear.

20. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 6.

1. See Democratic Caucus Rules (July 20, 1971), addendum, paragraph 6.

2. See 8 Cannon's Precedents § 3621.

committees of the House, the selection of members for specified party positions, and the duty to report its action to a Republican Conference. Pursuant to recommendations of a task force, the Republican Committee on Committees now names its choice, not necessarily on the basis of seniority, for the ranking Republican Member on each House committee; the Republican Conference then votes, by secret ballot, on each such nomination separately.⁽³⁾

Refusal by House to Overrule Caucus

§ 9.3 In the 92d Congress, the House declined to depart from the procedure whereby each party determines the assignments and rank of its

3. See the remarks of Mr. Gerald R. Ford, of Michigan, quoted in this section, *supra*. See also Congressional Quarterly's *Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971) p. 171, discussing the changes noted above in the use of seniority as a basis for determining committee assignments.

For general discussion of procedures by which party members are assigned to House committees, see Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), DD. 35-37.

members on standing committees of the House.

In the 92d Congress,⁽⁴⁾ a few Democratic Members opposed their party's selection of Mr. John L. McMillan, of South Carolina, as Chairman of the Committee on the District of Columbia. One of the Democratic Members, Mr. Jerome R. Waldie, of California, announced his intention to submit the issue of such committee assignment to the whole House, thereby challenging the custom that committee assignments as determined by the respective parties will not be challenged in the House. The announcement was as follows:⁽⁵⁾

MR. WALDIE: Mr. Speaker, at the appropriate time in today's proceedings a resolution that encompasses the decisions of the majority caucus with relationship to chairmen of standing committees and members thereof will be presented to the House for approval. It is my understanding that customarily the decision of the majority caucus in these matters has been traditionally accepted without any objection from any Member of the House of Representatives. It will be my intention at this particular moment, however, to subject that tradition to a test today, and I will ask the House to vote down the previous question when the pre-

vious question is sought in order to permit that resolution to be open to amendment.

If the previous question is voted down, and the resolution is thereupon open for amendment, it would be my intention to offer an amendment to the resolution appointing standing committee chairmen to delete the standing committee chairman of the House District of Columbia Committee.

After the introduction of the resolution assigning Democratic Members to House committees, a debate took place in the House on the issues raised by Mr. Waldie's action, as follows:

MR. WALDIE: . . . [It is] my intention to request the entire House to consider this proposal. I recognize that is a departure not from the rules of the House, which are explicit that the entire House of Representatives participate in this decision, but from the custom of the House, which is that the majority party in the enclaves of their caucus make the determinations and the minority party accepts those decisions. It is my own personal conviction that this issue is of national importance and all of the legislative representatives of the Nation, of the minority and of the majority, should participate. . . .

It has been usually the case that the minority party has been outspoken in their concern and condemnation of the seniority system because their opportunity of implementing any change in that system would not be existent. Today, that opportunity will be afforded you and I hope you will join with those who believe that the deci-

4. See 117 CONG. REC. 1708-1714, 92d Cong. 1st Sess., Feb. 4, 1971.

5. 117 CONG. REC. 1707 92d Cong. 1st Sess., Feb. 4, 1971.

sion to continue this committee as it has been in the past was a wrong decision which was made in the majority caucus.⁽⁶⁾

In opposition to Mr. Waldie's proposal, Majority Leader Hale Boggs, of Louisiana, spoke as follows:⁽⁷⁾

MR. BOGGS: Would the gentleman not agree that we would be establishing a precedent here that could be carried to any length and in truth and in fact, if the majority party voted unanimously, we could displace any committee member or every committee member nominated by the minority.

In response to the Majority Leader's question, Mr. Waldie stated as follows:⁽⁸⁾

MR. WADE: . . . I would say that in those instances where the national interest is not being properly cared for, that comity, custom, and courtesy of the House should be reconsidered and the rules of the House followed in those instances where comity, courtesy, and custom are contrary to the rules and to the interest of the American people.

The following discussion then took place:⁽⁹⁾

MR. BOGGS: . . . [I]s it not accurate that if a minority on the Democratic side and a majority on the minority side get together they could take over

6. 117 CONG. REC. 1709, 92d Cong. 1st Sess., Feb. 4, 1971.

7. *Id.*

8. *Id.*

9. *Id.*

control of the entire committee system in the House? . . .

MR. WALDIE: That is true, but if by so doing the national interest were advanced I would not find that objectionable.

MR. BOGGS: As to the question of whether or not the national interests are involved, again I defer to the distinguished chairman, but the gentleman was here on yesterday when this matter was debated and the gentleman knows that this matter was debated fully, without any effort to limit debate, and that a vote was taken, and that a majority decision was made to adopt the committee chairman as recommended by the committee on committees.

MR. WALDIE: I recognize . . . that the debate was fair and proper, and that the decision represented the vote of the majority, but the national interests, however, are not represented per se by the majority of the Democratic caucus . . . and I would like to again accord under our rule the opportunity of the minority to participate in the determination as to whether the national interests have been served.

Mr. Phillip Burton, of California, in expressing his objections to Mr. Waldie's proposal, stated in part as follows:

MR. BURTON: . . . It is a most dangerous precedent, I would think, without regard to the political point of view that any of us might hold, to in effect give the minority caucus veto power over the majority caucus deliberations as to whom they select to lead the various committees of the Congress.⁽¹⁰⁾

10. 117 CONG. REC. 1710, 92d Cong. 1st Sess., Feb. 4, 1971.

In a series of exchanges with other Members, Minority Leader Gerald R. Ford, of Michigan, made clear his opposition to Mr. Waldie's proposal. The following excerpts⁽¹¹⁾ reveal the Minority Leader's position:

MR. FORD: Is it correct that the resolution presently before the House is a resolution offered on behalf of the Democratic Caucus? The resolution is the recommendations for committee assignment on the Democratic side.

THE SPEAKER: [Carl Albert, of Oklahoma]: The gentleman is correct.

MR. FORD: Is it the procedure to be followed that subsequently a comparable resolution will be offered representing the views of the Republican Conference?

THE SPEAKER: The gentleman is correct.

MR. FORD: Mr. Speaker, I think this factual situation clearly sets forth the issue that is before us. The Democratic Caucus made a decision on committee chairman. Whether we on our side agree with it or not, by precedent that is a matter within the ranks and prerogatives of the majority party.

. . . [Mr. Waldie] was unable to persuade a majority of the Democrats to his view. I do not think that we on the Republican side ought to succumb to his arguments of this occasion. Therefore, Mr. Speaker, I would certainly hope and trust that the Republicans on this issue, on a Democratic resolution expressing the views of the Democratic Party, should not under any cir-

11. See 117 CONG. REC. 1710-1712, 92d Cong. 1st Sess., Feb. 4, 1971.

cumstances vote "nay" on the motion to order the previous question. As Republicans we should exercise our option to vote "yea" or "present" on the previous question, because the matter is one for the Democrats to decide and not for us.

Mr. Wilbur D. Mills, of Arkansas, who had introduced the resolution naming Democratic Members to committees, moved the previous question on the resolution.⁽¹²⁾ By vote of the House, the previous question was ordered, and the Speaker announced that the question was on the resolution. The resolution was agreed to.⁽¹³⁾

Parliamentarian's Note: It has been stated⁽¹⁴⁾ that, "motions for the election of Members to committees are debatable and are subject to amendment." Although the House in the above proceedings declined to allow an amendment to the Democratic resolution, it is worth noting the procedure employed in challenging the resolution, comprising a request for a "no" vote on the previous question, which would have opened the resolution to amendment.⁽¹⁵⁾ If the House had permitted an amendment deleting

12. 117 CONG. REC. 1714, 92d Cong., 1st Sess., Feb. 4, 1971.

13. *Id.*

14. 8 Cannon's Precedents § 2172.

15. 117 CONG. REC. 1709, 92d Cong., 1st Sess., Feb. 4, 1971.

the portion relating to the chairmanship of the Committee on the District of Columbia and adopted the resolution as amended, another chairman of that committee would have had to be recommended by the Committee on Committees for caucus approval.⁽¹⁶⁾

Committee Assignments of Third-Party Members

§ 9.4 The role of third party caucuses in obtaining committee assignments for their members has been minimal. In the most recent practice, committee assignments for members of third parties have been determined by the majority party, and such assignments have been included in the resolution naming majority party members to committees.

In the 75th Congress, the resolution naming Democratic Members to House committees included as well the names of members of the Farmer-Labor and Progressive parties. Members of the Farmer-Labor Progressive group, as they were referred to, objected to the method by which their com-

mittee assignments were determined, and the issues raised by their objections were debated on the floor of the House.

Following the introduction of the majority party's resolution pertaining to committee assignments, the following proceedings took place:⁽¹⁷⁾

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, I ask unanimous consent that the reading of the names in the resolution be dispensed with and that the names be printed in the Record. It is simply a list of the majority members of the various committees.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Will the gentleman yield?

MR. RAYBURN: I yield to the gentleman. . . .

MR. BOILEAU: Does the gentleman state to the House these are merely the names of the majority members?

MR. RAYBURN: There are also assigned the so-called Progressive Members.

MR. BOILEAU: The Members of the Farmer-Labor and Progressive Parties are included in there?

MR. RAYBURN: YES.

Mr. Boileau, after making certain parliamentary inquiries, addressed the House on the subject of the committee assignments for the Farmer-Labor and Progressive Members of the House. The de-

16. See 117 CONG. REC. 1707, 92d Cong., 1st Sess., Feb. 4, 1971 (remarks of Mr. Waldie).

17. 81 CONG. REC. 203, 75th Cong. 1st Sess., Jan. 13, 1937.

For references relating to third parties generally, see § 2 supra.

bate that ensued⁽¹⁸⁾ centered on the contention of the Farmer-Labor Progressive Members that either their group should have been given a definite bloc of committee assignments to be apportioned among their Members as the group itself should decide, or that the assignments of the Farmer-Labor-Progressive Members should have been taken out of the quota of committee assignments set aside for minority Members of the House. The remarks of Mr. Boileau and other Members were as follows:⁽¹⁹⁾

MR. BOILEAU: . . . I had received word, entirely unofficially, that the majority committee on committees, consisting of the Democratic members of the Ways and Means Committee, had made the assignments to the various committees covering the majority Members of the House, and that the question had been decided by the Democratic committee on committees as to the number and importance of committees to which the Farmer-Labor and Progressive Members of the House were to be assigned. After I had received that notice I thought it was the proper thing to notify the Democratic chairman of the Committee on Ways and Means, who is also chairman of the Democratic committee on committees, that I intended to address the House on this particular subject. I felt

that he and other members of the committee should know that we, the Farmer-Labor and Progressive Members, were entirely dissatisfied with the treatment accorded us, not only in the matter of committee assignments but also in a slight degree we were dissatisfied because we had not had adequate opportunity to present our request to the committee on committees with reference to individual assignments. . . .

We of the Farmer-Labor Progressive group . . . demand that we be considered for all intents and purposes as a minority group. In no sense of the word can we ever be considered as a majority group. The precedents of the House are clear on that subject. It has been established over a long period of years that those Members with political designations other than the two dominant parties—in our instance the third party or fourth party, the Farmer-Labor-Progressive Members, or the so-called third party Members of the House—have received their appointments from the Members of the majority party.

This is probably as it should be. We prefer to have a definite bloc of committees assigned to us, but we are not pressing that issue now. We are asking for proper recognition on the committees, and it has been the traditional policy of the Congress . . . that the dominant or the majority party . . . should make assignments to the third party men in the resolution electing the majority Members. . . .

It is good parliamentary procedure that the Democrats in this instance should give us our assignments, but we do maintain that our assignments should come out of the assignments set aside for minority Members.

18. See 81 CONG. REC. 203–212, 75th Cong. 1st Sess., Jan. 13, 1937.

19. See 81 CONG. REC. 203, 204, 75th Cong. 1st Sess., Jan. 13, 1937.

. . . [O]ur assignments as committee members of the House should be taken out of the quota that the precedents and the rules set aside for minority Members.

There is nothing in the rules of the House that provides that such assignments should be divided between Democrats and Republicans. All the rules and all the precedents are that the assignments should be made as among the majority on the one hand and among the minority Members on the other, and I submit to you that as minority Members of the House—and this is the crux of our entire argument and I hope you will get this point—we are entitled to be given just the same consideration as is given to other minority Members of the House. In other words, we should be given as much consideration, in proportion to our percentage of the minority Members of the House, as the Republicans or any other group of minority Members in this body. . . .

During the Seventy-fourth Congress there were 82 major committee assignments made to minority members. The Republicans, the Farmer-Laborites, and Progressives altogether had 82 assignments on the 11 major committees of the House.

There are 102 minority Members over on this side of the House in this Congress. There are 89 Republicans, 8 Progressives, and 5 Farmer-Laborites, a total of 102 minority Members. The fair proportion of this group of 13 Progressives and Farmer-Laborites is 12³/₄ percent of the major committee assignments. That is fair. If we are to have our share of minority assignments on major committees, that is what we are entitled to. If we are to be given 12³/₄

percent of the minority committee assignments on major committees, we would be entitled to 10.45. . . . We are willing to have 10.

Gardener R. Withrow, of Wisconsin, Chairman of the Farmer-Labor-Progressive party's Conference, stated the reasons underlying his party's contentions. Stating that his group had not been treated fairly, he continued as follows: ⁽²⁰⁾

MR. WITHROW: . . . I do want to say that in my opinion the crux of this question is that some time ago an agreement was made between the Republicans and the Democrats, who at that time were the only parties in the House of Representatives. That unwritten agreement was to the effect that a certain ratio would be maintained between the majority and the minority parties regardless of how few Members the minority party had. In accordance with said agreement the ratio is being maintained at the present time. But what has happened? There has come to the House of Representatives another group, a truly minority group. The Republicans demand in this particular case that the ratio shall be maintained, and the result is that we the Progressive and Farmer-Labor groups are being sacrificed.

If we were treated on a par with the Republican membership of this House, we should have 10 major committee assignments, whereas we have only 3 major committee assignments. This is the unfairness of it all, and, my friends on the Democratic side of the aisle, you are being penalized as well as we, because our committee assignments at

20. 81 CONG. REC. 208, 75th Cong. 1st Sess., Jan. 13, 1937.

the present time really belong to you as a majority. We should not be forced to take our committee assignments from the majority or from the committee on committees of the Republicans; they should be assigned to us in a block for us to do with as we please, because, Mr. Speaker, we are in every sense a part of the minority group of this House.

Members speaking in opposition to the position taken by the Farmer-Labor-Progressive party members attached importance to that party's alleged lack of status as a national party.⁽¹⁾ In addition, those supporting the resolution listing committee assignments relied on the alleged failure of the Farmer-Labor-Progressive Members to make timely application to the Democratic Committee on Committees for the particular committee assignments desired.⁽²⁾

Mr. Fontaine M. Maverick, of Texas, while characterizing the Progressive group as a national movement and praising their work, stated that he would vote to sustain the committee assignments as made by the Democratic members of the Committee on Ways and Means. Mr. Maverick's remarks were as follows:⁽³⁾

1. See 81 CONG. REC. 209, 75th Cong. 1st Sess., Jan. 13, 1937 (remarks of Mr. John W. McCormack [Mass.]).
2. See 81 CONG. REC. 210, 211, 75th Cong. 1st Sess., Jan 13, 1937 (exchange between Messrs. McCormack and Boileau).
3. 81 CONG. REC. 211, 212, 75th Cong., 1st Sess., Jan. 13, 1937.

. . . I believe that we should go out of our way to be fair with this group of Progressives. I am, however, going to vote to sustain the Committee on Ways and Means, because . . . I do not believe the Progressive-Farmer-Labor group has been quite as aggressive as they should have been in asking for these committee assignments ahead of time. . . .

The resolution assigning members of the Democratic Party and the Farmer-Labor-Progressive group was adopted by the House without change.⁽⁴⁾

Parliamentarian's Note: A rule has been stated⁽⁵⁾ that, in the allotment of committee assignments the party in control is termed the majority and all the other parties constitute the minority and that committee assignments of all parties other than the controlling party are charged to the minority.⁽⁶⁾

Committee Assignments as Instrument of Party Discipline

§9.5 The power to determine committee assignments has been used by the caucus as a means of disciplining Members for actions considered disloyal to the party.

4. 81 CONG. REC. 212, 75th Cong. 1st Sess., Jan. 13, 1937.
5. 8 Cannon's Precedents §2184.
6. Instances of the application of this rule are cited. See 8 Cannon's Precedents §§2184, 2185.

In the 90th Congress, the resolution assigning Democratic Members to House committees left vacancies on two committees—the Committees on the District of Columbia and on Interstate and Foreign Commerce—pending further consideration by the caucus of the committee assignments and seniority of Mr. John Bell Williams, of Mississippi.⁽⁷⁾ Mr. Williams, who had endorsed the 1964 Republican Presidential candidate, had for that reason been reduced in rank on the two committees by action of the Democratic Caucus.⁽⁸⁾ In the 90th Congress, following the introduction of the Democratic resolution, the following proceedings took place:⁽⁹⁾

MR. WILLIAMS of Mississippi: . . . Mr. Speaker, in view of the extraordinary action which was taken in the last Congress with respect to my seniority position on the Committee on Interstate and Foreign Commerce and the Committee on the District of Columbia, it is my understanding that the Democratic Committee on Commit-

7. See resolution assigning Democratic Members to committees in the 90th Congress in 113 CONG. REC. 1086, 90th Cong. 1st Sess., Jan. 23, 1967.
8. See the resolution assigning Democratic Members to committees in the 89th Congress, 111 CONG. REC. 809, 810, 89th Cong. 1st Sess., Jan. 18, 1965.
9. 113 CONG. REC. 1086, 1087, 90th Cong. 1st Sess., Jan. 23, 1967.

tees has felt it incumbent on them to take the matter of my committee rank to the caucus for final determination. In view of that, Mr. Speaker, I have directed a letter to the chairman of the Committee on Committees requesting that I not be assigned to any committee until such time as this matter can be determined finally by the caucus.

Mr. Speaker, it is my understanding, in view of the committee assignments that have just been read, that this request was acceded to.

Now, Mr. Speaker, in fairness to my Democratic colleagues . . . it would appear to me that this matter should be disposed of as soon as practicable.

Mr. Speaker, this afternoon I am prepared to direct a letter to the chairman of the caucus, requesting that a caucus be called as soon as practicable for the purpose of determining my relative rank in being assigned to my two committee assignments.

The letter referred to by Mr. Williams was included in the Record,⁽¹⁰⁾ and reads in part as follows:

. . . If the Committee on Committees is unable at this time to place me other than in fifteenth position on the Committee on Interstate and Foreign Commerce, I respectfully request that I not be assigned now.

This request applies to the Committee on the District of Columbia, also. . . .

Later in the first session of the 90th Congress, Mr. Thomas G.

10. 113 CONG. REC. 1087, 90th Cong. 1st Sess., Jan. 23, 1967.

Abernethy, of Mississippi, made the following remarks respecting the retirement of Mr. Williams from the Congress and the disciplinary action that had been taken by the Democratic Caucus. Mr. Abernethy's remarks were in part as follows:⁽¹¹⁾

MR. ABERNETHY: Mr. Speaker, my friend and colleague, the gentleman from Mississippi, Mr. John Bell Williams, will shortly retire from the House of Representatives. . . .

There are numerous Members of this body and literally millions around the country who feel that the treatment accorded Mr. Williams was unreasonable and unjustified. Certainly it was unprecedented. . . .

. . . His would-be disciplinarians unsuspectingly and unintentionally made a great contribution toward elevating him to the high position of Governor of his home State, the State of Mississippi.

The Democratic Caucus in the 89th Congress also took similar action with respect to Mr. Albert W. Watson, of South Carolina. Mr. Watson had been elected to the

89th Congress as a Democrat, and, like Mr. Williams, had supported the Republican Presidential candidate in 1964. For that reason, the caucus directed that Mr. Watson be given a low-ranking committee position. Subsequently, Mr. Watson announced his intention to change his political affiliation. As a result, he was elected to the Committee on Interstate and Foreign Commerce as a Republican.⁽¹²⁾ At the time he made his declaration regarding the change in his party affiliation, Mr. Watson announced his decision to resign so that his constituents could, by their votes in a special election, indicate their approval or disapproval of his action. On Jan. 18, 1965, the Speaker laid before the House a letter from Mr. Watson stating that Mr. Watson had submitted a letter of resignation to the Governor of South Carolina,⁽¹³⁾ such resignation "to become effective upon such date as the Governor or may set for a special election to fill the vacancy." Mr. Watson actually resigned from the House on Feb. 1, 1965.⁽¹⁴⁾

11. 113 CONG. REC. 36598, 36599, 90th Cong. 1st Sess., Dec. 14, 1967. See also the remarks of Mr. Walter B. Jones (N.C.) (113 CONG. REC. 3513, 90th Cong. 1st Sess., Feb. 16, 1967), to the effect that the Democrats had been inconsistent in the treatment accorded by different segments of the party to those party members who refused to support Democratic political candidates.

12. See resolution assigning Republican Members to committees at 111 CONG. REC. 992, 89th Cong. 1st Sess., Jan. 21, 1965.

13. Mr. Watson's letters to the Speaker and to the Governor appear at 111 CONG. REC. 805, 806, 89th Cong. 1st Sess., Jan. 18, 1965.

14. See communications laid before the House by the Speaker on Jan. 28,

In a special election, Mr. Watson was re-elected to the House as a Republican. On June 16, 1965,⁽¹⁵⁾ the House, at the request of Minority Leader Gerald R. Ford, of Michigan, permitted Mr. Watson to be sworn although his certificate of election had not arrived.

More recently, the seniority of Democratic Member John R. Rarick, of Louisiana, was reduced by action of the caucus. Mr. Rarick, who had refused to support his party's Presidential candidate in 1968, was for that reason assigned a lower rank on the Committee on Agriculture than he would otherwise have had.⁽¹⁶⁾

1965 (111 CONG. REC. 1452, 89th Cong. 1st Sess.); such communications, signed by Mr. Watson, stated in part that, "It now clearly appears that the Governor intends no affirmative action on this matter. Therefore . . . I have this day transmitted to him my resignation effective upon the adjournment of the House on Monday, February 1, 1965."

15. See 111 CONG. REC. 13774, 89th Cong. 1st Sess.

16. See the resolution assigning Democratic Members to standing committees of the House at 115 CONG. REC. 2083, 91st Cong. 1st Sess., Jan. 29, 1969. For discussion of departures from the seniority rule in both the House and Senate, frequently for purposes of imposing the party's discipline, see *Congressional Quarterly's Guide to the Congress of the United*

In each of the above instances, the party's discipline was imposed on a Member for his opposition to the party's Presidential candidate. Cannon cites an instance⁽¹⁷⁾ wherein Republican Members were disciplined by removal from committees or reduction in committee rank for their failure to abide by the action of their party caucus with respect to matters under consideration in the House. It should be noted, however, that the discipline in this case was imposed by the Speaker of the House at a time when the Speaker made appointments to standing committees.

§ 10. —Policy Determination; Party Decisions as Binding

[Note: The following is descriptive of the practices in some Congresses. For discussion of current

States, Congressional Quarterly Service (Washington, D.C., 1971), pp. 171, 172. See also the discussion of caucus action, taken in the 90th Congress, whereby Mr. Adam Clayton Powell, Jr. (N.Y.) was divested of a committee chairmanship on various grounds (113 CONG. REC. 22, 90th Cong. 1st Sess., Jan. 10, 1967 [remarks of Mr. James C. Wright, Jr., of Texas]).

17. See 8 Cannon's Precedents §3606.

practices that may differ in some particulars from those stated, see supplements to this edition as they appear.]

The party caucus or conference develops party positions with respect to specific issues. Thus, a consensus may be reached in the caucus or conference with regard to legislation or rules changes currently under consideration, or desired to be presented for consideration, by the House or committees in the House. Party leaders and other members are thus advised of the party's sentiment on particular issues, and actions may be authorized in the House based on the decisions of the caucus or conference.⁽¹⁸⁾

As an example of how a caucus decision may be reflected in action taken in the House, a view adopted by the Democratic Caucus with respect to certain committee procedures was incorporated in a resolution introduced to the House in the 92d Congress. A resolution ex-

18. For remarks indicating that particular resolutions were offered "by direction of the . . . caucus" or "under instructions of the . . . caucus," see for example, 117 CONG. REC. 132, 92d Cong. 1st Sess., Jan. 22, 1971 (remarks of Mr. William M. Colmer [Miss.]); and 111 CONG. REC. 23, 89th Cong. 1st Sess., Jan. 4, 1965 (remarks of Mr. Carl Albert [Okla.]).

pressing the sense of the Democratic Caucus⁽¹⁹⁾ stated, in part,

Resolved, That it is the sense of the Democratic Caucus that . . .

9. All committees shall provide in their rules of procedure for the application of the 5-minute rule in the interrogation of witnesses until such time as each member of the committee who so desires has had an opportunity to question the witness.

The above provision was incorporated in a resolution introduced in the House on Jan. 21, 1971.⁽²⁰⁾ The same House resolution reflected another paragraph of the caucus resolution,⁽¹⁾ containing a recommendation "that the Select Committee on Small Business be made a permanent select committee of the House without legislative jurisdiction except to make investigations and reports."

A Democratic Caucus Rule provides:⁽²⁾

7. In deciding upon action in the House involving party policy or principle, a two-thirds vote of those present and voting at a caucus meeting shall bind all members of the caucus; provided, the said two-thirds vote is a ma-

19. See Democratic Caucus Rules (July 20 1971), addendum, paragraph 9.

20. See H. Res. 5 at 117 CONG. REC. 14, 92d Cong. 1st Sess.

1. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 11.

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

majority of the full Democratic membership of the House: and provided further, that no Member shall be bound upon questions involving a construction of the Constitution of the United States or upon which he made contrary pledges to his constituents prior to his election or received contrary instructions by resolutions or platform from his nominating authority.

The rule permitting decisions of the caucus in some instances to bind all Democratic Members is one of long standing.⁽³⁾ It has been applied to permit the caucus to issue directives to Democratic members of House committees with respect to disposition of matters under consideration,⁽⁴⁾ and to assure party members' support of party positions taken with respect to issues before the House.

In the 92d Congress, the following remarks were made with reference to a caucus decision regarding the right of the minority to funds for staffing:⁽⁵⁾

3. See 8 Cannon's Precedents §§3605, 3609. For recent changes in the caucus rules, and the current practice, see supplements to this edition.
4. See discussion in Galloway, George B., *History of the House of Representatives*, Thomas Y. Crowell (New York, 1961), pp. 137, 140.
5. 117 CONG. REC. 44, 92d Cong. 1st Sess., Jan. 21, 1971. For other remarks of a similar nature relating to the unit rule of the caucus, see 117 CONG. REC. 433, 434, 92d Cong. 1st

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, the act of the Democratic caucus binding Democratic Representatives to vote for repeal of the minority staffing provision which we enacted into law last fall is a shocking breach of faith . . . [U]nder the rules of the Democratic caucus, as they have been explained to me, all Members of the Democratic Party are bound to vote to repeal the minority staffing provisions. Debate cannot change their votes. Neither can their consciences nor senses of fairness change their votes. . . .

Cannon quotes remarks of Speaker Champ Clark, of Missouri,⁽⁶⁾ made in 1913 when the caucus rules were substantially as they are now,⁽⁷⁾ to the effect that caucus action taken by a two-thirds vote is not binding on constitutional questions or "matters of conscience or where a Member has made promises or pledges in his campaign for election."

The Republicans do not have a formal rule making the decisions of the conference binding on all Republicans, although a consensus developed in the conference is persuasive.⁽⁸⁾

Sess., Jan. 25, 1971 (remarks of Mr. Benjamin B. Blackburn (Ga.), and related materials, including a copy of the Democratic Caucus Rules inserted in the Record).

6. See Cannon's Precedents 3605.
7. See the caucus rules set forth in 8 Cannon's Precedents §3609.
8. See Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes

In the course of a debate in the 92d Congress over the election of Democratic Members to committees,⁽⁹⁾ the following discussion took place with respect to the existence of a “unit rule” in the Republican Conference and with respect to the views of the Republican Party on the issues before the House:⁽¹⁰⁾

MR. [JOHN] CONYERS [Jr., of Michigan]: . . . [T]he question is, do the minority Members intend to simply ratify the decisions from the majority caucus or are they entitled and obligated to make an evaluatory determination as to what they think is correct regarding who should be the chairmen of the various committees in this 92nd Congress? . . .

MR. GERALD R. FORD [of Michigan]: . . . We do not have a unit rule on our side of the aisle. The Republican Conference does not bind its Members to vote as a majority of the conference decides. As Republicans, we do not dictate to our members.

MR. CONYERS: Then who were you speaking for when you said that your party or your membership was going to ratify the Democratic decisions if you do not have the unit rule?

MR. GERALD R. FORD: Mr. Speaker if the gentleman will yield further, our

(Boston, 1941), p. 35, to the effect that in some instances the Republicans vote as uniformly in support of party positions as do the Democrats.

9. See §9.3, supra.

10. 117 CONG. REC. 1712, 92d Cong., 1st Sess., Feb. 4, 1971.

Members will have voted for our nominees for ranking Members on each of the committees . . . we do not think under our political system in America that you, the Democrats, should make decisions for us. We do not think we should become involved in making decisions for your party. . . .

We should not vote against the previous question. That is your decision. We will take care of ourselves when the next resolution is offered.

MR. CONYERS: In other words, the distinguished minority leader leaves to the discretion of every Member on the other side of the aisle the right to review in his own mind the validity of these Democratic Caucus recommendations; is that correct?

MR. GERALD R. FORD: That is correct. Each Member on our side will make up his own mind. As I said a moment ago, we have no unit rule in the Republican Party.

An instance has been cited wherein Republican Members failing to abide by the action of their party caucus were disciplined by removal from committees or reduction in rank.⁽¹¹⁾ The situation described arose at a time when the power over committee assignments resided in the Speaker, and when the caucus was dominated by Speaker Joseph G. Cannon, of Illinois.⁽¹²⁾

11. See 8 Cannon's Precedents §3606.

12. See *Congressional Quarterly's Guide to the Congress to the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 141.

C. PARTY COMMITTEES AND INFORMAL GROUPS

§ 11. Committee on Committees

Each party has created a committee on committees,⁽¹³⁾ whose function is to determine the assignments of the respective party members to positions on standing committees of the House, subject to approval by the party and by the House.⁽¹⁴⁾

The Democratic Committee on Committees has in past Congresses consisted of the Democratic members of the Committee on Ways and Means, who have been selected by secret ballot in the party caucus.⁽¹⁵⁾ The Republican Committee on Committees consists of one Member from each

state having Republican representation in the House, such Member having been chosen by his state delegation and approved by the Republican Conference.⁽¹⁶⁾

The Democratic committee's recommendations to the caucus regarding committee assignments need not follow seniority, and may under certain circumstances be voted on separately by secret ballot in the caucus.⁽¹⁷⁾ The Republican practice is similar in the case of the selection of the ranking Republican on each committee.⁽¹⁸⁾

The list of committee assignments as determined by the committee on committees and the caucus or conference is submitted to the House in the form of a resolution. The Democratic resolution has, under the practice in effect in past Congresses, generally been offered by the Chairman of the Committee on Ways and Means,⁽¹⁹⁾ although on at least

13. See § 8, *supra*. The party committee on committees and its relationship to the caucus or conference, have been discussed extensively elsewhere. See §§ 8 and 9, *supra*. The discussion here is a brief summary of the committee's composition and functions.

14. See §§ 9.2, 9.3, *supra*. As to criteria that may affect the determination of committee assignments, see § 9, *supra*.

15. See § 9.1, *supra*. For discussion of current practice, in which the function of determining committee assignments has been transferred to a different party committee, see supplements to this edition as they appear.

16. See § 8, *supra*.

17. See § 9, *supra*.

18. See §§ 9, 9.2, *supra*.

19. See, for example, 117 CONG. REC. 1708, 1713, 92d Cong. 1st Sess., Feb. 4, 1971; and 115 CONG. REC. 2083, 91st Cong. 1st Sess., Jan. 29, 1969. The resolution has also been offered on occasion by the Chairman of the Democratic Caucus (see § 3.12, *supra*).

one occasion, in the absence of the chairman, a resolution electing a new Democratic Member to a committee was offered by the ranking majority member of the Committee on Ways and Means.⁽²⁰⁾ Resolutions electing Democratic Members to the Committee on Ways and Means itself, of course, have under these procedures been offered by the Chairman of the Democratic Caucus.⁽¹⁾ The resolution assigning Republican Members to House committees is generally offered in the House by the Republican floor leader.⁽²⁾

The House has declined to alter the procedure whereby each party, through the action of that party's committee on committees and its caucus or conference, determines the committee assignments for its members.⁽³⁾

The Republican Committee on Committees has made recommendations respecting the selection of the Republican whip.⁽⁴⁾

20. See 112 CONG. REC. 15889, 89th Cong. 2d Sess., July 18, 1966.

1. See §3.11, supra 1.

2. See §19.7, infra.

3. See §9.3, supra.

4. See 8 Cannon's Precedents §§3616, 3619, 3620, 3621; Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), pp. 36, 37. The Republican floor leader has announced the selection of the party whip, "on behalf of the Committee on Committees" (see §23.3, infra).

Electing Members From Both Parties

§ 11.1 In unusual circumstances, the Chairman of the Democratic Committee on Committees offered a resolution electing Members from both parties to the newly created Committee on Internal Security.

In the 91st Congress, the House agreed to an amendment to its rules, abolishing the Committee on Un-American Activities and transferring the jurisdiction of that committee to a new standing committee of the House on internal security.⁽⁵⁾ A resolution was offered by the Chairman of the Democratic Committee on Committees for the purpose of electing the sitting members of the Committee on Un-American Activities to the newly created Committee on Internal Security.⁽⁶⁾ The resolution elected both Democratic and Republican Members to the newly created committee, and referred all bills, resolutions, executive communications, and other papers pending before the Committee on Un-American Activities to the new committee.

Parliamentarian's Note: The resolution was offered by the

5. See 115 CONG. REC. 3723, 3724, 3745-3747, 91st Cong. 1st Sess., Feb. 18, 1969.

6. See 115 CONG. REC. 3747, 91st Cong. 1st Sess., Feb. 18, 1969.

Chairman of the Democratic Committee on Committees after consultation with and approval of the Minority Leader. Both majority and minority party members were elected by name, rather than by the designation, "sitting members of the Committee on Un-American Activities," so that their election could be more easily certified to a court in case of legal proceedings relating to the committee. Such procedure avoided the necessity of having to refer back at some future time to the previous resolutions electing the members to the Committee on Un-American Activities.

Announcement of Meeting

§ 11.2 The Republican floor leader made an announcement in the House concerning a meeting of the party Committee on Committees.

The Minority Leader in the 75th Congress, Bertrand H. Snell, of New York, made the following announcement in the House:⁽⁷⁾

MR. SNELL: Mr. Speaker, there will be a meeting of the Republican members of the committee on committees at 4 o'clock this afternoon in the rooms of the Interstate and Foreign Commerce

7. 81 CONG. REC. 201, 75th Cong. 1st Sess., Jan. 13, 1937.

Committee, located in the New House Office Building, and there will be a Republican Conference in this Hall at 10 o'clock tomorrow morning.

§ 12. Republican Policy Committee; Research Committee

The Republican Policy Committee studies proposed legislation, takes positions on matters of policy, considers legislative strategy,⁽⁸⁾ and serves the Republican Conference and leadership in an advisory capacity. The Policy Committee was formerly known as the Steering Committee until it was renamed in 1949.⁽⁹⁾

The Policy Committee may consist of Republican Members serving on legislative committees responsible for legislation under study by the Policy Committee.

An announcement of the selection of the Chairman of the Policy Committee has frequently been made in the House.⁽¹⁰⁾ By virtue of his status as a party leader, the Chairman of the Policy Committee

8. For discussion of a Democratic committee with similar functions see § 13, *infra*.

9. See *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D. C., 1971), p. 142.

10. See § 12. 1, *infra*.

has on occasion assumed the functions of the floor leader, particularly during formal affairs such as the extension of certain courtesies and the fulfillment of ceremonial duties.⁽¹¹⁾

The Committee on Research, through the use of task forces, does research in areas relating to particular issues, and presents reports and recommendations to the Republican Conference.

Announcement as to Chairmen

§ 12.1 The conference chairman has on occasion announced in the House the names of the persons selected by the conference as Chairmen of the Policy Committee and the Committee on Research.

In the 90th Congress, following the announcement of the selection of the minority whip, the Chairman of the Republican Conference announced as follows:⁽¹²⁾

MR. [MELVIN R.] LAIRD [of Wisconsin]: . . . The conference has also directed me to notify the House officially that the Republican Members have selected as Chairman of the Republican Committee on Policy the gen-

tleman from Arizona, the Honorable John J. Rhodes, and has chosen as Chairman of the Republican Committee on Research and Planning the gentleman from New York, the Honorable Charles E. Goodell.

In the 89th Congress, the conference chairman, immediately after announcing his party's selection of a Minority Leader, announced the election by the conference of a Chairman of the Republican Policy Committee.⁽¹³⁾ Similarly, in the 88th Congress, an announcement was made respecting the selection of the minority whip and the Chairman of the Policy Committee.⁽¹⁴⁾

Duties of Chairman

§ 12.2 The Chairman of the Republican Policy Committee, in the stead of the Minority Leader, was appointed to the committee to notify the President of the intention of the House to adjourn.

In the 91st Congress, the Majority Leader and the acting Minority Leader, the Chairman of the Republican Policy Committee, were appointed to the committee to notify the President of the intention of the House to adjourn.

11. See §§ 12.2, 12.3, *infra*.

12. 113 CONG. REC. 27, 90th Cong. 1st Sess. Jan. 10. 1967.

13. 111 CONG. REC. 20, 89th Cong. 1st Sess., Jan. 4, 1965.

14. 109 CONG. REC. 506, 88th Cong. 1st Sess., Jan. 17, 1963.

The proceedings were as follows:⁽¹⁵⁾

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I offer a resolution (H. Res. 1338) and ask for its immediate consideration.

[The Clerk read the resolution, which authorized the appointment of a committee to join with a similar committee of the Senate and inform the President of the readiness of Congress to adjourn. The resolution was agreed to.]

THE SPEAKER:⁽¹⁶⁾ The Chair appoints as Members on the part of the House of the committee to notify the President the gentleman from Oklahoma, Mr. Albert, and the gentleman from Arizona, Mr. Rhodes.

§ 12.3 Acting in the stead of the Minority Leader, the Chairman of the Republican Policy Committee offered a resolution expressing the praise of the House for the manner in which the Speaker had performed his duties.

In the 91st Congress, the Chairman of the Republican Policy Committee, John J. Rhodes, of Arizona, acting in the stead of the Minority Leader, offered a resolution thanking Speaker John W. McCormack, of Massachusetts, for the exemplary manner in which the Speaker had performed his

15. 116 CONG. REC. 44599, 91st Cong. 2d Sess., Jan. 2, 1971.

16. John W. McCormack (Mass.).

duties. The proceedings were as follows:⁽¹⁷⁾

THE SPEAKER. The gentleman from Virginia (Mr. Poff) will take the Chair. Mr. Poff assumed the Chair.

THE SPEAKER PRO TEMPORE (Mr. Poff). The Chair recognizes the gentleman from Arizona (Mr. Rhodes).

MR. RHODES of Arizona. Mr. Speaker, I offer a privileged resolution (H. Res. 1340) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1340

Resolved, That the thanks of the House are presented to the Honorable John W. McCormack, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress; and be it further

Resolved, That the House of Representatives hereby extends to its be-

17. 116 CONG. REC. 44600, 44601, 91st Cong. 2d Sess., Jan. 2, 1971.

Parliamentarian's Note: Mr. Gerald R. Ford (Mich.) the Minority Leader and Mr. Leslie C. Arends (Ill.), the minority whip, had left the city and had requested Mr. Rhodes and Mr. Richard H. Poff (Va.) to act in their stead with respect to the proceedings described above.

In the 90th Congress, a similar resolution was offered by the Chairman of the Republican Policy Committee, who was acting for the Minority Leader. 114 CONG. REC. 31371, 90th Cong. 2d Sess., Oct. 14 1968.

loved Speaker, the Honorable John W. McCormack, sincere wishes for a long, pleasant, and well-earned retirement.

THE SPEAKER PRO TEMPORE. The Chair recognizes the gentleman from Arizona.

MR. RHODES. Mr. Speaker, it is a proud duty which I perform in offering this resolution in appreciation to our great Speaker, the Honorable John McCormack of Massachusetts.

[Mr. Rhodes continued his remarks, sharing his personal memories of the Speaker and expressing appreciation of the Speaker's record of service.]

§ 13. Steering Committee

The Republican Conference in 1919 authorized the creation of a steering committee to be nominated by the Committee on Committees and elected by the party conference.⁽¹⁸⁾ The committee created by the Republicans is now known as the Policy Committee.⁽¹⁹⁾

A Democratic Steering Committee was created in the 73d Congress to consist of 15 Members elected to represent geographical zones.⁽²⁰⁾ Cannon stated that, "the Steering Committee is not respon-

sible to the caucus, and the election of its members . . . is not subject to caucus ratification or rejection";⁽¹⁾ that, "members of the Steering Committee are directly responsible to the membership of the zone from which elected and are subject to recall at any time";⁽²⁾ and that, "the Chairman of the Steering Committee is elected by the committee and is ineligible to succeed himself."⁽³⁾

The purposes of the Steering Committee as originally created were to consult with the various geographical groups on pending legislation, to promote unity among the groups, and to advise the party leadership as to legislative scheduling and floor strategy.⁽⁴⁾

The Democratic Steering Committee was relatively inactive for many years. But changes in the committee's composition and functions were included in an addendum to the 1973 caucus rules and, more recently, the committee has assumed new importance as the

18. See 8 Cannon's Precedents § 3621.

19. The Policy Committee is discussed in § 12, *supra*.

20. See 8 Cannon's Precedents § 3622.

1. 8 Cannon's Precedents § 3622.

2. *Id.*

3. *Id.*

4. See *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), pp. 142, 604. See also 8 Cannon's Precedents § 3622, discussing the functions of the steering committee.

Steering and Policy Committee. The current role of the committee, including its role in the determination of standing committee assignments for party members, will be discussed more extensively in supplements to this edition. Briefly, the committee at present is composed of the party leadership in addition to those members elected on a geographical basis or appointed by the Speaker. Its main functions are to make recommendations regarding party policy, legislative priorities, and the scheduling of matters for House or caucus action.

In the 89th Congress, resolutions were adopted authorizing payments from the contingent fund of the House to be applied to salaries for certain employees of the Steering Committee⁽⁵⁾ and to expenses of the committee.⁽⁶⁾

Members of the Democratic Steering Committee from its inauguration to Mar. 21, 1945, are listed in an appendix to the *Congressional Record* of the 79th Congress. In that Congress, Mr. William M. Whittington, of Mississippi, asked and was given permission to extend his remarks in the appendix of the Record and to include therein the membership rolls of the Democratic Steering

5. See §13.1, *infra*.

6. See §13.2, *infra*.

Committee from its inauguration, in addition to a partial list of the Chairmen of the Democratic Caucus.⁽⁷⁾ The list includes the ex officio members of the committee in each of the Congresses. In the 73d Congress, the ex officio members were the Speaker, floor leader, caucus chairman, Chairman of the Committee on Rules, and the whip. Beginning with the 76th Congress, the Chairman of the Committee on Ways and Means and the Chairman of the Committee on Appropriations were also designated as ex officio members of the Steering Committee. At present,⁽⁸⁾ ex officio members include the Speaker, the floor leader, the whip, the caucus chairman, the secretary of the caucus and the Chairman of the Congressional Campaign Committee.

Compensation for Employees

§ 13.1 The House on occasion has provided by resolution

7. The list appears in the appendix to the Record, 91 (part 10) CONG. REC. A1367, A1368, 79th Cong. 1st Sess., Mar. 21, 1945 (extension of remarks of Mr. William M. Whittington).
8. See *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 142; and Ripley, Randall B., *Party Leaders in the House of Representatives*, The Brookings Institution (Washington, D.C., 1967), p. 47.

for compensation to be payable from the contingent fund of the House to employees of the Democratic Steering Committee.

On Aug. 24, 1965,⁽⁹⁾ the following resolution was adopted by the House:

H. RES. 543

Resolved, That, effective September 1, 1965, there shall be payable from the contingent fund of the House of Representatives, until otherwise provided by law, compensation at a basic rate per annum not exceeding the maximum rate authorized by the Classification Act of 1949, as amended, to one employee of each of the following:

- (1) the House Democratic Steering Committee; and
- (2) the House Republican Conference.

Later in the first session of the 89th Congress,⁽¹⁰⁾ compensation for an additional employee of the Steering Committee was authorized by the following resolution:

H. RES. 625

Resolved, That, effective November 1, 1965, there shall be payable from

9. 111 CONG. REC. 21545, 89th Cong. 1st Sess. A resolution authorizing an increase in the compensation of the positions referred to in H. Res. 543, 89th Cong. 1st Sess. (1965), was rejected in the 91st Congress. See 116 CONG. REC. 27449, 27451, 91st Cong. 2d Sess., Aug. 5, 1970.
10. 111 CONG. REC. 28563, Oct. 22, 1965.

the contingent fund of the House of Representatives, until otherwise provided by law, compensation at a basic rate not exceeding \$4,180 per annum to one additional employee of each of the following:

- (1) the House Democratic Steering Committee; and
- (2) the House Republican Conference.

Expense Allowance

§ 13.2 The House adopted a resolution providing for payment for certain expenses of the Democratic Steering Committee from the contingent fund of the House.

In the second session of the 89th Congress,⁽¹¹⁾ the following resolution was agreed to by the House:

H. RES. 661

Resolved, That, effective January 3, 1966, there shall be payable from the contingent fund of the House of Representatives, until otherwise provided by law, not to exceed \$5,000 annually for necessary expenses, other than salaries, to each of the following:

- (1) the House Democratic Steering Committee; and
- (2) the House Republican Conference.

§ 14. Patronage Committee

Formerly, the patronage of the House was distributed through a

11. 112 CONG. REC. 170, Jan. 13, 1966.

patronage committee nominated by the Committee on Committees and elected by the majority caucus. Thus, in 1911, a caucus resolution⁽¹²⁾ provided for a committee that would distribute the appointive positions in the House organization among the members of "the various state delegations." And in 1918, the Republicans being in the majority, Republican members received from the temporary Chairman of their Committee on Committees instructions relating to the distribution of patronage.⁽¹³⁾

At the present time, the distribution of jobs through patronage is a very informal process. Many jobs on Capitol Hill, including a number in the offices of the Doorkeeper and the Sergeant at Arms of the House, are awarded through patronage, but no clear criteria exist by which the control of patronage is distributed to Members of the House. State delegations may be assigned quotas of jobs to be awarded under the patronage system.⁽¹⁴⁾

12. See 8 Cannon's Precedents § 3627.

13. See 8 Cannon's Precedents § 3628.

14. See *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 428. For more detailed discussion of the Patronage Committee, see Ch. 7, *infra*.

§ 15. Official Objectors' Committees

On the Consent and Private Calendars are placed bills of a noncontroversial nature, susceptible of passage by the House without extensive debate.⁽¹⁵⁾ Objection may be made, however, to consideration of any bill that has been called on either calendar, in which case disposition of the bill proceeds according to the rules of the House. For the purpose of determining whether objection should be made to any bills that have been called up on either calendar, official objectors appointed to act for each party analyze carefully the bills to be considered.⁽¹⁶⁾ Official Objectors' Committees are appointed by each party's floor leader.⁽¹⁷⁾

Proceedings relating to bills on the Private Calendar are set forth in a House rule providing, in part, that,⁽¹⁸⁾

On the first Tuesday of each month . . . the Speaker shall direct the Clerk to call the bills and resolutions on the Private Calendar. Should objection be

15. For general discussion of the Private and Consent Calendars, see Ch. 22, *infra*.

16. See §§ 15.2, 15.4, *infra*.

17. See §§ 15.1, 15.3, *infra*.

18. Rule XXIV clause 6, *House Rules and Manual* § 893 (1973).

made by two or more Members to the consideration of any bill or resolution so called, it shall be recommitted to the committee which reported the bill or resolution, and no reservation of objection shall be entertained by the Speaker. . . .

On the third Tuesday . . . the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar, preference to be given to omnibus bills containing bills or resolutions which have previously been objected to. . . .

Proceedings relating to bills on the Consent Calendar are also set forth in the rules. Thus, it is provided⁽¹⁹⁾ that,

. . . On the first and third Mondays of each month . . . the Speaker shall direct the Clerk to call the bills in numerical order, which have been for three legislative days upon the "Consent Calendar." Should objection be made to the consideration of any bill so called it shall be carried over on the calendar without prejudice to the next day when the "Consent Calendar" is again called, and if objected to by three or more Members it shall immediately be stricken from the Calendar. . . .

The objectors of both parties for the Consent Calendar may agree on and announce to the House certain rules or criteria by which the objectors will be guided in their consideration of bills on the calendar.⁽²⁰⁾ Similarly, objectors

for the Private Calendar generally announce agreements they have made respecting their consideration of bills on the Private Calendar.⁽¹⁾

Objectors for Consent Calendar—Appointment

§ 15.1 Official objectors for the Consent Calendar are appointed by each party's floor leader, who announces such appointments in the House.

In the 91st Congress, Mr. Wayne N. Aspinall, of Colorado, one of the objectors for the Consent Calendar, presented in the House a statement of the rules of operation of the official objectors for the Consent Calendar. Such statement read in part as follows:⁽²⁾

On February 18, the majority and minority floor leaders appointed their respective members of the official objectors committees, the gentleman from Oklahoma, Mr. [Carl] Albert, appointed three members of his party and the gentleman from Michigan, Mr. Gerald R. Ford, appointed three members of his party. The objectors committees are unofficial committees of the House of Representatives, existing at the request and at the pleasure of

19. Rule XIII clause 4, *House Rules and Manual* § 746 (1973).

20. See § 15.2, *infra*.

1. See § 15.5, *infra*.

2. 115 CONG. REC. 6543, 91st Cong. 1st Sess., Mar. 17, 1969.

the respective floor leaders of the two parties who, in order to facilitate the proper screening of legislation which may be placed on the Consent Calendar, designate members of each side of the aisle charged with the specific responsibility of seeing to it that legislation passing by such procedure is in the interest of good government.

The floor leaders generally announce to the House their respective appointments of objectors. Sometimes, the floor leader announces his designation of one of the objectors as Chairman of the Official Objectors' Committee. In the 91st Congress, the announcement of the appointment of objectors was as follows:⁽³⁾

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I have asked for this time for the purpose of announcing the official objectors for the Republican Members for the Consent Calendar. They are to be as follows: the gentleman from Washington (Mr. Pelly), the gentleman from Missouri (Mr. Hall), and the gentleman from Pennsylvania (Mr. Johnson).

In the 84th Congress, the announcement of the appointment of Democratic objectors for the Consent Calendar was made as follows:⁽⁴⁾

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I desire to

3. 115 CONG. REC. 3721, 91st Cong. 1st Sess., Feb. 18, 1969.
4. 101 CONG. REC. 496, 84th Cong. 1st Sess., Jan. 20, 1955.

announce to the House the appointment of the official Democratic objectors on the Consent Calendar as follows:

The distinguished gentleman from North Carolina, Mr. Deane, Chairman of the Committee on Consent Calendar Objectors; the gentleman from Colorado, Mr. Aspinall; and the gentleman from Massachusetts, Mr. Boland.

Generally, three members are appointed to the Official Objectors' Committee for the Consent Calendar and three members to the Committee of Official Objectors for the Private Calendar. There have been minor departures from this practice. In the 85th Congress, the appointment of four Republican objectors for the Consent Calendar was announced as follows:⁽⁵⁾

MR. [JOSEPH W.] MARTIN [Jr., of Massachusetts]: I desire to announce the appointment on the Republican side of members on the official objectors committee on the Consent Calendar: the gentleman from Iowa, Mr. Cunningham; the gentleman from Wisconsin, Mr. Byrnes; the gentleman from Michigan, Mr. Ford; and the gentleman from Nebraska, Mr. Weaver.

In the 82d Congress, three Democratic objectors were appointed who served on both the Consent and the Private Calendar. The announcement of the appointments was as follows:⁽⁶⁾

5. 103 CONG. REC. 1488, 85th Cong. 1st Sess., Feb. 4, 1957.
6. 97 CONG. REC. 792, 82d Cong. 1st Sess., Jan. 31, 1951. For other in-

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker . . . may I say that the following named Members will be the official objectors on the Democratic side for the 82nd Congress for the Consent Calendar and the Private Calendar: the gentleman from Arkansas [Mr. Trimble], the gentleman from North Carolina [Mr. Deane], and the gentleman from Colorado [Mr. Aspinall.]

Similarly, the announcement of the appointment of Democratic objectors in the 81st Congress was made as follows:⁽⁷⁾

MR. McCORMACK: Mr. Speaker, I desire to announce the appointment of the Objectors Committee on the Democratic side. The distinguished gentleman from Arkansas [Mr. Trimble], the distinguished gentleman from North Carolina [Mr. Deane], and the distinguished gentleman from Colorado [Mr. Aspinall]. The gentleman from Arkansas [Mr. Trimble], being the ranking Member, is Chairman of the Objectors Committee on the Democratic side.

Agreement by Official Objectors on Rules of Operation

§ 15.2 It has been the practice of the official objectors to

stances in which a Member was appointed to serve as objector for both the Consent and Private Calendar, see 115 CONG. REC. 3721, 91st Cong. 1st Sess., Feb. 18, 1969; and 101 CONG. REC. 496, 84th Cong. 1st Sess., Jan. 20, 1955.

7. 95 CONG. REC. 925, 81st Cong. 1st Sess., Feb. 7, 1949.

agree upon certain rules and principles that will govern their consideration of bills on the Consent Calendar, and to present a statement of such rules and principles to the House.

In the 91st Congress,⁽⁸⁾ Mr. Wayne N. Aspinall, of Colorado, one of the official objectors, presented a statement of the rules of operation of the official objectors for the Consent Calendar. The proceedings were as follows:

MR. ASPINALL: Mr. Speaker . . . one of the most important procedures that the House follows in considering legislation is known as the Consent Calendar operation. . . . It is under this procedure that most of the acts of Congress which become public laws are considered by the House of Representatives.

It has been the practice heretofore of the official objectors for Consent Calendar committees—the majority members and the minority members—to agree upon rules of procedure at the beginning of a session. I would suggest, to the new Members especially, that they read the statement regarding these rules of procedure, which has the approval of and bears the initials of all the members of the Consent Calendar committees, three members of the majority and three members of the minority.

The statement is as follows:

8. 115 CONG. REC. 6543, 6544, 91st Cong. 1st Sess., Mar. 17, 1969.

STATEMENT OF RULES OF OPERATION
OF THE OFFICIAL OBJECTORS FOR
THE CONSENT CALENDAR

. . . For several sessions now objectors on both sides of the aisle have followed certain rules for consideration of Consent Calendar bills which they have made known to the Members at the beginning of a session. These rules are not publicized at this time to establish hard-and-fast procedures but rather to advise the Members of the House as to the manner in which the committee plans to operate throughout the 91st Congress.

The members of the committee feel that generally no legislation should pass by unanimous consent which involves an aggregate expenditure of more than \$1 million; second, that no bill which changes national policy or international policy should be permitted to pass on the Consent Calendar but rather should be afforded the opportunity of open and extended debate; third, that any bill which appears on the Consent Calendar, even though it does not change national or international policy, or does not call for an expenditure of more than \$1 million, should not be approved without the membership being fully informed of its contents, providing it is a measure that would apply to the districts of a majority of the Members of the House of Representatives . . . fourth, that if a bill has been placed on the Consent Calendar and the members of the committee having jurisdiction over the legislation show that it has not been cleared by the Bureau of the Budget, by the respective Department affected by such legislation, or that such reports from the committee or from the Department show that the legislation is not in accord with the President's program, it should not pass on the Consent Calendar. . . .

***Official Objectors for Private
Calendar—Appointment***

§ 15.3 Each party's official objectors for the Private Calendar are appointed by the party floor leader, who announces in the House the names of those he has appointed.

In the 89th Congress, during the course of describing procedures relating to the Private Calendar, Mr. Edward P. Boland, of Massachusetts, remarked that, "The majority leader and minority leader each appoint three Members to serve as Private Calendar objectors during a Congress."⁽⁹⁾

The following announcements, made in the 91st Congress,⁽¹⁰⁾ represent the usual manner in which the floor leader notifies the House of his appointment of official objectors:

(Mr. Carl Albert, of Oklahoma, asked and was given permission to address the House for one minute and to revise and extend his remarks.)

MR. ALBERT [after announcing appointment of Consent Calendar objectors]:

I have also designated as official objectors for the majority for the Private Calendar the following Members: the

9. 111 CONG. REC. 3914, 89th Cong. 1st Sess., Mar. 2, 1965.

10. 115 CONG. REC. 3721, 91st Cong. 1st Sess., Feb. 18, 1969.

gentleman from Massachusetts (Mr. Boland), the gentleman from Georgia (Mr. Davis), and the gentleman from Oklahoma (Mr. Edmondson). . . .

MR. GERALD R. FORD [of Michigan] [after announcing appointment of Consent Calendar objectors]:

Also, Mr. Speaker, the official objectors for the Republican Members for the Private Calendar are to be as follows: the gentleman from Tennessee (Mr. Duncan), the gentleman from Ohio (Mr. Clarence J. Brown), and the gentleman from New Jersey (Mr. Hunt).

In the 91st Congress, when Mr. Garry E. Brown, of Michigan, was appointed to replace a member of the Republican Objectors Committee for the Private Calendar, the following announcement was made by the Minority Leader:⁽¹¹⁾

MR. GERALD R. FORD: Mr. Speaker, I announce that the Republican Members of the Private Calendar objectors committee for the remainder of the 2nd session of the 91st Congress will be: the gentleman from Tennessee (Mr. Duncan), the gentleman from Ohio (Mr. Brown), and the gentleman from Michigan (Mr. Brown).

Similarly, in the 84th Congress, on Apr. 26, 1955,⁽¹²⁾ the Minority Leader announced as follows:

MR. [JOSEPH W.] MARTIN [Jr., of Massachusetts]: Mr. Speaker, I desire

11. 116 CONG. REC. 7677, 91st Cong. 2d Sess., Mar. 17, 1970.

12. 101 CONG. REC. 5120, 84th Cong. 1st Sess.

to announce that Mr. William K. Van Pelt has been placed upon the list of objectors on the Private Calendar, representing the minority, to take the place of the gentleman from Ohio [Mr. Ayres].

As in the case of appointments to the Official Objectors Committee for the Consent Calendar,⁽¹³⁾ announcements of appointments to the Official Objectors Committee for the Private Calendar have sometimes included the designation of a chairman.⁽¹⁴⁾

As noted above,⁽¹⁵⁾ a Member has sometimes been appointed to serve on both the Official Objectors Committee for the Private Calendar and the Official Objectors Committee for the Consent Calendar.

Functions of Official Objectors

§ 15.4 The Official Objectors Committees for the Private Calendar study all bills placed on that calendar, and may make objection to any private bill when the calendar is called.

In the 89th Congress, Mr. Edward P. Boland, of Massachusetts,

13. See § 15.1, supra.

14. See 101 CONG. REC. 496, 84th Cong. 1st Sess., Jan. 20, 1955 (announcement by Mr. John W. McCormack [Mass.]).

15. See § 15.1, supra.

in the course of discussing procedures relating to the Private Calendar, remarked as follows:⁽¹⁶⁾

The objectors have the responsibility of carefully studying all bills which are placed on the Private Calendar. When the Private Calendar is called, the objectors are on the floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or question about a particular private bill, he can get assistance from the objectors, their clerks, or from the Member who introduced the bill.

Agreement as to Bills to be Considered

§ 15.5 The official majority and minority objectors for the Private Calendar agree upon rules governing their consideration of private bills, and announce such rules in the House. The official objectors usually agree that they will consider only those bills which have been on the Private Calendar for a period of seven calendar days.

In the 89th Congress, Mr. Edward P. Boland, of Massachusetts, in the course of describing proce-

16. 111 CONG. REC. 3914, 89th Cong. 1st Sess., Mar. 2, 1965.

dures relating to the Private Calendar, announced as follows:⁽¹⁷⁾

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. Those rules limit consideration of bills placed on the Private Calendar only shortly before the Calendar is called. The agreement is as follows:

Reaffirming the policy initially adopted on June 3, 1958, the members of the majority and minority Private Calendar objectors committees have today agreed that during the 89th Congress they will consider only those bills which have been on the Private Calendar for a period of seven calendar days, excluding the day the bills are reported and the day the Private Calendar is called.

It is agreed that the majority and minority legislative clerks will not submit to the objectors any bills which do not meet this requirement.

This policy will be strictly observed except during the closing days of each session when House rules are suspended.

§ 16. Campaign Committees; Informal Party Groups

Party campaign committees exist for the purpose of aiding in

17. 111 CONG. REC. 3914, 3915, 89th Cong. 1st Sess., Mar. 2, 1965. Similar announcements have been made in other Congresses; see, for example, 115 CONG. REC. 6656, 91st Cong. 1st Sess., Mar. 18, 1969.

the election of party members to the House.⁽¹⁸⁾ The campaign committees raise and distribute campaign funds for use in the general elections in order to effectuate such purpose.⁽¹⁹⁾ The Chairman of the Democratic Congressional Campaign Committee in past Congresses has been an ex officio member of the Steering Committee.⁽²⁰⁾

In addition to the formal party structure with which this chapter is primarily concerned, there exist a number of informal party groups. For example, the Democratic Study Group⁽¹⁾ conducts research and prepares reports with respect to issues relating to proposed legislation, and has been influential in promoting certain party reforms, such as procedures in the caucus for voting on nominations for standing committee

chairmen. The Democratic Study Group maintains a “whip” system for purposes of ensuring its members’ attendance in the House when matters of interest to the group are under consideration.

The Republican Wednesday Club also conducts research and furnishes information to its members with respect to issues that are of interest to the club. The status of pending legislation is discussed at meetings of the club.⁽²⁾

The above groups are discussed merely by way of example, there being a number of informal groups of a political or social nature among the membership of the House. The membership of some of the informal groups is bipartisan.

18. See the discussion of party campaign committees in Congressional Quarterly’s *Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 606.

19. Certain provisions of Rule XLIII of the House rules are of interest on the subject of campaign funds generally. See Rule XLIII clauses 6, 7 (*House Rules and Manual* §939, 1973).

20. See § 13, supra.

1. For further discussion of the Democratic Study Group, see Ripley, Randall B., *Party Leaders in the House of Representatives*, The Brookings Institution (Washington, D.C., 1967), pp. 38 (note), 124, 176.

2. For further discussion of the Wednesday Club and other Republican clubs, see Ripley, Randall B., *Party Leaders in the House of Representatives*, The Brookings Institution (Washington, D.C., 1967), pp. 178 and 179 (note).

D. FLOOR LEADERS

§ 17. In General

[Note: The following is descriptive of practices in effect in some Congresses. For discussion of any current modification of the office or role of floor leader, consult supplements to this edition as they appear.]

Each party's caucus or conference elects a floor leader;⁽³⁾ the chairman of the caucus or conference announces the selection of his party's floor leader to the House.⁽⁴⁾ At times in the past, a third party has organized in the House and elected a floor leader in a party caucus or conference.⁽⁵⁾ If a vacancy exists in the post of floor leader, as where a party's floor leader has been elevated to

the Speakership,⁽⁶⁾ a new floor leader is elected by the caucus or conference in the usual manner.⁽⁷⁾ If a floor leader intends to be temporarily absent from the House, he may designate a person to act for him, and may announce such designation to the House.⁽⁸⁾

A party's floor leader, in conjunction with other party leaders, plays an influential role in the formulation of party policy and programs. He is instrumental in guiding legislation favored by his party through the House, or in resisting those programs of the other party that are considered undesirable by his own party. He is instrumental in devising and implementing his party's strategy on the floor with respect to promoting or opposing legislation.⁽⁹⁾

3. § 17.1, *infra*. The minority party's candidate for Speaker normally becomes that party's floor leader. See Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), p. 34.

Collateral reference: Ripley, Randall B., *Party Leaders in the House of Representatives*, The Brookings Institution (Washington, D.C., 1967), pp. 24–28 (development of office of Majority Leader); 28–32 (development of office of Minority Leader); 57, 58, 61–63, 66, 67, 74, 75 (functions of party floor leaders).

4. § 17.1, *infra*.

5. See § 17.3, *infra*.

6. Majority Leaders have frequently succeeded to the Speakership. See *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 141.

7. See § 17.2, *infra*.

8. § 17.4, *infra*.

9. For general discussion of the functions and duties of the floor leader, see, in addition to ensuing sections in this chapter, 8 Cannon's Precedents § 3614.

So that the floor leaders may fulfill their floor duties more easily and be available or visible to members of

He is kept constantly informed as to the status of legislative business and as to the sentiment of his party respecting particular legislation under consideration. Such information is derived in part from the floor leader's contacts with his party's members serving on House committees, and with the members of the party's whip organization.⁽¹⁰⁾

In his role as party leader, he protects the interests of individual members of his party whenever possible,⁽¹¹⁾ and exercises leadership with respect to legislative proceedings that concern the party as a whole. He appoints party members to certain positions that are of importance in the legislative process; thus, he appoints the official objectors for the Private and Consent Calendars⁽¹²⁾ and, in the case of the Democratic floor leader, appoints the party whip.⁽¹³⁾

their parties, aisle seats at tables on the floor of the House are reserved for their use except in the Committee of the Whole. See *Cannon's Procedure in the House of Representatives*, H. Doc. No. 122, 86th Cong. 1st Sess. (1959), p. 221.

10. See § 23, *infra*.

11. See, for example, § 19.4, *infra*.

12. See §§ 15.1, 15.3, *supra*, and 20.1, *infra*.

13. See § 20.3, *infra*.

On occasion, the House has provided by simple resolution for ap-

But the floor leader is more than a partisan leader. He is an integral, though to some extent, unofficial,⁽¹⁴⁾ part of the legislative machinery of the House itself. The floor leader, particularly the Majority Leader, exercises considerable authority with respect to legislative scheduling, or the order of business.⁽¹⁵⁾ Thus, the floor leader assumes a large measure of responsibility for the procedural aspects of transacting legislative business; his knowledge of House procedures is employed to expedite the consideration of legislative proposals.

In addition to playing a key role in the procedural aspects of House business, the floor leader may assume responsibilities relating to resolutions of a more substantive nature, particularly resolutions that concern the operations of the House itself or the government as a whole. Thus, a floor leader

pointments to certain positions to be filled by the Minority Leader, subject to the approval of the Speaker. See 95 CONG. REC. 640, 641, 81st Cong. 1st Sess., Jan. 24, 1949 (H. Res. 62, pertaining in part to certain assistant clerkships).

14. See 8 Cannon's Precedents §3614, particularly Cannon's comment that, "The Rules contain no provision relating to the selection or duties of the party floor leaders. . . ."

15. See § 18, *infra*.

might offer resolutions concerning the adoption of rules for the Congress;⁽¹⁶⁾ the appointment of a committee to notify the President of the assembly of Congress;⁽¹⁷⁾ the authorization of additional memberships on a committee;⁽¹⁸⁾ the assignment of party members to House committees;⁽¹⁹⁾ the consideration of action to be taken by the House against a Member charged with misconduct;⁽²⁰⁾ and an increase in the salary of the President.⁽¹⁾ Frequently, resolutions introduced in the House, whether by the floor leader or by others, are the culmination of agreements reached by the leadership, particularly the floor leaders, of both parties.⁽²⁾

The floor leaders may be consulted, or assume some responsibilities, with respect to the regulation of the use of physical facilities of the House, or the protection of privileges relating to such use.⁽³⁾ Moreover, the floor leaders may be asked to serve on commis-

16. See §17.7, *infra*.

17. §21.3, *infra*.

18. §17.8, *infra*.

19. See §19.7, *infra*. See §17.12, *infra*, for discussion of a resolution electing a committee chairman to certain joint committees.

20. §17.11, *infra*.

1. §17.13, *infra*.

2. See, for example, §17.8, *infra*.

3. See §§17.16, 17.17, *infra*.

sions concerned with physical improvements to be made at the Capitol. Thus, in the 91st Congress, the House approved a Senate bill whereby the membership on the Commission on the Extension of the Capitol, which originally consisted of the Speaker, the President of the Senate, the Minority Leaders of the two Houses, and the Architect of the Capitol, was enlarged to include the Majority Leaders of the House and the Senate.⁽⁴⁾

One Majority Leader remarked,⁽⁵⁾ with reference to duties of the office that transcend those of partisan leadership:

One of the primary duties of the majority leader . . . I consider to be that of protecting the rights of the individual Member, to see that the rights of the individual Member, particularly

4. See 115 CONG. REC. 26568, 26569, 91st Cong. 1st Sess., Sept. 23, 1969. See also 40 USCA §166 (note referring to §101 of Act of Aug. 5, 1955, Ch. 568, 69 Statutes 515, as amended by Pub. L. 91-77, Sept. 29, 1969, 83 Statutes 124). The change noted above was for purposes of ensuring equal representation of the two parties on the commission.

5. 106 CONG. REC. 19161, 86th Cong. 2d Sess., Sept. 1, 1960. The remarks were those of Mr. John W. McCormack (Mass.), who later as Speaker expressed the similar concern of a Speaker for the rights of all Members of the House (see §1, *supra*).

of the minority party, are not trespassed upon.

The Majority Leader frequently acts as Speaker pro tempore;⁽⁶⁾ the Minority Leader has also served in this capacity during proceedings of a ceremonial nature.⁽⁷⁾

It is frequently the province of the floor leader to perform certain ceremonial duties; to make announcements concerning formal events; to extend certain courtesies; or to give expression to the gratitude, good wishes, and the like, of Members of his party or the House.⁽⁸⁾

On occasion, a floor leader has been assigned a position on a standing committee of the House in the same manner as other members of his party.⁽⁹⁾ Ordinarily, however, floor leaders are not assigned to standing committees.

It may be mentioned that, in addition to serving on those committees or commissions already mentioned above and in ensuing sections, the Minority Leader is among those who serve on an advisory committee to the Secretary of the Treasury, who consults with such committee in determining who are major Presi-

dential or Vice Presidential candidates entitled to receive secret service protection.⁽¹⁰⁾

Election of Floor Leader; Announcement

§ 17.1 Each party's caucus or conference elects a party floor leader, and the caucus or conference chairman announces the name of his party's floor leader to the House.

In the 92d Congress, following the administration of the oath of office to the Members of the House, the announcements respecting the election of party floor leaders were made as follows:⁽¹¹⁾

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

10. Pub. L. No. 90-331, June 6, 1968, 82 Stat. 170, referred to in 18 USC § 3056 and note thereto.

11. 117 CONG. REC. 13, 92d Cong. 1st Sess., Jan. 21, 1971. For examples of similar proceedings, see 115 CONG. REC. 34, 91st Cong. 1st Sess., Jan. 3, 1969; and 113 CONG. REC. 27, 90th Cong. 1st Sess., Jan. 10, 1967.

6. § 17.5, *infra*. See also Ch. 6, *infra*.

7. See § 21.10, *infra*.

8. See § 21, *infra*.

9. See § 17.18, *infra*.

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.

Election to Fill Unexpected Vacancy

§ 17.2 When a vacancy exists in the office of floor leader, as by reason of the floor leader's elevation to the Speakership, the election of a new floor leader and the announcement respecting such election take place in the usual manner.

Parliamentarian's Note: When the second session of the 87th Congress met on Jan. 10, 1962, a vacancy existed in the Speakership due to the death of Speaker Sam Rayburn, of Texas, on Nov. 16, 1961. The Chairman of the Democratic Caucus, Francis E. Walter, of Pennsylvania, called a meeting of the caucus for Jan. 9 for the purpose of selecting a candidate for Speaker. No other business was scheduled for this meeting. Before the 9th, however, it became apparent that Mr. John W. McCormack, of Massachusetts, would be unopposed in the caucus as the candidate for Speaker. His selection would create a vacancy in the office of the Majority Leader, a position held by Mr. McCormack

during the first session. During the caucus, Mr. Richard Bolling, of Missouri, who had withdrawn as a candidate for Majority Leader before the caucus, asked unanimous consent that the caucus proceed to the selection of a new Majority Leader to serve when Mr. McCormack was elevated to the Speakership. There being no objection to this request, the caucus then chose Mr. Carl Albert, of Oklahoma, as Majority Leader. The announcement of such selection was made in the House as follows:⁽¹²⁾

MR. WALTER: 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.

Election of Floor Leader by Third Party

§ 17.3 On occasion, a third party in the House has organized as a caucus or conference and elected a floor leader, whose name has been announced to the House in the usual manner.

The following announcement was made in the 75th Congress:⁽¹³⁾

12. 108 CONG. REC. 7, 87th Cong. 2d Sess., Jan. 10, 1962.

13. 81 CONG. REC. 15, 75th Cong. 1st Sess., Jan. 5, 1937.

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.]

Announcement as to Acting Majority Leader

§ 17.4 On occasion, a Majority Leader expecting to be absent has announced in the House the name of one to serve as acting Majority Leader.

In the 77th Congress, the Majority Leader announced as follows:⁽¹⁴⁾

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I desire to announce that during my absence the gentleman from Missouri [Mr. John J. Cochran] will act as majority leader.

Selection of Floor Leader as Speaker Pro Tempore

§ 17.5 Frequently, the Majority Leader is designated or elected Speaker pro tempore.

The following excerpt from the Record of the 91st Congress⁽¹⁵⁾ exemplifies the manner in which the

14. 88 CONG. REC. 6668, 77th Cong. 2d Sess., July 27, 1942.

15. 115 CONG. REC. 1075, 91st Cong. 1st Sess., Jan. 16, 1969.

Majority Leader or others have assumed the chair when designated Speaker pro tempore. The proceedings, which took place immediately before the offering of the prayer, and after the Majority Leader called the House to order, were as follows:

The Speaker pro tempore laid before the House the following communication from the Speaker:

JANUARY 16, 1969.

I hereby designate the Honorable Carl Albert to act as Speaker pro tempore today.

JOHN W. McCORMACK,
*Speaker of the House
of Representatives.*

Similar proceedings occur regularly.⁽¹⁶⁾

In the 89th Congress, Majority Leader Carl Albert, of Oklahoma, Speaker pro tempore by designation, left the chair pending the offering of a resolution electing him as Speaker pro tempore during the absence of Speaker John W. McCormack, of Massachusetts. The proceedings and the resolution, which was offered by the Chairman of the Democratic Caucus, were as follows:⁽¹⁷⁾

The Speaker pro tempore (Mr. Albert) laid before the House the following communication:

16. See, for example, 114 CONG. REC. 3908, 90th Cong. 2d Sess., Feb. 22, 1968; and 113 CONG. REC. 28948, 90th Cong. 1st Sess., Oct. 16, 1967. See also Ch. 6, *infra*.

17. 112 CONG. REC. 5, 6, 89th Cong. 2d Sess., Jan. 10, 1966.

. . . I hereby designate the Honorable Carl Albert to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
*Speaker of the House
of Representatives.*

Following the prayer, certain other business, and the call of the House, the proceedings were as follows:

THE SPEAKER PRO TEMPORE: The Chair requests the gentleman from Louisiana [Mr. Boggs] to assume the chair.

Mr. [Hale] Boggs assumed the chair as Speaker pro tempore.

THE SPEAKER PRO TEMPORE (Mr. Boggs): The Chair recognizes the gentleman from New York [Mr. Keogh].

MR. [EUGENE J.] KEOGH: Mr. Speaker, on account of the unavoidable absence of the Speaker due to the death of his beloved brother, and at his request, I offer a resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 627

Resolved, That Hon. Carl Albert, a Representative from the State of Oklahoma, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President of the Senate be notified by the Clerk of the election of the Honorable Carl Albert as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. Albert assumed the chair as Speaker pro tempore and Mr. Celler administered the oath of office.

Parliamentarian's Note: Speaker John W. McCormack whose brother died on Jan. 7, was not in Washington for the convening of the second session of the 89th Congress. Since the duration of the Speaker's absence was uncertain, and since there were new Members present to be sworn as well as business requiring signature, the election of a Speaker pro tempore was considered essential.

Similar proceedings had taken place in the 88th Congress.⁽¹⁸⁾

Responsibilities as to Recommittal Motion

§ 17.6 A floor leader on occasion has assumed certain responsibilities for the form, content, and introduction of a recommittal motion, although in favor of the bill that was to be the subject of such motion.

In the 91st Congress, during a debate on the deployment of an anti-ballistic missile system, considerable discussion centered on a prospective motion to recommit the bill containing provisions relating to the system. In the course of that discussion, some of which appears below, Minority Leader Gerald R. Ford, of Michigan, made

¹⁸. See 109 CONG. REC. 22015, 88th Cong. 1st Sess., Nov. 18, 1963.

certain comments relating to his responsibilities with respect to the motion to recommit, and with respect to the manner in which the issues surrounding the anti-ballistic missile system should be presented to the House. The proceedings in part were as follows:⁽¹⁹⁾

MR. [JONATHAN B.] BINGHAM [of New York]: . . . Turning to the motion to recommit which I understand will be offered, to strike not only the funds for deployment of ABM but also the funds for continuing research and development, I consider the decision of the minority leader that this should be the form of the motion an outrageous example of the use of arbitrary power. The position stated in the motion to recommit is not a position that has been advocated by any Member of the House during the course of debate. To word the motion to recommit in this way represents a crude effort to reduce the number of votes on record against the Safeguard system.

. . . Should the "previous question" fail to pass, I would welcome the chance to vote for the 10-percent across-the-board cut in this authorization several Members hope to offer as an alternative recommittal motion. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: . . . The issue . . . is whether to deploy the ABM. This specific question was defeated by a very close vote of 50 to 50 in the Senate. And it is that specific question to which we must now direct our attention.

Since that is the real issue . . . we must have it presented . . . in a clear and precise way. . . .

For this reason, the motion to recommit should contain instructions to merely stop the deployment of the ABM. It should not . . . contain instructions to stop research and development on the ABM because this is not the question and because this would give a highly inaccurate and unfair picture of what we in this body sincerely feel.

. . . I also understand that the gentleman who will offer the motion on the ABM, the gentleman from Wisconsin (Mr. O'Konski), which motion will cover both research and development and deployment of the system, voted for the bill by proxy. In other words, he voted for the ABM but he is now introducing a motion against the ABM. . . .

Now the only one present on the minority side, the gentleman from Ohio (Mr. Whalen), voted against the bill in committee. Therefore, and this seems clear to me, he should be the one offering the motion with his instructions attached to it. . . .

The only way the motion to recommit can be amended is when the previous question is ordered, defeat it. . . . This defeat will then open up the motion to recommit to amendment. I would hope that in these new amendments, after the previous question is out of the picture, we could face deployment of the ABM squarely for all the people to see. . . .

MR. GERALD R. FORD: . . . Mr. Chairman, at a later time I had planned to announce what the motion to recommit would be . . . [but] I believe it is appropriate. I do it now.

19. 115 CONG. REC. 28451-28453, 91st Cong. 1st Sess., Oct. 3, 1969.

First let me say the motion to recommit will be to strike all of the ABM authorizations, \$746.4 million. It will not be the amendment offered by the gentleman from California (Mr. Charles H. Wilson) which was defeated yesterday by a vote of 219 to 105.

Let me speak, if I may, to the gentleman from Ohio. About last Tuesday, I went over to the gentleman from Ohio and said we wanted to vote on the ABM on the motion to recommit. I offered to him the motion to recommit on the ABM. I said he had 24 hours to discuss it, to think about it, but I would appreciate within 24 hours his answer. The next day the gentleman from Ohio came back and said that he did not want the motion to recommit on those terms, he wanted to offer a motion to cut dollars out of the authorization bill.

Am I correct or incorrect?

MR. [CHARLES W.] WHALEN [Jr., of Ohio]: The gentleman is exactly correct. I would hasten to add one other comment he made. The gentleman indicated to me . . . [that] if I did not offer this recommittal motion he would get someone who would.

MR. GERALD R. FORD: That is perfectly true. That is my responsibility, and I intend to carry it out, and we are going to carry it out this way, subject, of course, to the will of the House.

Now, may I proceed.

The defeat yesterday by a vote of 219 to 105 I believe laid to rest the denial of the deployment of the ABM. A rollcall on that issue in motion to recommit at this time would be totally repetitious. Therefore, I believe the time has come that we actually have a vote on the basic issue, which is

whether or not we are going to have an ABM system.

We have been appropriating for research, development, test, and engineering for some 15 to 16 years, and now the time has come to lay the matter to rest, to fish or cut bait.

So far as I am concerned, the vote today will be on that basis.

Under the parliamentary situation, of course, Members can try to get a vote on the previous question, open it up, and then we will see what happens, but from my point of view a 1-year delay in the authorization will bring about dire results the committee points out. . . .

Let me say right here and now that the time has come where the issue ought to be settled fundamentally. I believe I exercised good sense and good judgment in offering to the gentleman from Ohio (Mr. Whalen) an opportunity. He did not accept it. We have made other plans, and I hope that the House as a whole backs up this decision to make the basic decision one way or the other on the ABM.

Later in the proceedings, the following motion to recommit was offered by Mr. Alvin E. O'Konski, of Wisconsin: ⁽²⁰⁾

Mr. O'Konski moves to recommit the bill H.R. 14000 to the Committee on Armed Services with instructions to report it back forthwith with the following amendments:

On page 2, line 6, delete the figure "\$780,460,000" and substitute "\$434,960,000"; . . .

20. 115 CONG. REC. 28487, 91st Cong. 1st Sess., Oct. 3, 1969.

A point of order was made, based on the principle that a Member opposed to the bill as a whole is entitled to prior recognition, for purposes of offering a motion to recommit, over a Member opposed to a portion of the bill; it was contended that Mr. O’Konski, as one opposed to the bill “only in its present form,” should yield to one who voted against the entire bill. The point of order was overruled,⁽¹⁾ however, and, after the previous question was ordered, the motion to recommit was rejected.⁽²⁾

Resolutions as to Adoption of Rules

§ 17.7 On occasion, the Majority Leader has offered the resolution calling for adoption of House rules.

Although the resolution pertaining to adoption of the rules at the beginning of a Congress is usually offered by the former Chairman of the Committee on Rules for that Congress,⁽³⁾ the resolution on occasion has been offered by the Majority Leader. Thus, in the 88th Congress,⁽⁴⁾ Ma-

jority Leader Carl Albert, of Oklahoma, offered a resolution calling for adoption of the rules of the 87th Congress, together with applicable provisions of the Legislative Reorganization Act of 1946, as amended, and with an amendment calling for an increase in the membership of the Committee on Rules.

In the 89th Congress,⁽⁵⁾ the Majority Leader also offered the resolution relating to adoption of rules. The resolution again called for a controversial amendment affecting the Committee on Rules, in this instance the incorporation of the “21-day rule.”⁽⁶⁾ It is worth noting that the Majority Leader, in offering and participating in debate on the resolution, was acting under instructions of the Democratic Caucus, as the Majority Leader indicated in the following exchange:⁽⁷⁾

MR. [CLARENCE J.] BROWN of Ohio:
. . . Will the gentleman yield for me to offer a perfecting amendment? . . .

MR. [CARL] ALBERT [of Oklahoma]:
May I say to the gentleman that this resolution is being offered under instructions of the Democratic caucus. I am the agent of the caucus for that

1. *Id.*

2. 115 CONG. REC. 28488, 91st Cong. 1st Sess., Oct. 3, 1969.

3. See Ch. 1, *supra*.

4. 109 CONG. REC. 14, 88th Cong. 1st Sess., Jan. 9, 1963.

5. 111 CONG. REC. 21, 89th Cong. 1st Sess., Jan. 4, 1965.

6. See 111 CONG. REC. 21, 89th Cong. 1st Sess., Jan. 4, 1965.

7. 111 CONG. REC. 23, 89th Cong. 1st Sess., Jan. 4, 1965.

purpose. I have no authority to yield for amendment or to yield for any purpose in order to allow the bill to be divided.

In the 90th Congress,⁽⁸⁾ Majority Leader Albert offered a resolution calling for adoption of House rules, including the 21-day rule which had been adopted in the 89th Congress. Following discussion of the 21-day rule and other matters, a motion to order the previous question with respect to the resolution was rejected.⁽⁹⁾ An amendment repealing the 21-day rule was then adopted.⁽¹⁰⁾

Resolutions as to Size of Committees

§ 17.8 A resolution increasing the size of the Committee on Government Operations was offered by the Majority Leader, the minority party leadership having been consulted with respect to issues relating to the resolution.

In the 89th Congress, Majority Leader Carl Albert, of Oklahoma, offered a resolution increasing the size of the Committee on Government Operations. As indicated in

8. 113 CONG. REC. 28, 90th Cong. 1st Sess., Jan. 10, 1967.
9. 113 CONG. REC. 31, 90th Cong. 1st Sess., Jan. 10, 1967.
10. 113 CONG. REC. 33, 90th Cong. 1st Sess., Jan. 10, 1967.

the remarks of Mr. Albert, the minority party leadership had been consulted with respect to issues relating to the resolution. The resolution offered by Mr. Albert was as follows:⁽¹¹⁾

H. RES. 114

Resolved, That during the Eighty-ninth Congress, the Committee on Government Operations shall be Composed of thirty-four members.

After the resolution was read, Gerald R. Ford, of Michigan, the Minority Leader, asked that the Majority Leader indicate the distribution of the additional members of the Committee. Mr. Albert's reply was as follows:⁽¹²⁾

This is an addition of three memberships to the Committee on Government Operations two of which will be assigned to the majority and one of which will be assigned to the minority.

This is a matter which has been worked out, as a few other matters have been, between the leadership on both sides for the convenience of the House.

§ 17.9 The Majority Leader offered a resolution stating the size of certain standing committees.

On Jan. 16, 1967,⁽¹³⁾ Majority Leader Carl Albert, of Oklahoma,

11. 111 CONG. REC. 660, 89th Cong. 1st Sess., Jan. 14, 1965.
12. 111 CONG. REC. 661, 89th Cong. 1st Sess., Jan. 14, 1965.
13. 113 CONG. REC. 445, 90th Cong. 1st Sess.

offered the following resolution (H. Res. 128):

Resolved, That during the Ninetieth Congress the Committee on Agriculture shall be composed of thirty-five members;

The Committee on Appropriations shall be composed of fifty-one members . . .

Resolutions as to Minority Employees

§ 17.10 The floor leader has offered resolutions relating to the positions of certain minority employees in the House.

On Jan. 27, 1949,⁽¹⁴⁾ the Majority Leader, John W. McCormack, of Massachusetts, offered a resolution having reference to the appointment of certain minority employees of the House. The proceedings, including Mr. McCormack's remarks in explanation of the purposes of the resolution, were as follows:

MR. McCORMACK: Mr. Speaker, I offer resolution (H. Res. 62) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved,

Sec. 2. That effective January 4, 1949, the compensation of the Deputy Sergeant at Arms in Charge of Pairs, Office of the Sergeant at

Arms, and the compensation of the special employee, Office of the Doorkeeper, shall be at the basic rate of \$4,000 per annum, respectively. . . .

Sec. 4. There shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the basic rate of \$5,000 per annum for the services of an assistant Journal clerk; compensation at the basic rate of \$5,000 per annum for the services of an assistant tally clerk; compensation at the basic rate of \$3,900 per annum for the services of an assistant enrolling clerk; compensation at the basic rate of \$3,000 per annum for the services of an assistant bill clerk; all of whom shall be designated by the minority leader subject to the approval of the Speaker. . . .

MR. McCORMACK. Mr. Speaker, it has long been recognized by the leadership of the House that it was desirable to have a corps of trained personnel to function in the various key positions under the service of the House. In order to accomplish that, the resolution creates four assistant clerkships which shall be taken out of patronage and filled by competent men who have proved their worth. . . .

If this resolution is not adopted at this time the men who held the jobs as head of these various departments will leave the service of the House and their experience and efficiency will be lost. It is desirable that they not only assist in training the top men of the various departments who will shortly be appointed but will aid appreciably in ameliorating the work of these departments.

It was contemplated in the Legislative Reorganization Act that career employees should be provided for in the staffing of committees but nothing

14. 95 CONG. REC. 640, 641, 81st Cong. 1st Sess.

tangible was done concerning the employees of the House directly. This resolution will take care of that need by providing a career service for the employees who have proved their worth.

In the unhappy event that the present majority of the House should become the minority in the Eighty-second Congress then the top men in the departments in this Congress would be designated by the next minority leader to fill the clerkships that this resolution provides, so that in the future there will always be majority and minority employees who are experienced and trustworthy.

On June 17, 1969,⁽¹⁵⁾ Minority Leader Gerald R. Ford, of Michigan, offered a resolution relating to the positions of certain minority employees in the House of Representatives. The resolution provided that certain designated employees be given the titles of "Floor Assistant to the Minority," "Pair Clerk to the Minority," and "Staff Director to the Minority," and contained further provisions relating to compensation of such employees.

Right of Member-elect to be Sworn

§ 17.11 In the 90th Congress, the Minority Leader offered, as a substitute for a resolu-

15. 115 CONG. REC. 16196, 91st Cong. 1st Sess.

For general discussion of employees of the House, see Ch. 6, *infra*.

tion previously introduced, an amendment deferring administration of the oath to a Member-elect and providing that a select committee consider the right of such Member-elect to be sworn.

In the 90th Congress, objection was made to the administration of the oath to Adam Clayton Powell, Jr., of New York, and a resolution was thereafter offered directing the Speaker⁽¹⁶⁾ to administer the oath to Mr. Powell, but referring the question of Mr. Powell's final right to be sworn to a select committee.⁽¹⁷⁾

Following some debate, the Member who had offered the resolution moved the previous question, and the motion was rejected. Immediately thereafter,⁽¹⁸⁾ the Minority Leader offered a substitute amendment deferring the administration of the oath to Mr. Powell until the House had considered a report from a special committee on Mr. Powell's rights. The substitute amendment was agreed to, and the resolution then adopted.⁽¹⁹⁾

16. John W. McCormack (Mass.).

17. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess., Jan. 10, 1967. For general discussion of the rights of the House with respect to determining the qualifications of its Members, see Chs. 7, 12, *infra*.

18. 113 CONG. REC. 24, 90th Cong. 1st Sess., Jan. 10, 1967.

19. 113 CONG. REC. 26, 27, 90th Cong. 1st Sess., Jan. 10, 1967.

Resolutions as to Election of Member to Joint Committee

§ 17.12 The Majority Leader offered a resolution electing a Member to joint committees.

In the 90th Congress, Majority Leader Carl Albert, of Oklahoma, offered a resolution electing the Chairman of the Committee on House Administration to certain joint committees, as follows: ⁽²⁰⁾

H. RES. 1278

Resolved, That the gentleman from Maryland, Mr. Friedel be, and he is hereby elected a member of the Joint Committee on Printing, and a member of the Joint Committee of Congress on the Library.

The resolution was agreed to.

Resolutions Acting Salaries

§ 17.13 In the 91st Congress, the Majority Leader moved to suspend the rules and pass a bill increasing the President's salary; the resolution was jointly offered by the Majority and Minority Leader and others.

On Jan. 6, 1969, Majority Leader Carl Albert, of Oklahoma, moved to suspend the rules and pass a bill increasing the compensation of the President. The proceedings were as follows: ⁽¹⁾

20. 114 CONG. REC. 24368, 90th Cong. 2d Sess., July 31, 1968.

1. 115 CONG. REC. 172, 91st Cong. 1st Sess.

MR. ALBERT: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10) to increase the per annum rate of compensation for the President of the United States.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of title 3, United States Code, is amended by striking out "\$100,000" and inserting in lieu thereof "\$200,000".

Sec. 2. The amendment made by this Act shall take effect at noon on January 20, 1969.

THE SPEAKER: ⁽²⁾ Is a second demanded

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection. . . .

MR. ALBERT: . . . Mr. Speaker, as Members all know, this is the first suspension bill of the 91st Congress. Normally, the Speaker would not recognize Members to call up bills under suspension of the rules this early in the term and without committee consideration. The only reason that this method has been used on this occasion is that it presents to the House the opportunity to consider this legislation before the new President takes office. Members know that under article II, section 1, clause 7, of the Constitution the salary of the President of the United States cannot be increased during his term of office. Therefore, if the matter is to be handled at all, it must be passed by both Houses of the Congress and signed by the President before noon on

2. John W. McCormack (Mass.).

January 20. Members further know, Mr. Speaker, that committee assignments have not been made and will not be made in time for normal hearings and proceedings to be had in order to consider this bill by the deadline.

In view of these circumstances, the distinguished minority leader and the distinguished Chairman and ranking member of the Committee on Post Office and Civil Service and myself have jointly offered this resolution for the consideration of the Members of the House. . . .

In the ensuing debate, the following remarks were made by the Minority Leader:⁽³⁾

MR. GERALD R. FORD [of Michigan]: . . . I compliment [the Majority Leader] for taking the initiative in advocating this legislation for a President not of his own party. . . .

After some debate, the question was taken, and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.⁽⁴⁾

§ 17.14 The Majority Leader offered a resolution relating to the appointment and salaries of certain House employees.⁽⁵⁾

3. 115 CONG. REC. 174, 91st Cong. 1st Sess., Jan. 6, 1969.
4. 115 CONG. REC. 176, 91st Cong. 1st Sess., Jan. 6, 1969.
5. See §17.10, supra, for discussion of the resolution.

Responsibilities Relating to Capitol Facilities

§ 17.15 The Majority and Minority Leaders of the House were included in the membership of the Commission on the Extension of the Capitol.

The membership on the Commission on the Extension of the Capitol, which originally consisted of the Speaker, the President of the Senate, the Minority Leaders of the two Houses, and the Architect of the Capitol, was enlarged in the 91st Congress to include the Majority Leaders of the House and Senate.⁽⁶⁾

§ 17.16 On certain occasions, the Speaker has consulted with the floor leaders of both parties with respect to the regulation of floor privileges.

In the 87th Congress, the Speaker made an announcement⁽⁷⁾ concerning floor privileges and related matters, which he indicated to have been the subject of

6. 115 CONG. REC. 26568, 26569, 91st Cong. 1st Sess., Sept. 23, 1969.
7. 107 CONG. REC. 1340, 87th Cong. 1st Sess., Jan. 26, 1961 (Speaker Sam Rayburn [Tex.]). The announcement related to a joint session to hear an address by the President.

consultation between the Speaker and the floor leaders.

§ 17.17 Regulations governing the use of the House office buildings, the House garages, and the Capitol power plant were inserted in the Record by the Majority Leader.

On Sept. 15, 1965, the Majority Leader asked that there be printed in the Record and the Journal certain regulations adopted by the House Office Building Commission governing the House office buildings and garages and the Capitol power plant.⁽⁸⁾

Election of Floor Leader to Standing Committee

§ 17.18 On occasion, a floor leader has been elected to a standing committee of the House.

In the 87th Congress, immediately after the House adopted a resolution increasing the membership of the Committee on Science and Astronautics, a resolution was offered electing the Majority Leader, John W. McCormack, of Massachusetts, to the committee. The proceedings were as follows:⁽⁹⁾

8. 111 CONG. REC. 23926, 23927, 89th Cong. 1st Sess.

9. 107 CONG. REC. 7965, 87th Cong. 1st Sess., May 15, 1961.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 290

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Science and Astronautics: John W. McCormack, Massachusetts. . . .

In the 90th Congress, the Majority Leader, Carl Albert, of Oklahoma, resigned his position on the Committee on Science and Astronautics⁽¹⁰⁾ and was elected to fill a vacancy on the Committee on Education and Labor.⁽¹¹⁾

Parliamentarian's Note: Although the ratio on the Committee on Education and Labor had been fixed at nineteen to fourteen, only eighteen Democrats had been elected to membership thereon. The existence of the vacancy effectively changed the ratio on the committee and on all subcommittees established under the full committee. The election of the

10. Mr. Albert had been named to this committee in the resolution electing Democratic Members to standing committees (113 CONG. REC. 1086, 90th Cong. 1st Sess., Jan. 23, 1967).

11. See 113 CONG. REC. 6901, 6902, 90th Cong. 1st Sess., Mar. 16, 1967.

Majority Leader reinforced the Democratic advantage on the full committee and relieved the pressure from the minority for a larger proportion of minority Members on the subcommittees. His election also removed the impression that the vacancy had been left to exist pending disposition of the controversy over whether the former chairman of the committee, Adam Clayton Powell, Jr., of New York, was to be seated in the House.

Generally, floor leaders are not appointed to and do not serve on standing committees.⁽¹²⁾

Service of Summons on Floor Leader

§ 17.19 The floor leaders, having been summoned to appear in Federal Court, submitted the matter of such summons for the consideration of the House.

On July 8, 1965, the following proceedings took place:⁽¹³⁾

12. In the 87th Congress, Mr. Carl Albert (Okla.) resigned from the Committee on Agriculture after his selection as Majority Leader. 108 CONG. REC. 470, 87th Cong. 2d Sess., Jan. 18, 1962.
13. 111 CONG. REC. 15978, 89th Cong. 1st Sess.

For a discussion of privileges of the House generally, see Ch. 11, *infra*.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I rise to a question of the privilege of the House.

THE SPEAKER:⁽¹⁴⁾ The gentleman will state the question of privilege.

MR. ALBERT: Mr. Speaker, in my official capacity as a Representative and as majority leader of this House, I have been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with the case of the All-American Protectorate, Inc. against Lyndon B. Johnson, and others.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send to the desk the summons.

THE SPEAKER: The Clerk will read the subpoena. . . .

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I rise for the same purpose as the distinguished majority leader and I would like to read a statement.

Mr. Speaker, in my official capacity as a Representative and as minority leader of this House, I have been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with the case of the All-American Protectorate, Incorporated, against Lyndon B. Johnson et al.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House

14. John W. McCormack (Mass.).

being involved. I therefore submit the matter for the consideration of this body.

Parliamentarian's Note: In the 90th Congress, the Majority and Minority Leaders, and others, were summoned in a civil action brought by Adam Clayton Powell, Jr., of New York, who was contesting his exclusion from the House. The Speaker⁽¹⁵⁾ submitted the matter to the House on behalf of all those served with summonses. The majority whip offered a resolution authorizing the Speaker to appoint counsel to represent the Members;⁽⁶⁾ the resolution was agreed to.⁽¹⁷⁾

§ 18. Duties as to Legislative Schedule

The floor leaders, particularly the Majority Leader, exercise considerable initiative with respect to the legislative schedule, including the order of business and the time of recess or adjournment.

In the course of promoting legislative business deemed of interest to their respective parties, the floor leaders maintain contact

15. John W. McCormack (Mass.).

16. 113 CONG. REC. 6040, 6041, 90th Cong. 1st Sess., Mar. 9, 1967.

17. 113 CONG. REC. 6049, 90th Cong 1st Sess., Mar. 9, 1967.

with their parties' members on committees and encourage action on particular bills. As a result of planning by the Majority Leader and other leaders of his party, and as a result of cooperation between the leadership of both parties, the consideration of legislation in the House generally proceeds on an orderly basis. It has been stated⁽¹⁸⁾ that it is customary to notify the Majority and Minority Leaders as well as the Speaker of proposed requests for deviations from the authorized order of business. Members have been advised by the Speaker to consult with Majority and Minority Leaders with respect to unanimous consent requests for the consideration of bills;⁽¹⁹⁾ moreover, it has been stated that the Speaker declines to entertain motions to suspend the rules on "suspension days" unless such motions have the approval of the Majority Leader.⁽²⁰⁾

The Minority Leader customarily, on the floor of the House, addresses an inquiry to the Majority Leader concerning the schedule of legislative business for the following week.⁽¹⁾ In addition to announcing the legislative busi-

18. 6 Cannon's Precedents § 708.

19. § 18.1, *infra*.

20. § 18.2, *infra*.

1. § 18.6, *infra*.

ness to be taken up by the House, the Majority Leader frequently makes announcements concerning times of recess, adjournment, or reassembly.⁽²⁾ Such announcements are generally made following consultation between the leadership of the parties.⁽³⁾

Unanimous-Consent Requests to Consider Bills

§ 18.1 It has been stated that Members should consult with the Majority and Minority Leaders prior to seeking unanimous consent to call up bills.

The following remarks were made in the 77th Congress:⁽⁴⁾

THE SPEAKER:⁽⁵⁾ . . . Permit the Chair to make a statement. When Members come to the Chair and say they would like unanimous consent to call up a bill, the Chair has stated several times in the presence of Members that the better way to do it would be to consult with the ranking minority

2. § 18.6, *infra*.

3. § 18.7, *infra*.

4. 88 CONG. REC. 7438, 77th Cong. 2d Sess., Sept. 24, 1942.

See also § 18.2, *infra*, discussing the Speaker's refusal in one instance to recognize a Member who sought consideration of a bill by suspension of the rules and by unanimous consent.

5. Sam Rayburn (Tex.).

member and also the majority and minority leaders. I think that would expedite the matter. . . .

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I wish to say to the House that as far as any unanimous-consent requests are concerned, I naturally advise Members on this side seeking to bring up bills that they should consult with their minority Members and also with the leadership on the minority side. I say this not for the purpose of having it relate to anything that has happened, but so that the House will know as a policy, that as majority leader I have always followed, and always will follow, such procedure, and in that the Speaker concurs. The minority leadership also knows that that has been the policy and will be the policy.

Recognition for Motions to Suspend Rules

§ 18.2 It has been stated that the Speaker declines to entertain motions to suspend the rules on "suspension days" unless such motions have the approval of the Majority Leader.

The following proceedings took place on Aug. 2, 1948:⁽⁶⁾

MRS. [HELEN G.] DOUGLAS [of California]: Mr. Speaker, I move to suspend the rules and discharge the Committee on Banking and Currency from further consideration of S. 866.

6. 94 CONG. REC. 9639, 80th Cong. 2d Sess. (Speaker Joseph W. Martin, Jr., Mass.).

THE SPEAKER: The Chair does not recognize the gentlewoman for that purpose. The majority leader has already stated that there will be no suspensions today; and, under the practice of the House, suspensions must be cleared through the majority leader. The gentlewoman is not recognized for that purpose.

MRS. DOUGLAS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentlewoman will state it.

MRS. DOUGLAS: Under paragraph 1 of Rule XXVII it is in order, is it not, for the Speaker to entertain a motion to suspend the rules?

THE SPEAKER: Yes, it is within the discretion of the Speaker, and the Speaker states that he will not recognize any Member for that purpose without clearing it through the majority leader, and using that discretion merely refuses to recognize the gentlewoman from California.

MRS. DOUGLAS: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentlewoman will state it.

MRS. DOUGLAS: Today is the first Monday in August, and under the aforementioned rule individual Members may move to suspend the rules and pass important legislation. Do I understand clearly then that the Chair is exercising his discretion in denying the House to vote on the so-called Taft-Ellender-Wagner bill, even under the procedure requiring a two-thirds vote of the Members present?

THE SPEAKER: The Chair will state that the rule has existed for more than 50 years, and in accordance with the procedure which has been followed by

not only the present Speaker but every other Speaker, the Chair does not recognize the gentlewoman from California for that purpose.

MRS. DOUGLAS: Mr. Speaker, I ask unanimous consent for the present consideration of S. 866.

THE SPEAKER: The Chair does not recognize the gentlewoman for that purpose.

Unanimous-Consent Requests by Floor Leader

§ 18.3 The Majority Leader frequently makes unanimous-consent requests for purposes of controlling the legislative schedule and expediting legislative business.

An illustrative unanimous-consent request made by the Majority Leader was that made on Feb. 19, 1970,⁽⁷⁾ in the course of announcing the schedule of business, as follows:

MR. [CARL] ALBERT [of Oklahoma]: . . . Monday is also District-Day, but in view of the fact that Monday is a holiday and we have no additional business for Tuesday, and in order that I may make the announcement of the complete program now, I ask unanimous consent that it may be in order to put District Day over until Tuesday, and I would be glad to announce to Members that there are nine bills, and to advise Members what those bills are. . . .

7. 116 CONG. REC. 4039, 91st Cong. 2d Sess.

Similarly, on Feb. 21, 1967,⁽⁸⁾ the Majority Leader requested as follow

MR. ALBERT: Mr. Speaker, I note that the gentleman from California [Mr. Hosmer] has a special order for 10 minutes tomorrow, and the gentleman from Minnesota [Mr. Fraser] for 60 minutes tomorrow, which is George Washington's Birthday. I have not been able to contact the gentlemen, but I ask unanimous consent that these special orders go over until the following day when they shall be called before special orders previously granted for that day.

In anticipation of the same Washington's birthday, the acting Majority Leader, Hale Boggs, of Louisiana, had in the preceding week asked unanimous consent, "that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next."⁽⁹⁾

On Mar. 30, 1966,⁽¹⁰⁾ the Majority Leader made the following request:

MR. ALBERT: Mr. Speaker, I ask unanimous consent that any rollcall votes, except on rules, which may be requested on Monday or Tuesday of next week be put over until Wednesday next. . . .

8. 113 CONG. REC. 4135, 90th Cong. 1st Sess.

9. 113 CONG. REC. 3509, 90th Cong. 1st Sess., Feb. 16, 1967.

10. 112 CONG. REC. 7220, 89th Cong. 2d Sess.

The purpose of the request is to enable us to proceed with business on Monday and Tuesday, which are Jewish holy days. We do this only on rare occasions. It is only for that reason that we are asking to put over to Wednesday any votes which may be requested on Monday or Tuesday, except on rules.

§ 18.4 The Majority Leader, on behalf of the Committee on Rules, asked unanimous consent to call up a House resolution providing for the consideration of a particular bill.

In the 80th Congress, the Majority Leader, Charles A. Halleck, of Indiana, made a unanimous consent request as follows:⁽¹¹⁾

MR. HALLECK: Mr. Speaker, on behalf of the Committee on Rules, I ask unanimous consent to call up House Resolution 621, providing for the consideration of the bill (H. R. 6228) to provide for the construction of shore protective works at the town of Nome, Alaska.

[There being no objection, the Majority Leader called up the resolution, which read in part as follows:]

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union

11. 94 CONG. REC. 7108, 80th Cong. 2d Sess., June 3, 1948.

for the consideration of the bill (H.R. 6228) to provide for the construction of shore protective works at the town of Nome, Alaska. . . .

Motion by Majority Leader to Suspend Rules

§ 18.5 The Majority Leader on occasion has moved to suspend the rules and pass a particular bill.

In the 91st Congress, the Majority Leader moved to suspend the rules and pass a bill increasing the President's salary. The proceedings were as follows:⁽¹²⁾

MR. [CARL] ALBERT [OF OKLAHOMA]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10) to increase the per annum rate of compensation of the President of the United States. . . .

Mr. Speaker, as Members all know, this is the first suspension bill of the 91st Congress. Normally the Speaker would not recognize Members to call up bills under suspension of the rules this early in the term and without committee consideration. The only reason that this method has been used on this occasion is that it presents to the House the opportunity to consider this legislation before the new President takes office. Members know that under article II, section 1, clause 7, of the Constitution the salary of the President of the United States cannot be increased during his term of office. . . .

12. 115 CONG. REC. 172, 91st Cong. 1st Sess., Jan. 6, 1969.

Members further know . . . that committee assignments have not been made and will not be made in time for normal hearings and proceedings to be had in order to consider this bill by the deadline.

Announcement of Schedule by Majority Leader

§ 18.6 The Majority Leader makes announcements concerning the legislative schedule, including prospects for recess or adjournment; frequently, the Majority Leader makes such announcements in response to inquiries by the Minority Leader.

The following exchange⁽¹³⁾ illustrates a common procedure:

MR. [GERALD R.] FORD [of Michigan]: Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of this week and for next week.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, will the distinguished gentleman yield? . . .

Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the program for this week. . . .

Monday is also District Day, but in view of the fact that Monday is a holiday . . . I ask unanimous consent that it may be in order to put District Day over until Tuesday, and I would be glad to announce to Members that

13. 116 CONG. REC. 4039, 4040, 91st Cong. 2d Sess., Feb. 19, 1970.

there are nine bills, and to advise Members what those bills are. As I understand it, they are all noncontroversial. . . .

MR. ALBERT: I did announce that I would read the list before I asked that my request be acted upon. The list is as follows:

H.R. 10335, to revise District of Columbia laws relating to the civil liability of hotels. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MR. ALBERT: Mr. Speaker, in view of the order which has been granted, Tuesday will be District Day, and the nine bills already indicated will be called.

For Wednesday, there will be a joint meeting to receive the President of the Republic of France. . . .

For Thursday and the balance of the week, we will have H.R. 12025, National Forest Timber Conservation and Management Act of 1969, under an open rule with 2 hours of debate, and S. 2910, to authorize additional funds for the Library of Congress James Madison Memorial Building, which is subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later. I understand there will be a conference report from the Committee on Banking and Currency on Tuesday. . . .

Mr. Speaker, if the gentleman will yield further, I would like at this time to advise the House that the Easter recess will extend from the close of busi-

ness on Thursday, March 26, 1970, to noon Monday, April 6, 1970, which is precisely in accordance with the custom of recent years in the House.

MR. FORD: Mr. Speaker, would the gentleman agree with me that in the light of this announcement, that the recess will be from the conclusion of business Thursday, March 26 to Monday noon, April 6, all Members ought to be forewarned, there is no mistake that there is a likelihood we will have important business on Thursday and important business on Monday?

MR. ALBERT: Mr. Speaker, the gentleman is correct. We must get our business done, and we cannot do it if we extend the length of these recesses.

Similarly, on Feb. 16, 1967, the following exchange took place between the Minority Leader and the acting Majority Leader: ⁽¹⁴⁾

MR. GERALD R. FORD: Mr. Speaker, I take this time for the purpose of asking the distinguished acting majority leader, the gentleman from Louisiana, the program for next week. . . .

MR. [HALE] BOGGS [of Louisiana]: In response to the request of the distinguished gentleman from Michigan, the minority leader, the program for next week is as follows:

On Monday, the Consent Calendar, followed by H.R. 2, which is commonly known as the Reserve bill of rights, and which will be called up under suspension of the rules. It is probable that there will be a rollcall vote on that bill.

Tuesday the Private Calendar, but so far there are no bills scheduled.

14. 113 CONG. REC. 3509, 90th Cong. 1st Sess.

Wednesday is a holiday, which will be observed by the usual reading of George Washington's Farewell Address.

Any further legislative business will be announced later. It is my intention that when the House adjourns today, it adjourn to meet on Monday.

As a further example, the acting Majority Leader in similar fashion responded to inquiry made by the acting Minority Leader on Feb. 22, 1968.⁽¹⁵⁾

On another occasion, where legislative business was anticipated late in the afternoon, after special orders, the Majority Leader announced such fact to the House before the commencement of special orders.⁽¹⁶⁾

Consultation Between Leadership

§ 18.7 Matters relating to the legislative schedule, including prospective recess or adjournment, are frequently settled through consultation between the leadership of both parties.

The following illustrates the manner in which an announcement is frequently made by the

15. 114 CONG. REC. 3912, 90th Cong. 2d Sess.

16. See 114 CONG. REC. 430, 90th Cong. 2d Sess., Jan. 22, 1968 (remarks of Mr. Albert).

Majority Leader respecting agreements among the leadership of the parties:⁽¹⁷⁾

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, in response to the inquiry of the distinguished minority leader—and this announcement, of course, is made after conferences between the Speaker and the minority leader and other members of the leadership and myself—I am pleased to announce to the membership of the House the following schedule of recesses heretofore agreed to

Similarly, the following remarks were made by the Majority Leader in the course of discussing anticipated legislative business:⁽¹⁸⁾

MR. ALBERT: Mr. Speaker, I ask unanimous consent that any roll call votes, except on rules, which may be requested on Monday or Tuesday of next week be put over until Wednesday next. . . .

I have discussed this with the distinguished minority leader. The purpose of the request is to enable us to proceed with business on Monday and Tuesday, which are Jewish holy days.

On Mar. 2, 1961,⁽¹⁹⁾ in the course of a discussion of the prospective Easter recess, the Majority Leader remarked, "I will say it depends on what the legislative

17. 115 CONG. REC. 368, 369, 91st Cong. 1st Sess., Jan. 9, 1969.

18. 112 CONG. REC. 7220, 89th Cong. 2d Sess., Mar. 30, 1966.

19. 107 CONG. REC. 3114, 87th Cong. 1st Sess.

situation might be as Easter approaches. . . ." The Minority Leader then remarked as follows:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, if the gentleman will yield, in fairness I ought to state that the majority leader and the Speaker have conferred with me about the matter of the Easter recess, and it is under very active consideration. As the majority leader has pointed out, the determination will be made, I am quite sure, in plenty of time for Members to adjust themselves accordingly.

As a further illustration, the following announcements were made on Oct. 6, 1970,⁽²⁰⁾ by the Majority Leader and the Speaker:

MR. ALBERT: Mr. Speaker, I take this time to advise the House of recommendations that have been made by the leadership in joint conference on both sides of the Capitol and on both sides of the aisle.

It is our plan to offer a resolution within the next few days to provide for a House recess from the close of business on Wednesday, October 14, until noon, Monday, November 16.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, will the gentleman yield?

MR. ALBERT: I yield to the distinguished Speaker of the House.

MR. MCCORMACK: I might say that this is the unanimous opinion of the leadership on both sides, both parties in the House and both parties in the Senate, recognizing that it would be

impossible by either October 16 or October 23 to get through with the business that we have to dispose of before this particular session is over.

The Majority Leader and Minority Leader, of course, frequently cooperate in bringing specific items of legislative business to the attention of the House. As an example, the following remarks were made by the Majority Leader in the course of discussing his motion to suspend the rules and pass a bill increasing the President's salary:⁽¹⁾

MR. ALBERT: . . . The only reason that this method has been used on this occasion is that it presents to the House the opportunity to consider this legislation before the new President takes office. . . .

In view of these circumstances, the distinguished minority leader and the distinguished chairman and ranking member on Post Office and Civil Service and myself have jointly offered this resolution for the consideration of the Members of the House.

Notification by Leaders as to Reassembly of Congress

§ 18.8 Congressional leaders, including the floor leaders of the House, having been au-

1. 115 CONG. REC. 172, 91st Cong. 1st Sess., Jan. 6, 1969. For further discussion of the proceedings relating to the Majority Leader's motion to suspend the rules in this case, see § 17.13, *supra*.

²⁰ 116 CONG. REC. 35217, 35218, 91st Cong. 2d Sess.

thorized by concurrent resolution, formally called for a reassembly of Congress at an earlier date than that to which it had adjourned.

The 79th Congress, having by concurrent resolution adjourned to a day certain, was reassembled before that day in accordance with a provision in such resolution for reassembly before the day fixed in the event that certain congressional leaders, including the floor leaders, decided that legislative expediency warranted re-assembly.⁽²⁾

§ 19. Role as Party Leader

In his capacity as a leader of his party, the floor leader plays a key role in the formation and promotion of his party's policies. Wherever possible, he protects the interests of his party and individual members thereof.

The Republican floor leader generally introduces the resolution assigning members of his party to House committees,⁽³⁾ and undertakes other responsibilities respecting such committee assignments.⁽⁴⁾

2. 91 CONG. REC. 8320, 79th Cong. 1st Sess., Sept. 5, 1946. See also Ch. 1, § 3, *supra*.

3. § 19.7, *infra*.

4. § 19.8, *infra*.

The floor leader may be consulted with respect to changes in committee size or composition that might affect his party's representation on the committee.⁽⁵⁾

The floor leader protects the interests of individual members of his party, as by ensuring that the Record or Journal accurately reflects the votes of Members,⁽⁶⁾ the presence of Members,⁽⁷⁾ or the legitimate reasons for a Members absence.⁽⁸⁾ Where requested to make objection to certain unanimous-consent requests, the floor leader has done so.⁽⁹⁾

On occasion, the floor leader has addressed remarks directly to members of his party on the floor of the House, for purposes of ascertaining⁽¹⁰⁾ or influencing⁽¹¹⁾ the sentiments of his party with respect to particular issues.

Announcements of Party Meetings

§ 19.1 On occasion, the floor leader has made announce-

5. § 19.9, *infra*.

6. § 19.5, *infra*.

7. § 19.5, *infra*.

8. See the remarks of Minority Leader Gerald R. Ford (Mich.) at 111 CONG. REC. 20362, 89th Cong. 1st Sess., Aug. 12, 1965.

9. § 19.6, *infra*.

10. § 19.2, *infra*.

11. § 19.3, *infra*.

ments concerning meetings of the caucus, conference, or other party group.

On July 30, 1968,⁽¹²⁾ the Majority Leader, Carl Albert, of Oklahoma, announced as follows:

MR. ALBERT: Mr. Speaker, I take this time to advise the Democratic Members that a caucus of the Democratic Members of the House is called to meet in the Hall of the House of Representatives on Thursday, August 1, 1968, at 10 a.m., for the purpose of electing Members to the Ways and Means Committee.

On January 13, 1937,⁽¹³⁾ the Republican floor leader, Bertrand H. Snell, of New York, announced as follows:

MR. SNELL: Mr. Speaker, there will be a meeting of the Republican members of the committee on committees at 4 o'clock this afternoon in the rooms of the Interstate and Foreign Commerce Committee, located in the New House Office Building, and there will be a Republican Conference in this hall at 10 o'clock tomorrow morning.

12. 114 CONG. REC. 24269, 90th Cong. 2d Sess. For discussion of recent practice with respect to calling organizational meetings of the caucus prior to the convening of a new Congress, see supplements to this edition as they appear.

13. 81 CONG. REC. 201, 75th Cong. 1st Sess.

Request for Indication of Sentiment

§ 19.2 The Minority Leader, during a debate in the Committee of the Whole, requested Members of his party to informally indicate their support for a certain proposition by a show of hands.

On Aug. 6, 1963,⁽¹⁴⁾ Minority Leader Charles A. Halleck, of Indiana, made the following request:

MR. HALLECK: Mr. Chairman, I do not know whether it would be parliamentary or not, but I would like to have the Republicans who are here—and we are in goodly number—raise their hands to indicate whether they will vote for this bill with or without the amendment.

Expression of Viewpoint on Committee Assignments

§ 19.3 The Republican floor leader, during debate in the House, indicated the position that he thought the Republicans should adopt with respect to the issue to be voted on.

In the 92d Congress, a debate took place on whether the resolution assigning Democratic Members to the House committees

14. 109 CONG. REC. 14289, 88th Cong. 1st Sess.

should be open to amendment and any such amendment be voted on by the House.⁽¹⁵⁾ In the course of the debate, the Republican floor leader, Gerald R. Ford, of Michigan, remarked as follows:⁽¹⁶⁾

. . . I cannot help but make this observation. The gentleman from California was unable to persuade a majority of the Democrats to his point of view. I do not think that we on the Republican side ought to succumb to his arguments of this occasion. Therefore, Mr. Speaker, I would certainly hope and trust that the Republicans on this issue, on a Democratic resolution expressing the views of the Democratic Party, should not under any circumstances vote "nay" on the motion to order the previous question. As Republicans we should exercise our option to vote "yea" or "present" on the previous question, because the matter is one for the Democrats to decide and not for us.

Official Objectors

§ 19.4 The floor leader appoints his party's official objectors for the Private and Consent Calendars.⁽¹⁷⁾

Correction of Roll Call

§ 19.5 The floor leader, acting on behalf of a Member, may

15. See § 9.3, supra, for further discussion of the proceedings.

16. 117 CONG. REC. 1711, 92d Cong. 1st Sess., Feb. 4, 1971.

17. See § 20.1, infra.

ask for correction of a roll call.

Parliamentarian's Note: The floor leader, acting on behalf of Members of his party, may ask that corrections be made with respect to roll calls so that the Record and Journal accurately reflect the votes, or presence or absence, of Members. Thus, the Journal of the 88th Congress⁽¹⁸⁾ reflects the following correction:

ROLL CALL CORRECTIONS

On motion of Mr. Albert, on behalf of Mr. Holland, by unanimous consent,

Ordered, That roll call No. 55 be corrected to show Mr. Holland present and answering to his name.

Objection to Unanimous-Consent Request

§ 19.6 Where the Minority Leader did not hear the unanimous consent request, the order of the House entered pursuant thereto was vacated; the request was again made, and the Minority Leader, having been requested to do so, made objection to the request.

On May 18, 1965,⁽¹⁹⁾ the following proceedings took place:

18. H. Jour. 455, 88th Cong. 1st Sess. (1963).

19. 111 CONG. REC. 10871, 89th Cong. 1st Sess.

MR. [HAROLD T.] JOHNSON of California: Mr. Speaker, I ask unanimous consent that the Committee on Public Works have permission to sit during general debate this afternoon.

THE SPEAKER:⁽²⁰⁾ Is there objection to the request of the gentleman from California?

There was no objection.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I have not been able to hear some of these requests. I have been told indirectly that a request was just made and permission was granted for the Committee on Public Works to meet this afternoon. I had talked with the majority leader and indicated we had some people who were in opposition to it. I did not hear the request, and I am a little disappointed that it was not made so that I could hear it.

THE SPEAKER: Without objection, the order concerning permission for the Committee on Public Works to sit this afternoon will be vacated.

There was no objection.

MR. JOHNSON of California: Mr. Speaker, I ask unanimous consent that the Committee on Public Works have permission to sit during general debate this afternoon.

THE SPEAKER: Is there objection to the request of the gentleman from California?

MR. GERALD R. FORD: Mr. Speaker, I have been requested to make an objection, and I do make it.

Resolution Assigning Members to Committees

§ 19.7 The Republican floor leader introduces resolutions

20. John W. McCormack (Mass.).

assigning members of his party to standing committees of the House.

As a matter of long-standing practice, the Republican⁽¹⁾ floor leader introduces the resolution assigning members of his party to standing committees of the House. In the 91st Congress,⁽²⁾ for example, the resolution was introduced by Minority Leader Gerald R. Ford, of Michigan.

Resolutions such as the following,⁽³⁾ relating to the committee assignment of an individual Republican Member, have been offered by the Republican floor leader, in this case Majority Leader Charles A. Halleck, of Indiana:

MR. HALLECK: Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read the resolution (H. Res. 62), as follows:

Resolved, That Walter H. Judd, of Minnesota, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Expenditures in the Executive Departments and to rank No. 3 thereon.

1. The resolution assigning Democratic Members to House committees is usually introduced by the Chairman of the Democratic Committee on Committees. See Ch. 17, *infra*.
2. 115 CONG. REC. 2084, 2085, 91st Cong. 1st Sess., Jan. 29, 1969.
3. 93 CONG. REC. 536, 80th Cong. 1st Sess., Jan. 23, 1947.

Parliamentarian's Note: In the 91st Congress, a resolution electing both Democratic and Republican Members to the newly created Committee on Internal Security was presented to the House by the Chairman of the Democratic Committee on Committees after consultation with, and with the approval of, the Minority Leader.⁽⁴⁾

Amendment to Resolution

§ 19.8 The Republican floor leader asked unanimous consent to vacate the proceedings wherein the House had agreed to the resolution electing minority members to standing committees, and offered an amendment changing the order of certain names in the resolution.

The following proceedings took place in the 91st Congress:⁽⁵⁾

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House agreed to House Resolution 176 on January 29, and ask for its immediate consideration with an amendment which I send to the desk.

THE SPEAKER:⁽⁶⁾ Is there objection to the request of the gentleman from Michigan?

4. See § 11.1, *supra*. The resolution appears at 115 CONG. REC. 3747, 91st Cong. 1st Sess., Feb. 18, 1969.
5. 115 CONG. REC. 2433, 2434, 91st Cong. 1st Sess., Feb. 3, 1969.
6. John W. McCormack (Mass.).

There was no objection.

The Clerk read the resolution, as follows: . . .

Amendment offered by Mr. Gerald R. Ford: On page 7, lines 5 and 6, strike out "E. Ross Adair, Indiana; William H. Ayres, Ohio;" and insert: "William H. Ayres, Ohio; E. Ross Adair, Indiana;"

MR. FORD: Mr. Speaker, my amendment, which has just been read by the Clerk, will correct the seniority standing of the gentleman from Ohio (Mr. Ayres) on the Committee on Veterans' Affairs.

The amendment was agreed to.

Resolution Relating to Composition of Committee

§ 19.9 A resolution adding three memberships to the Committee on Government Operations, two to be assigned to the majority and one to the minority, was offered by the Majority Leader, pursuant to agreement between the leadership of both parties.

The following proceedings took place on Jan. 14, 1965:⁽⁷⁾

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I offer a resolution, House Resolution 114, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

7. 111 CONG. REC. 660, 661, 89th Cong. 1st Sess.

H. RES. 114

Resolved, That during the Eighty-ninth Congress, the Committee on Government Operations shall be composed of thirty-four members.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, will the gentleman yield?

MR. ALBERT: I yield to the gentleman.

MR. FORD: Would the gentleman from Oklahoma indicate the distribution of the three additional Members?

MR. ALBERT: This is an addition of three memberships to the Committee on Government Operations, two of which will be assigned to the majority and one of which will be assigned to the minority.

This is a matter which has been worked out, as a few other matters have been, between the leadership on both sides for the convenience of the House.

§ 20. Appointments

The floor leaders designate members of their respective parties to serve as official objectors for the Private and Consent Calendars. The names of the persons so designated are announced in the House by the floor leaders soon after a new Congress convenes.⁽⁸⁾

8. See the illustrative announcements as to the appointment of official objectors' committees in §§ 15.1, 15.3, *supra*. For general discussion of the composition and functions of the offi-

The Democratic floor leader with the approval of the Speaker appoints the Democratic Whip, and makes an announcement in the House respecting such appointment.⁽⁹⁾

Appointment of Official Objectors

§ 20.1 The floor leader appoints his party's official objectors for the Private and Consent Calendars, and announces in the House the names of those persons so appointed.

Thus, in the 91st Congress, announcements respecting the appointment of official objectors for the Private and Consent Calendars were made by Carl Albert, of Oklahoma, the Majority Leader, and Gerald R. Ford, of Michigan, the Minority Leader.⁽¹⁰⁾

cial objectors' committees, see §§ 15.1–15.5, *supra*.

9. § 20.3, *infra*. The Republican whip is selected by the conference (see § 23.3, *infra*). For general discussion of the party whips, see §§ 23–25, *infra*.

10. 115 CONG. REC. 3721, 91st Cong. 1st Sess. Feb. 18, 1969. Substantially similar announcements are made in every Congress. See, for example, 105 CONG. REC. 2580, 86th Cong. 1st Sess., Feb. 18, 1959. See also the examples cited in §§ 15.1 and 15.3, *supra*.

Replacement of Objector

§ 20.2 Following the request of an objector to be relieved of his duties, the Minority Leader designated another to replace such objector on the Objector's Committee for the Private Calendar.

In the 89th Congress, an objector who had been appointed to the Subcommittee on Private Claims of the Committee on the Judiciary was relieved of his assignment on the Official Objectors' Committee for the Private Calendar. On Feb. 10, 1965, the Minority Leader made the following announcement:⁽¹¹⁾

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, the gentleman from Michigan [Mr. Hutchinson] is a member of the subcommittee of the Judiciary Committee which handles private claims, and that seems to be incompatible with his service on the Private Calendar objectors' committee.

At his request, he is being relieved of his assignment on the Private Calendar objectors' committee, and I have designated the gentleman from California [Mr. Talcott] to take his place.

11. 111 CONG. REC. 2468, 89th Cong. 1st Sess. For another instance in which the Minority Leader announced the replacement of a minority objector for the Private Calendar, see 116 CONG. REC. 7677, 91st Cong. 2d Sess., Mar. 17, 1970.

Appointment of Democratic Whip

§ 20.3 The Democratic floor leader with the approval of the Speaker appoints his party's whip, and announces such appointment in the House.

The following announcement, made in the 83d Congress by Sam Rayburn, of Texas, then Minority Leader, illustrates the announcement customarily made by the Democratic floor leader with respect to the appointment of the Democratic whip:⁽¹²⁾

MR. RAYBURN: Mr. Speaker, I desire to announce to the House that I have appointed as minority whip of the House of Representatives the Honorable John W. McCormack. I feel sure that will be pleasing to both the minority and majority.

In the 84th Congress, the Democratic floor leader, in announcing the selection of a majority whip to replace one resigning from that position, indicated that the Speaker and floor leader, in conference, made the selection. The proceedings were as follows:⁽¹³⁾

12. See 99 CONG. REC. 134, 83d Cong. 1st Sess., Jan. 6, 1953. The Republican whip is selected by the conference. See § 23.3, *infra*. For further discussion of the party whips, see §§ 23-25, *infra*.

13. 101 CONG. REC. 191, 84th Cong. 1st Sess., Jan. 10, 1955.

MR. [JOHN W.] McCORMACK [of Massachusetts]:

Mr. Speaker, I desire to make an announcement. Those Members who served in . . . past Congresses know that the distinguished gentleman from Tennessee, Mr. Priest, has been the Democratic whip.

Mr. Priest now assumes the very responsible position of chairman of the very important Committee on Interstate and Foreign Commerce. He has himself made the decision that the duties of that chairmanship are such that he feels constrained to confine his activities to that position.

As a result of that it became necessary to select a majority whip. I am very pleased to announce to my colleagues today that the Speaker and I, in conference, have designated and selected the distinguished gentleman from Oklahoma, Mr. Carl Albert, to be the majority whip during this Congress.

§ 21. Duties; Ceremonial Functions

The floor leaders perform various functions of a ceremonial nature.

Thus, following the election of a Speaker, the floor leaders customarily form part of the committee that escorts the Speaker to the chair.⁽¹⁴⁾ It is also customary at such time for the Minority Leader to address the House for purposes

14. § 21.1, *infra*.

of introducing the Speaker and wishing him well.⁽¹⁵⁾ Similarly, early in a session, the Majority Leader frequently offers a resolution appointing a committee to notify the President of the assembly of Congress,⁽¹⁶⁾ and both floor leaders are appointed to such committee.⁽¹⁷⁾ At the end of a session, the floor leaders are again appointed to a committee to notify the President of the adjournment of Congress.⁽¹⁸⁾ When the President visits the House, the floor leaders may be designated to escort the President into the House.⁽¹⁹⁾

Many duties or actions of the floor leaders relate to honors or tributes accorded to the Speaker of the House. Thus it is traditional for the Minority Leader, at the end of a Congress, to introduce a resolution thanking the Speaker for the manner in which the Speaker discharged the duties of the Chair.⁽²⁰⁾ More informally, the floor leaders have made announcements or led in paying tribute to the Speaker wherever appropriate to recognition of particular milestones, such as the an-

15. § 21.2, *infra*.

16. § 21.3, *infra*.

17. § 21.4, *infra*.

18. § 21.6, *infra*.

19. § 21.7, *infra*.

20. § 21.9, *infra*.

niversary of the election of the Speaker or the announcement by the Speaker of his intended retirement.⁽¹⁾

With respect to other expressions of courtesy, gratitude, praise, and the like, the floor leader exercises his initiative as appropriate, frequently undertaking to express the sentiments of the House. Such expressions, generally concurred in by other Members of the House, range from praise of officers or Members for accomplishments in the House, felicitations on birthdays, and good wishes in case of an individual's illness, to resolutions offering sympathy upon the death of certain persons.⁽²⁾

The floor leader, usually the Majority Leader, also from time to time makes announcements or undertakes duties with respect to various ceremonial or formal occasions, ranging from the inaugural ceremonies to the reception of foreign visitors.⁽³⁾

Committee of Escort for Speaker-elect

§ 21.1 Following the election of a Speaker, the Clerk custom-

1. § 21.10, *infra*.
2. §§ 21.11–21.17, *infra*.
3. See §§ 21.18–21.22, *infra*.

arily appoints the Majority and Minority Leaders to the committee that escorts the Speaker-elect to the Chair.

The proceedings in the 90th Congress, wherein floor leaders Carl Albert, of Oklahoma, and Gerald R. Ford, of Michigan, were among those appointed to the Committee of Escort, are typical of those in which the Clerk appoints the committee to escort the Speaker-elect to the Chair. After announcing that John W. McCormack, of Massachusetts, had been elected Speaker, the Clerk announced as follows:⁽⁴⁾

The Clerk appoints the following committee to escort the Speaker-elect to the chair: the gentleman from Michigan [Mr. Gerald R. Ford], the gentleman from Wisconsin [Mr. Laird], the gentleman from Oklahoma [Mr. Albert], the gentleman from New York [Mr. Celler], the gentleman from Texas [Mr. Mahon], the gentleman from Illinois [Mr. Rostenkowski], and the gentleman from Louisiana [Mr. Boggs.]

In the 89th Congress, the Majority Leader and Minority Leader comprised the entire Committee of Escort.⁽⁵⁾

There have been departures from the above custom. For example, in the 75th Congress, neither

4. 113 CONG. REC. 13, 90th Cong. 1st Sess., Jan. 10, 1967.
5. See 111 CONG. REC. 17, 89th Cong. 1st Sess., Jan. 4, 1965.

Majority Leader Sam Rayburn, of Texas, nor the Farmer-Labor-Progressive party floor leader Gerald J. Boileau, of Wisconsin, was named to the Committee of Escort.⁽⁶⁾

Introduction of Speaker-elect

§ 21.2 The Minority Leader, generally the minority party's candidate for Speaker, addresses the House for purposes of introducing the Speaker-elect.

The remarks of Minority Leader Gerald R. Ford, of Michigan, on the occasion of presenting the Speaker-elect to the House in the 89th Congress are illustrative of those customarily made following the election of the Speaker. After escorting Speaker-elect John W. McCormack, of Massachusetts, to the Chair, Mr. Ford addressed the House as follows:⁽⁷⁾

Mr. Speaker and my colleagues of the 89th Congress, in the 16 years that

6. See 81 CONG. REC. 11, 75th Cong. 1st Sess., Jan. 5, 1937. Appointed were the defeated candidates for the office of Speaker, Bertrand H. Snell, of New York (the Republican floor leader) and George J. Schneider from Wisconsin, of the Farmer-Labor-Progressive Party. Also appointed were John J. O'Connor (N.Y.) and Henry B. Steagall (Ala.).

7. 111 CONG. REC. 17, 18, 89th Cong. 1st Sess., Jan. 4, 1965.

I have been privileged to be a Member of the House of Representatives and on the eight occasions when I have seen the Congress convene and the gavel pass from the individual who lost to the individual selected as Speaker, the gavel has gone from a Republican to a Democrat seven times. . . .

I can say to you Mr. Speaker, that it is a privilege for me on this occasion to pass the gavel to you. However, I might add, in a somewhat lighter vein, that I hope this is an experience which will not be duplicated too frequently in the future. . . .

May I say in conclusion that we in the minority have in the past supported you and the administration when we believed it was for the best interest of the United States. .

As a further example, Minority Leader Ford in the 91st Congress made the following remarks in the course of introducing Speaker-elect McCormack to the House:⁽⁸⁾

Mr. Speaker, and old friends and new friends on both sides of the aisle' I stand before you today as the acknowledged champion among those who have tried to unseat the gentleman from Massachusetts from the Speaker's chair. . . .

My congratulations to all of my colleagues who have successfully submitted their record of service to their constituents, and a very special welcome to the new Members of the 91st Congress on both sides of the aisle.

Committees to Notify President

§ 21.3 The Majority Leader customarily offers a resolu-

8. 115 CONG. REC. 14, 91st Cong. 1st Sess., Jan. 3, 1969.

tion that a committee be appointed by the Speaker to notify the President of the assembly of Congress.

The resolution offered by the Majority Leader, Carl Albert, of Oklahoma, in the 90th Congress illustrates the form of the resolution customarily offered for purposes of forming the committee to notify the President of the assembly of Congress. The proceedings were as follows:⁽⁹⁾

MR. ALBERT: Mr. Speaker, I offer a resolution (H. Res. 5) and ask for its immediate consideration. The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make.

Proceedings virtually identical to those above take place upon the assembly of every Congress.

§ 21.4 The Majority and Minority Leaders are customarily among those appointed to the committee to notify the President of the assembly of

9. 113 CONG. REC. 27, 90th Cong. 1st Sess., Jan. 10, 1967.

Congress; the Majority Leader may report on the performance of the committee's duty.

The appointments to the committee in the 90th Congress were made by Speaker John W. McCormack, of Massachusetts, as follows:⁽¹⁰⁾

THE SPEAKER: The Chair appoints as members of the committee to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Oklahoma [Mr. Albert], the gentleman from Louisiana [Mr. Boggs], and the gentleman from Michigan [Mr. Gerald R. Ford].

In the 92d Congress, the Majority Leader reported on the performance of the committee's duty, as follows:⁽¹¹⁾

MR. [HALE] BOGGS [of Louisiana]: Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased

10. 113 CONG. REC. 28, 90th Cong. 1st Sess., Jan. 10, 1967. Substantially the same proceedings take place in every Congress; see, for example, 115 CONG. REC. 35, 91st Cong. 1st Sess., Jan. 3, 1969.

11. 117 CONG. REC. 15, 92d Cong. 1st Sess., Jan. 21, 1971.

to make, has performed that duty. The President asked us to report that he will be pleased to deliver his message at 9 p.m., January 22, 1971, to a joint session of the two Houses.

§ 21.5 The Majority Leader offers a resolution authorizing the appointment of a committee to notify the President as to the intended adjournment of Congress.

The following proceedings took place in the 91st Congress:⁽¹²⁾

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I offer a resolution (H. Res. 1338) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1338

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

§ 21.6 The Speaker appointed the Majority Leader and the acting Minority Leader to the committee to notify the President as to the intention of Congress to adjourn; the

12. 116 CONG. REC. 44599, 91st Cong. 2d Sess., Jan. 2, 1971.

Majority Leader subsequently reported to the House the performance of the committee's duty.

In the 91st Congress, following the adoption of a resolution authorizing appointment of the committee to notify the President of the intended adjournment of Congress, the Speaker appointed the Majority Leader, Carl Albert, of Oklahoma, and the acting Minority Leader, John J. Rhodes, of Arizona, as the members of the committee.⁽¹³⁾ Subsequently, Mr. Albert made the following report in the House:⁽¹⁴⁾

MR. ALBERT: Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress.

Committee of Escort Upon Presidential Visit

§ 21.7 Upon a visit by the President of the United States, the floor leaders may be appointed as a committee

13. See 116 CONG. REC. 44599, 91st Cong. 2d Sess., Jan. 2, 1971.

14. 116 CONG. REC. 44621, 91st Cong. 2d Sess., Jan. 2, 1971.

to escort the President into the Chamber.

On Nov. 13, 1969, President Richard M. Nixon visited the House for the purpose of expressing his appreciation for the support shown by Members for certain of his policies; prior to the President's visit, Speaker John W. McCormack, of Massachusetts, announced as follows:⁽¹⁵⁾

THE SPEAKER: The Chair appoints the gentleman from Oklahoma (Mr. Albert) and the gentleman from Michigan (Mr. Gerald R. Ford) to escort the President of the United States into the Chamber.

The committee so comprised of the Majority and Minority Leaders accompanied the President into the Hall of the House of Representatives,⁽¹⁶⁾ and, following the remarks of the President to the House, accompanied him as he retired from the Hall of the House.⁽¹⁷⁾

Committee of Escort

§ 21.8 The floor leaders may be appointed to a committee of escort upon a visit by a Prime Minister.

In the 85th Congress, prior to a recess during which the Members

15. 115 CONG. REC. 34080, 91st Cong. 1st Sess., Nov. 13, 1969.

16. *Id.*

17. 115 CONG. REC. 34081, 91st Cong. 1st Sess., Nov. 13, 1969.

received the Prime Minister of Italy, Speaker Sam Rayburn, of Texas, appointed the Majority Leader, John W. McCormack, of Massachusetts, and the Minority Leader Joseph W. Martin, Jr., of Massachusetts, and others, to a committee of escort for the Prime Minister.⁽¹⁸⁾

Resolution Thanking Speaker

§ 21.9 It is customary toward the end of a Congress for the Minority Leader or someone acting in his behalf to offer a resolution expressing the thanks of the House for the manner in which the Speaker discharged the duties of the Chair.

The following proceedings in the 86th Congress⁽¹⁹⁾ are illustrative of those honoring the Speaker at the conclusion of a Congress:

THE SPEAKER PRO TEMPORE:⁽²⁰⁾ The Chair recognizes the gentleman from Indiana, the minority leader, Mr. Halleck.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I offer a resolution (H. Res. 647) and ask for its immediate consideration.

The Clerk read the resolution as follows:

18. See 104 CONG. REC. 15434, 85th Cong. 2d Sess., July 29, 1958.

19. 106 CONG. REC. 19162, 86th Cong. 2d Sess., Sept. 1, 1960.

20. Leslie C. Arends (Ill.).

Resolved, That the thanks of the House are presented to the Honorable Sam Rayburn, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress.

Following the reading of the resolution, Mr. Halleck addressed the House in support of the resolution and in praise of Speaker Rayburn.

Proceedings such as those above take place toward the end of every Congress, the Chair usually being assumed for purposes of the proceedings by the minority whip⁽¹⁾ or by someone, such as the conference chairman,⁽²⁾ acting for the whip.

On occasion, the Minority Leader, in anticipation of his absence, has designated someone, such as the Chairman of the Republican Policy Committee,⁽³⁾ to act for him in offering the resolution.

1. See, for example, 102 CONG. REC. 15282, 84th Cong. 2d Sess., July 27, 1956.
2. See, for example, 110 CONG. REC. 24058, 88th Cong. 2d Sess., Oct. 3, 1964.
3. See, for example, 116 CONG. REC. 44601, 91st Cong. 2d Sess., Jan. 2, 1971; and 114 CONG. REC. 31371, 90th Cong. 2d Sess., Oct. 14, 1968. (In both instances, John J. Rhodes [Ariz.], the Chairman of the Republican Policy Committee, offered the resolution; in the 91st Congress,

Tributes to Speaker

§ 21.10 Where it has been appropriate to accord honors to the Speaker, as in recognition of length of service or on the occasion of the Speaker's intended retirement, the floor leaders have led the House in paying tribute to the Speaker or remarking on his accomplishments. On occasion, the Minority Leader has acted as Speaker pro tempore when the proceedings in the House and the remarks of Members have been in honor of the Speaker.

In the 87th Congress, the Minority Leader assumed the Chair as Speaker pro tempore and recognized the Majority Leader, who offered a resolution extending congratulations to Speaker Sam Rayburn, of Texas, on his length of service. The proceedings were, in part as follows:⁽⁴⁾

THE SPEAKER: Will the gentleman from Indiana [Mr. Halleck] kindly take the chair?

Speaker John W. McCormack [Mass.], having announced his plans to retire, the resolution expressed not only the customary thanks of the House but also the good wishes of the House upon the Speaker's anticipated retirement.)

4. 107 CONG. REC. 10035, 87th Cong. 1st Sess., June 12, 1961.

(Mr. Charles A. Halleck, of Indiana, assumed the chair as Speaker pro tempore.)

THE SPEAKER PRO TEMPORE (Mr. Halleck): The Chair recognizes the gentleman from Massachusetts [Mr. McCormack].

MR. [JOHN W.] MCCORMACK [of Massachusetts]: With great personal satisfaction and pleasure I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 333

Resolved, That the House of Representatives hereby extends its heartiest congratulations to its beloved Speaker, the Honorable Sam Rayburn, who, today, has served in the high office of Speaker of the House of Representatives for 16 years, 273 days—more than twice as long as any other Speaker in the history of the United States; and be it further

Resolved, That the House of Representatives hereby expresses its deep appreciation to the Honorable Sam Rayburn for his impartiality, integrity, and outstanding parliamentary skill in presiding over this House; for enhancing the dignity and traditions of the Speakership; and for his continuing devotion to legislative duty in this House for more than 48 years.

Similar proceedings took place in the 91st Congress in honor of Speaker John W. McCormack, of Massachusetts. Gerald R. Ford, of Michigan, Minority Leader, assumed the Chair as Speaker pro tempore, and Majority Leader Carl Albert, of Oklahoma, offered

a resolution reading in part as follows:⁽⁵⁾

H. RES. 1044

Resolved, That the House of Representatives hereby extends congratulations to the Honorable John W. McCormack who has served continuously as Speaker of the House longer than any previous occupant of that high office and whose cumulative service in that position now surpasses that of all but one of his predecessors. . . .

Following the reading of the resolution, the Majority Leader delivered remarks in honor of Speaker McCormack, and yielded to other Members, including the Minority Leader,⁽⁶⁾ who also paid tribute to the Speaker.

Speaker McCormack having announced his intended retirement, various proceedings and announcements of a nature honoring the Speaker were recorded in the 91st Congress. Thus, on May 20, 1970,⁽⁷⁾ the Majority Leader remarked as follows:

MR. ALBERT: Mr. Speaker, I was saddened to hear my dear friend Speaker John W. McCormack, will tell the press today of his intention to retire. It is difficult for me to contemplate the House of Representatives functioning

5. 116 CONG. REC. 17020, 91st Cong. 2d Sess., May 26, 1970.

6. 116 CONG. REC. 17021, 91st Cong. 2d Sess., May 26, 1970.

7. 116 CONG. REC. 16284, 91st Cong. 2d Sess.

without his wise counsel and outstanding leadership. . . .

Mr. Albert's remarks were followed by other tributes to Speaker McCormack.

On June 24, 1970,⁽⁸⁾ the Minority Leader inserted in the Record the transcript of proceedings held at the White House on May 27, honoring Speaker McCormack for his service to the nation. Similarly, on Dec. 17, 1970,⁽⁹⁾ the Majority Leader announced to the House that Speaker McCormack in certain ceremonies had been given a book signed by all House employees, and that an "Annual Award of Excellence" had been established in the Speaker's name to be presented to the employee performing the most valuable service to the House. Following the remarks of the Majority Leader, Minority Leader Gerald R. Ford spoke briefly to congratulate the employees on their recognition of the Speaker's accomplishments.

Significant anniversary dates in the careers of past distinguished Speakers have also been noted by the floor leader. Thus, on Sept. 16, 1969,⁽¹⁰⁾ the Majority Leader paid

8. 116 CONG. REC. 21304-21306, 91st Cong. 2d Sess.

9. 116 CONG. REC. 42190, 42191, 91st Cong. 2d Sess.

10. 115 CONG. REC. 25611, 91st Cong. 1st Sess.

tribute to the late Sam Rayburn, as follows:

MR. ALBERT: Mr. Speaker, 29 years ago today, on September 16, 1940, the late Honorable Sam Rayburn was elected Speaker of the House of Representatives for the first time. This is an important anniversary although one which might have been overlooked in the rush of business. . . .

The judgment of history will confirm . . . that the principles of liberal democracy which Sam Rayburn held dear beyond price, were expanded and preserved by his great legislative genius. . . .

Expressions of Praise or Recognition

§ 21.11 The Majority Leader expressed thanks to the members of the official objectors' committees for the manner in which they performed their duties

On July 30, 1955,⁽¹¹⁾ the Majority Leader expressed his gratitude to the objectors, among others, for work done during the session.

§ 21.12 The Majority Leader praised the work done in the session by the Speaker, the majority whip, the Minority Leader, and the officers and employees of the House. His comments were followed by

11. See 101 CONG. REC. 12380, 12381, 84th Cong. 1st Sess.

remarks of a similar nature by the Minority Leader.

The remarks of the Majority Leader, Carl Albert, of Oklahoma, and the Minority Leader, Gerald R. Ford, of Michigan, on Dec. 15, 1967,⁽¹²⁾ were in part as follows:

MR. ALBERT: Mr. Speaker, we are about to come to the end of the first session of the 90th Congress. It has been a long and arduous session, but it is a session which has had many rewards. . . .

I congratulated all who have helped to write this record. Particularly do I congratulate and applaud our distinguished and beloved Speaker, the Honorable John W. McCormack. . . .

I also salute my close friend and co-worker, our Majority Whip Hale Boggs.

I also want to express my gratitude to the distinguished minority leader of the House. . . .

12. 113 CONG. REC. 37382, 37383, 90th Cong. 1st Sess.

The proceedings described are illustrative of those customarily taking place at the end of a session. As a further example, see 112 CONG. REC. 28866–28868, 89th Cong. 2d Sess., Oct. 22, 1966, in which the acting Majority Leader and the Minority Leader spoke in praise of those, such as the assistant Parliamentarian acting in the Parliamentarian's absence, who had contributed to the accomplishments of the session. (The remarks of the Majority Leader, who was absent because of illness, were printed in the Record at the request of the acting Majority Leader.

I congratulate and thank also the distinguished minority whip and other members of the Republican leadership.

I must also express my gratitude for the work of the Parliamentarian without whose efforts I could not have done my job. I am grateful to the Clerk, the Sergeant at Arms, the Doorkeeper, the Postmaster and all the officers and employees of the House. . . .

MR. GERALD R. FORD [of Michigan]: . . . Mr. Speaker, each of us on both sides of the aisle is most appreciative of the help and assistance of the employees of the House. I would like to reiterate what the distinguished majority leader has said about the Parliamentarian . . . but there are many others who help us on a day-to-day basis.

§ 21.13 The floor leaders and others praised the record of service of one who was terminating his employment as legislative assistant to the Speaker

The remarks of the Majority Leader, Carl Albert, of Oklahoma, and the Minority Leader, Charles A. Halleck, of Indiana, on Oct. 5, 1962,⁽¹³⁾ were in part as follows:

MR. ALBERT: Mr. Speaker, every Member will agree with me, I am sure, that the fine work of staff members here in the House of Representatives, in its committees, and in the offices of its Members is an indispensable element of the legislative process. . . .

13. 108 CONG. REC. 22565, 87th Cong. 2d Sess.

I take this time to advise the House that one of the finest and most capable persons ever to serve the House or any of its Members, John Holton, legislative assistant to the Speaker, is leaving the House of Representatives. . . .

MR. HALLECK: Mr. Speaker, will the gentleman yield? . . .

Mr. Speaker, I am sure I speak for my colleagues on this side of the aisle—and certainly for myself—when I say I want to join in this expression of appreciation to John Holton for his services to the House of Representatives these many years. . . .

§ 21.14 The floor leaders and others frequently exchange birthday felicitations during proceedings in the House.

The proceedings in the 89th Congress are illustrative of the exchange of courtesies between the floor leaders. Following the announcement of the Majority Leader's birthday by Mr. Thomas J. Steed, of Oklahoma, the Minority Leader remarked as follows:⁽¹⁴⁾

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, may I join the distinguished gentleman from Oklahoma in wishing our distinguished majority leader, Carl Albert, our very best wishes on this birthday anniversary. We, on our side of the aisle, are proud to work with him. . . . Carl Albert is a real gentleman, an outstanding leader of the Democratic Party, and I am very proud and honored to call him a friend. . . .

14. 111 CONG. REC. 9953, 89th Cong. 1st Sess., May 10, 1965.

Similar felicitations have been extended by the Majority Leader on the occasion of the Minority Leader's birthday.⁽⁵⁾ The birthdays of other individuals have been recognized in similar fashion. For example, on Mar. 3, 1970, birthday greetings were extended by the Speaker,⁽¹⁶⁾ the floor leaders, and others to the Parliamentarian of the House.⁽¹⁷⁾

Remarks Upon Hospitalization of President

§ 21.15 The Speaker and the Minority Leader took the floor, during debate in the Committee of the Whole, to express wishes for the President's recovery from illness.

On Oct. 7, 1965, Speaker John W. McCormack, of Massachusetts, and Minority Leader Gerald R. Ford, of Michigan, addressed remarks to the House concerning the hospitalization of President Lyndon B. Johnson for surgery.⁽¹⁸⁾

15. See, for example, 112 CONG. REC. 15706, 89th Cong. 2d Sess., July 14, 1966.

16. John W. McCormack (Mass.).

17. 116 CONG. REC. 5709–5711, 91st Cong. 2d Sess. For similar proceedings on the occasion of the Parliamentarian's birthday, see 115 CONG. REC. 4989, 4990, 91st Cong. 1st Sess., Mar. 3, 1969.

18. See 111 CONG. REC. 26320, 89th Cong. 1st Sess.

Resolution Upon Death of World Leader

§ 21.16 The floor leaders and others, pursuant to a special order obtained by the Majority Leader, addressed the House after the death of a world leader and honorary American citizen, Sir Winston Churchill; the Majority Leader then offered a resolution of sympathy.

On Jan. 25, 1965, the Majority Leader made the following request:⁽¹⁹⁾

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that at the close of business and all special orders heretofore entered into for today, I may address the House for 1 hour, in order that I may yield to Members on the subject of the life and service of Sir Winston Churchill.

Subsequently, the following proceedings took place:⁽²⁰⁾

THE SPEAKER:⁽¹⁾ Under previous order of the House, the gentleman from Oklahoma [Mr. Albert] is recognized for 60 minutes.

MR. ALBERT: Mr. Speaker, I ask unanimous consent to revise and ex-

19. 111 CONG. REC. 1079, 89th Cong. 1st Sess.

20. 111 CONG. REC. 1154-1163, 89th Cong. 1st Sess., Jan. 25, 1965. Similar proceedings have taken place upon the death of other leaders; see, generally, Ch. 38, *infra*.

1. John W. McCormack (Mass.).

tend my remarks, and further ask unanimous consent that all Members speaking on this subject today may revise and extend their remarks, and I also ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks at this point in the Record.

Following remarks by the Majority Leader, the Minority Leader,⁽²⁾ and others in honor of Churchill, the Majority Leader offered the following resolution:⁽³⁾

H. RES. 136

Resolved, That the House of Representatives has learned with profound sorrow of the death of Sir Winston Churchill, former Prime Minister of the United Kingdom, honorary citizen of the United States, beloved elder statesman of the world. . . .

Resolved, That as a further mark of respect to the memory of the late Sir Winston Churchill the House do now adjourn.

Remarks on Death of Minority Employee

§ 21.17 The Minority Leader announced the death of a minority employee, who had been Clerk of the House, and,

2. 111 CONG. REC. 1155, 89th Cong. 1st Sess., Jan. 25, 1965.

3. 111 CONG. REC. 1162, 1163, 89TH CONG. 1ST SESS., JAN. 25, 1965.

following the remarks of the Majority Leader and others, offered a resolution providing for the appointment of a committee to attend the funeral services.

In the 81st Congress, the proceedings relating to the death of John Andrews, a minority employee and former Clerk of the House, were as follows:⁽⁴⁾

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, it is with a heavy heart that I announce the death of a beloved friend, the former Clerk of the House of Representatives, presently a minority employee, John Andrews.

Following remarks by Majority Leader John W. McCormack, of Massachusetts,⁽⁵⁾ and others, the Minority Leader offered the following resolution:⁽⁶⁾

Resolved, That the House has heard with profound sorrow of the death of Hon. John Andrews, an employee and officer of the House for more than 30 years.

Resolved, That as a mark of respect to his memory the Speaker appoint a committee of 10 Members to attend the funeral services. . . .

4. 96 CONG. REC. 7514-7517, 81st Cong. 2d Sess., May 23, 1950.
5. 96 CONG. REC. 7514, 81st Cong. 2d Sess., May 23, 1950.
6. 96 CONG. REC. 7517, 81st Cong. 2d Sess., May 23, 1950.

Announcements Respecting Ceremonial or Social Occasions—Inaugural Ceremonies

§ 21.18 The floor leaders have made announcements in the House, for the information and guidance of Members, relating to the inaugural ceremonies.

Announcements like the following, which was made on Jan. 17, 1969, by Majority Leader Carl Albert, of Oklahoma,⁽⁷⁾ are frequently made by the floor leaders in preparation for the inaugural ceremonies:

MR. ALBERT: . . . Mr. Speaker, I desire to alert my colleagues that when we adjourn today, we will meet on Monday at 10:30 o'clock. I urge all the Members to be here promptly because the procession for Members of the House will leave in a body promptly at 10:35 a.m., so that the inaugural exercises on the platform at the east front might start precisely at 11 o'clock. . . .

Immediately prior to the announcement, the Majority Leader had offered a resolution as to the convening of the House for the inaugural ceremonies.⁽⁸⁾

7. 115 CONG. REC. 1184, 91st Cong. 1st Sess., Jan. 17, 1969. For a further example of such announcements by the Majority Leader, see 111 CONG. REC. 951, 89th Cong. 1st Sess., Jan. 19, 1965. For examples of announcements made by the Minority Leader, see 115 CONG. REC. 1076, 1090, 91st Cong. 1st Sess., Jan. 16, 1969.
8. 115 CONG. REC. 1184, 91st Cong. 1st Sess., Jan. 17, 1969.

Cornerstone Ceremonies**§ 21.19 The Majority Leader made an announcement with regard to ceremonies in which the cornerstone of a new House office building would be laid.**

In the 87th Congress, the Majority Leader, Carl Albert, of Oklahoma, made an announcement respecting ceremonies in which the cornerstone of the Rayburn House Office Building would be laid.⁽⁹⁾

Ceremonies Relating to Signing of Bill**§ 21.20 The Majority Leader announced an invitation to Members to attend ceremonies in which the President would sign a bill in the rotunda of the Capitol.**

The following announcement was made by the Majority Leader, Carl Albert, of Oklahoma, on Aug. 5, 1965:⁽¹⁰⁾

MR. ALBERT: Mr. Speaker, I take this time to advise Members of the House upon the invitation of the Speaker and the majority leader of the Senate the President will sign the voting rights bill tomorrow at noon in the

9. 108 CONG. REC. 8468, 87th Cong. 2d Sess., May 16, 1962.

10. 111 CONG. REC. 19483, 89th Cong. 1st Sess.

rotunda of the Capitol. All Members of the House are invited by the President and the Speaker to be present at this ceremony.

Announcement As to Visit of Prime Minister**§ 21.21 The Majority Leader made an announcement relating to the anticipated visit of a foreign Prime Minister.**

On Feb. 27, 1957,⁽¹¹⁾ the Majority Leader, John W. McCormack, of Massachusetts, made the following announcement:

MR. MCCORMACK: Mr. Speaker, as the Members are aware, we are going to be honored this afternoon at about 3 o'clock by the presence in the Chamber of one of the world's outstanding statesmen, the Prime Minister of France, his Excellency Guy Mollet. I want to announce that about 2:20 or 2:25 there will be a quorum call so that the Members will be advised and govern themselves accordingly.

Unanimous-Consent Request Relating to Visitor**§ 21.22 The Majority Leader has on occasion asked unanimous consent that the Speaker be authorized to declare a recess for the purpose of receiving a visiting Prime Minister or foreign President.**

11. 103 CONG. REC. 2720, 85th Cong. 1st Sess.

On several occasions, the Majority Leader has made unanimous-consent requests such as the following, which was made on Feb. 19, 1957,⁽¹²⁾ by the Majority Leader, John W. McCormack, of Massachusetts:

MR. MCCORMACK: Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, February 27, 1957, for the Speaker to declare a recess for the purpose of receiving the Prime Minister of the Republic of France.

As a further example, the Majority Leader made the following request on May 28, 1958:⁽¹³⁾

MR. MCCORMACK: Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, June 5, 1958, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Federal Republic of Germany.

§ 22. Salary and Perquisites, Honors on Death

Recognition of the status of the floor leaders is reflected in provisions of law regarding the salaries⁽¹⁴⁾ and allowances⁽¹⁵⁾ of the

12. 103 CONG. REC. 2251, 85th Cong. 1st Sess.
13. 104 CONG. REC. 9743, 85th Cong. 2d Sess.
14. See 2 USC § 31.
15. An allowance for office personnel in the office of floor leader is prescribed

floor leaders and in certain provisions prescribing the honors to be accorded upon the death of a floor leader.⁽¹⁶⁾

Assistants to Floor Leaders

§ 22.1 The House has authorized the creation of new positions in the office of floor leader, or the payment from the contingent fund of the House of additional compensation to assistants of the floor leader.

In the 89th Congress, the Majority Leader offered a resolution creating an additional position of clerk in the offices of the Speaker and the Minority Leader, and providing for the payment of the salaries of such clerks from the contingent fund of the House. The resolution, which was agreed to by the House, was as follows:⁽¹⁷⁾

- by 2 USC § 333; such allowance is in addition to the clerk-hire allowance prescribed for each Member by 2 USC § 332. A provision pertaining to allowances for airmail and special delivery stamps for the floor leaders is contained in 2 USC § 42d(1).
16. A proclamation specifies the length of time that designated flags will be flown at half-staff upon the death of a Majority Leader or Minority Leader of the House. See 36 USC § 175, note, Proclamation No. 3044 (flag to be flown at half-staff from day of death until interment).
 17. 112 CONG. REC. 573, 89th Cong. 2d Sess., Jan. 19, 1966.

H. RES. 669

. . . (b) There is hereby created in the office of the minority leader an additional position the basic compensation of which shall be at a rate not to exceed \$3,000 per annum.

(c) There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to carry out this resolution. . . .

On Mar. 9, 1965, the Majority Leader offered a resolution raising the gross salary of, among others, the administrative assistants to the floor leaders. The resolution, which was agreed to by the House, was as follows:⁽¹⁸⁾

H. RES. 258

Resolved, That, effective March 1, 1965, there shall be payable from the contingent fund of the House of Representatives, until otherwise provided by law, an amount which will permit the payment of basic compensation per annum, at a rate not in excess of the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended, to the administrative assistant of each of the following: . . .

- (2) the majority leader of the House;
- (3) the minority leader of the House

. . .

- (7) each Member of the House who has served as majority leader, and as minority leader⁽¹⁹⁾ of the House.

On Jan. 26, 1966, the Speaker took the floor to offer a resolution providing additional clerk-hire allowance for the office of the Majority Leader, and authorizing additional positions in the offices of the Minority Leader and others. The resolution was as follows:⁽²⁰⁾

H. RES. 690

Resolved, That effective February 1, 1966, there shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary for:

- 1. Additional clerical help in the Office of the Majority Leader, not to exceed \$3,000 (basic) per annum.
- 2. (a) An additional position in the Office of the Minority Leader, the basic compensation of which shall be at a rate not to exceed \$2,500 per annum. . . .

The resolution was agreed to.

18. 111 CONG. REC. 4405, 89th Cong. 1st Sess.

19. See also H. Res. 127, 89th Cong. 1st Sess. (1965), providing for an administrative assistant for any Member

who has served both as Majority and as Minority Leader of the House.

20. 112 CONG. REC. 1125, 89th Cong. 2d Sess.

E. PARTY WHIPS

§ 23. In General

[Note: The following is descriptive of practices in effect in some Congresses. For discussion of any current modification of the functions or composition of the office of the whip, consult supplements to this edition as they appear.]

Each party maintains a whip organization, presided over by the party whip. The Democratic floor leader with the approval of the Speaker appoints the Democratic whip and announces in the House the name of the person he has appointed to that position.⁽¹⁾ The Republican Conference chooses that party's whip, and an announcement concerning such selection is made in the House by the Republican floor leader or, on occasion, by the chairman of the conference.⁽²⁾ A number of assistant Democratic whips representing various regions of the country are chosen by the Democratic state delegations.⁽³⁾

1. § 23.1, *infra*.

2. § 23.3, *infra*.

3. Congressional Quarterly's *Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 141.

Collateral references: Ripley, Randall B., *Party Leaders in the House of Representatives*, The Brook-

The Democratic organization formerly included a post of "deputy whip," but the Majority Leader in the 92d Congress announced that that position had been abolished and replaced by the positions of "floor whips."⁽⁴⁾

In the Record of the 82d Congress,⁽⁵⁾ the Republican whip set forth a description of the Republican whip organization, consisting of the Republican whip, a deputy whip, an Eastern regional whip, an East Central regional whip, a Midwest regional whip, a Western regional whip; and various area whips.

The functions of the party whips are to maintain close contact with party members; ascertain the sentiments of party members with respect to legislative issues; ensure the presence of party members on the floor when matters of interest to the party

ings Institution (Washington, D.C., 1967), pp. 33-41 (development of whip organizations); 64, 65, 67-72, 75, 76 (functions of whips); "The Party Whip Organization in the United States House of Representatives," *American Political Science Review*, vol. 58 (Sept., 1964), pp. 561-576.

4. § 23.2, *infra*.

5. 97 CONG. REC. 992, 82d Cong. 1st Sess., Feb. 5, 1951.

are to be voted upon; assist the floor leader in fulfilling the duties of party leadership; and promote party positions with respect to issues before the House.⁽⁶⁾ For purposes of keeping party members informed of matters pending in the House, the whip sends periodic notices containing a description of such matters to party members.

The office was described in these terms by Mr. Charles A. Halleck, of Indiana:⁽⁷⁾

. . . In many ways, the job of whip is a thankless assignment that involves a lot more than just taking polls, calling Members to the floor, and putting out notices of the program for the following week. And I must say, the title "whip" is really a misnomer. You just do not line up Members—especially if you are in the minority—by applying the lash. . . .

[Success] in the office of whip [requires] a personal facility for conciliation, for bringing together divergent views through reason and . . . an ability to persuade. . . .

The whip has sometimes been designated Speaker pro tempore,⁽⁸⁾ or has assumed the Chair for particular purposes, as where the majority whip has presided over the election of the Majority

6. See 8 Cannon's Precedents §3615.

7. 114 CONG. REC. 19074, 90th Cong. 2d Sess., June 27, 1968.

8. §23.5, *infra*.

Leader as Speaker pro tempore,⁽⁹⁾ or where the minority whip has presided over proceedings honoring the Speaker of the House.⁽¹⁰⁾ Similarly, the whip frequently acts as his party's floor leader when the floor leader is absent.⁽¹¹⁾

Party whips have sometimes served in that capacity for a considerable length of time. Thus, as an example, many tributes were paid in the 91st Congress to one who had served as Republican whip for many years.⁽¹²⁾

Selection of Whip; Announcement

§23.1 The Democratic floor leader with the approval of the Speaker appoints his party's whip, and announces such appointment in the House.

The following announcement by the Majority Leader in the 82d Congress is illustrative of announcements made by the Demo-

9. §23.6, *infra*.

10. §24.1, *infra*.

11. See Congressional Quarterly's *Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 141.

12. See 116 CONG. REC. 17878, 17879, 91st Cong. 2d Sess., June 2, 1970.

cratic floor leader with respect to his appointment of a party whip:⁽¹³⁾

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I desire to announce to the House that I have reappointed as the majority whip the distinguished gentleman from Tennessee, Mr. Priest.

In the 84th Congress, upon the occurrence of a vacancy in the office of majority whip, the Majority Leader announced the selection of a new whip pursuant to a conference between the Speaker and the Majority Leader.⁽¹⁴⁾

Floor Whips

§ 23.2 The Majority Leader announced the abolition of the post of deputy whip, and the creation of the positions of floor whips.

In the 92d Congress, the Majority Leader made the following announcement, which was concerned in part with certain changes in the structure of the Democratic whip organization:⁽¹⁵⁾

13. 97 CONG. REC. 40, 82d Cong. 1st Sess., Jan. 4, 1951. For further examples, see 115 CONG. REC. 34, 91st Cong. 1st Sess., Jan. 3, 1969; and 99 CONG. REC. 134, 83d Cong. 1st Sess., Jan. 6, 1953.

14. 101 CONG. REC. 191, 84th Cong. 1st Sess., Jan. 10, 1955.

15. See 117 CONG. REC. 131, 92d Cong. 1st Sess., Jan. 22, 1971. For more re-

MR. [HALE] BOGGS [of Louisiana]: . . . Mr. Speaker, it is my pleasure to announce that we have named the distinguished gentleman from Massachusetts (Mr. O'Neill) as the majority whip of the Democratic Party.

Mr. Speaker, I would like to conclude the announcement by saying that in consultation with the distinguished Speaker, the position of deputy whip has been abolished and in place thereof we have created the position of two floor whips which will be held by the gentleman from California (Mr. McFall), who will fill one spot, and the gentleman from Indiana (Mr. Brademas), who will fill the other spot.

Election of Republican Whip

§ 23.3 The Republican Conference selects the Republican whip, and an announcement concerning such selection is made in the House by the Republican floor leader or the conference chairman.

On Jan. 22, 1971, the following announcement was made by the Minority Leader, Gerald R. Ford, of Michigan:⁽¹⁶⁾

Mr. Speaker, it is my privilege to announce for the benefit of the membership as a whole, the election of the Honorable Leslie Arends, of Illinois, to

cent changes in the composition of the Democratic Whip organization, see supplements to this edition as they appear.

16. 117 CONG. REC. 131, 92d Cong. 1st Sess.

be the Republican whip for the ninth consecutive Congress.

Similarly, in the 82d Congress, the floor leader made the following announcement:⁽¹⁷⁾

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, I would like to announce to the House that the gentleman from Illinois, Mr. Leslie C. Arends, has been elected Republican whip.

In the 83d Congress, the Republican Majority Leader, Charles A. Halleck, of Indiana, announced:⁽¹⁸⁾

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 the 91st Congress, the conference chairman, John B. Anderson, of Illinois, made the announcement concerning the selection of the minority whip, as follows:⁽¹⁹⁾

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

18. 99 CONG. REC. 134, 83d Cong. 1st Sess., Jan. 6, 1953. The Republican whip was formerly selected by the party committee on committees (see *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service [Washington, D.C., 1971], p. 141).

19. 115 CONG. REC. 34, 91st Cong. 1st Sess., Jan 3, 1969. For other examples of occasions on which the selection of the Republican whip has been

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.

Republican Whip Organization

§ 23.4 The Republican whip extended his remarks in the Record to include a description of the Republican whip organization.

On Feb. 5, 1951, Mr. Leslie C. Arends, of Illinois, was permitted to extend his remarks in the Record to include the following description of the Republican whip organization.⁽²⁰⁾

Republican whip, Leslie C. Arends, Illinois; deputy whip, Ralph A. Gamble, New York.

Eastern Regional whip, W. Sterling Cole, New York—8 states, 50 members: Maine (3), New Hampshire (2), Vermont (1), Connecticut (4), Delaware (1), A. N. Sadlak; Massachusetts (8), W. H. Bates; New York (22), Katherine St. George; New Jersey (9), T. Millet Hand. . . .

In similar fashion, Mr. Arends named the East Central regional

announced by the conference chairman, see § 3.7, *supra*.

20. 97 CONG. REC. 992, 82d Cong. 1st Sess.

whip, the Midwest regional whip, and the Western regional whip; indicated the state delegations represented by such whips; and named those persons in the whip organization who represented particular states or groups of states within a region.

Designation of Majority Whip as Speaker Pro Tempore

§ 23.5 The majority whip has been designated Speaker pro tempore.

On May 29, 1958, Carl Albert, of Oklahoma, the majority whip, assumed the Chair. The proceedings were as follows: ⁽¹⁾

THE SPEAKER PRO TEMPORE: The Chair lays before the House the following communication from the Speaker:

MAY 29, 1958

I hereby designate the Honorable Carl Albert to act as Speaker pro tempore today.

SAM RAYBURN,
*Speaker of the
House of Representatives.*

1. 104 CONG. REC. 9854, 85th Cong. 2d Sess.

For instances in which the minority whip has assumed the Chair to preside over proceedings relating to the customary resolution expressing the gratitude of the House for the manner in which the Speaker performed his duties, see §24.1, *infra*.

Election of Speaker Pro Tempore Presided Over by Whip

§ 23.6 The majority whip on occasion has assumed the Chair for purposes of presiding over the election of the Majority Leader as Speaker pro tempore.

On Nov. 18, 1963, the Majority Leader, Carl Albert, of Oklahoma, called the House to order and laid before the House a communication from the Speaker designating Mr. Albert as Speaker pro tempore. Subsequently, the majority whip, Hale Boggs, of Illinois, assumed the Chair and presided over proceedings in which Mr. Albert was elected Speaker pro tempore. The proceedings were as follows: ⁽²⁾

Mr. Boggs assumed the Chair.

MR. [CARL] VINSON [of Georgia]: Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 567

Resolved, That Honorable Carl Albert . . . is hereby elected Speaker pro tempore during the absence of the Speaker. . . .

The resolution was agreed to.

Similar proceedings have taken place in other Congresses. Thus,

2. 109 CONG. REC. 22015, 88th Cong. 1st Sess., Nov. 18, 1963.

in the 85th Congress, on Apr. 15, 1958, Majority Leader John W. McCormack, of Massachusetts, Speaker pro tempore by designation, requested the majority whip, Carl Albert, of Oklahoma, to assume the Chair.⁽³⁾ After Mr. Albert assumed the Chair, a resolution was agreed to electing the Majority Leader Speaker pro tempore during the absence of the Speaker.

Request for Division of Question

§ 23.7 The minority whip requested a division of the question on the resolution electing House officers.

On Jan. 10, 1967, following the introduction of the resolution relating to the election of House officers, the Republican Conference Chairman announced that he intended to offer a substitute for the resolution. In response to an inquiry from the Chair as to whether a division of the question was desired, Mr. Leslie C. Arends, of Illinois, the Republican whip, made the request as follows:⁽⁴⁾

3. 104 CONG. REC. 6436, 85th Cong. 2d Sess. As to illustrative instances in which the minority whip has assumed the Chair to preside over proceedings of a ceremonial nature, see § 24.1, *infra*.
4. 113 CONG. REC. 27, 90th Cong. 1st Sess. The resolution naming the ma-

MR. ARENDS: Mr. Speaker, I request that there be a division of the question on the resolution so that we may have a separate vote on the Office of the Chaplain.

§ 24. Duties and Functions

It is frequently the province of the whip, as it is that of other leaders in the House, to perform duties of a ceremonial nature, make announcements respecting ceremonial or formal occasions, and extend various courtesies.

Resolution Thanking Speaker

§ 24.1 The minority whip, or someone acting for him, has customarily assumed the Chair to preside over the consideration of a resolution, offered at the end of a Congress, expressing the gratitude of the House for the manner in which the Speaker has performed the duties of the Chair.

majority party's candidates for the offices of Clerk, Sergeant At Arms, Doorkeeper, Postmaster, and Chaplain is generally offered by the chairman of the majority caucus (see § 3.9, *supra*). Frequently, the chairman of the minority caucus or conference has offered a substitute for the resolution and at the same time requested a division of the question to allow a separate vote on the office of Chaplain (see § 3.9, *supra*).

The proceedings of Sept. 1, 1960, illustrative of honors accorded the Speaker at the end of a Congress, were as follows:⁽⁵⁾

THE SPEAKER:⁽⁶⁾ Will the gentleman from Illinois [Mr. Arends]⁽⁷⁾ kindly take the chair?

Mr. Arends assumed the Chair as Speaker pro tempore. . . .

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I offer a resolution (H. Res. 647) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the thanks of the House are presented to the Honorable Sam Rayburn, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress.

Similarly proceedings have taken place in other Congresses,⁽⁸⁾ although on occasion another Member has been designated to act for the whip in presiding over the resolution.⁽⁹⁾

Committee to Notify President

§ 24.2 The majority whip has frequently been appointed to

5. 106 CONG. REC. 19161, 19162, 86th Cong. 2d Sess.
6. Sam Rayburn (Tex.).
7. Mr. Leslie C. Arends (Ill.) was the minority whip.
8. See §§ 12.3, 21.9, supra.
9. See § 12.3, supra.

the committee to notify the President that Congress has assembled.

In the 90th⁽¹⁰⁾ and 91st⁽¹¹⁾ Congresses, for example, the Speaker on each occasion appointed a committee comprised of the majority and minority floor leaders and the majority whip, to join with a similar committee from the Senate, to notify the President that a quorum of each House had assembled and the Congress was ready to receive any communication that the President might be pleased to make.⁽¹²⁾

Announcements or Requests Relating to Formal Occasions

§ 24.3 The party whips have on occasion made announcements or requests relating to formal occasions, visits by dignitaries, and the like.

The whips have made announcements respecting formal occasions. As an example, the minority whip, a member of the Joint Inaugural Committee, made an announcement on Jan. 16,

10. See 113 CONG. REC. 327, 328, 90th Cong. 1st Sess., Jan. 10, 1967.
11. See 115 CONG. REC. 35, 91st Cong. 1st Sess., Jan. 3, 1969.
12. See, for further discussion of the selection of the committee to notify the President, §§ 3.15, 21.4, supra.

1953,⁽¹³⁾ respecting transportation arrangements on the occasion of the inauguration ceremonies.

On Apr. 29, 1957, the majority whip, Carl Albert, of Oklahoma, made a unanimous-consent request that it should be in order on a designated day for the Speaker to declare a recess for the purpose of receiving the President of the Republic of Viet Nam.⁽¹⁴⁾

Expressions of Courtesy

§ 24.4 The party whips have frequently made remarks in the House in recognition of particular events, or extended courtesies as appropriate.

Illustrative of the remarks made by the party whips in recognition of particular events were those made by the majority whip, Hale Boggs, of Louisiana, on the occasion of a visit by members of the Indian Parliament. The remarks in part were as follows:⁽¹⁵⁾

13. 99 CONG. REC. 421, 83d Cong. 1st Sess.
14. 103 CONG. REC. 6127, 85th Cong. 1st Sess. For similar requests made by the Majority Leader, see §21.22, *supra*.
15. 109 CONG. REC. 11746, 11747, 88th Cong. 1st Sess., June 26, 1963.

MR. BOGGS: Mr. Speaker, one of the significant events of recent years has been the exchange of visits by the members of the free parliaments of the world. We are very fortunate today to have in our midst a distinguished delegation of parliamentarians from the great country of India. . . .

By way of further illustration, party whips have made appropriate remarks in the House on the occasion of consideration of a resolution commending John W. McCormack, of Massachusetts, on his length of service as Speaker,⁽¹⁶⁾ on the occasion of the Parliamentarian's birthday,⁽¹⁷⁾ and the like.

On the last day of the 89th Congress, the majority whip, Mr. Boggs, acting for the Majority Leader, praised the work of the Congress and its Members and employees;⁽¹⁸⁾ yielded to others for similar remarks; and asked unanimous consent that the Majority Leader be permitted to extend his remarks, of a similar nature, in the Record.⁽¹⁹⁾

16. 116 CONG. REC. 17022, 17023, 91st Cong. 2d Sess., May 26, 1970.
17. 116 CONG. REC. 5710, 91st Cong. 2d Sess., Mar. 3, 1970 (remarks of Mr. Leslie C. Arends [Ill.]).
18. 112 CONG. REC. 28866-28868, 89th Cong. 2d Sess., Oct. 22, 1966.
19. 112 CONG. REC. 28867, 89th Cong. 2d Sess., Oct. 22, 1966.

§ 25. Allowances—Clerk-Hire Allowance

By statute,⁽²⁰⁾ a specified allowance is given for office personnel in the offices of the majority and minority whips, in addition to the clerk-hire allowances given to Members generally. Similarly, a statute⁽¹⁾ contains specific provisions relating to allowances for airmail and special delivery stamps in the offices of the majority and minority whips.

Allowances

§ 25.1 On occasion, the clerk-hire allowance of the whips has been increased, or new positions created in the offices of the whips, and payments authorized from the contingent fund of the House.

In the 83d Congress, a resolution was offered relating to the employment of administrative assistants in the offices of the majority and minority whips; the proceedings were as follows:⁽²⁾

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I offer a privileged

20. 2 USC § 333.

1. 1. 2 USC § 42d.

2. 99 CONG. REC. 1219, 83d Cong. 1st Sess., Feb. 18, 1953.

resolution (H. Res. 147) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That in order to enable the majority whip and the minority whip each to employ an administrative assistant at a rate of basic compensation not to exceed \$8,000 per annum, there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation for the employment of such administrative assistants.

The resolution was agreed to.

Similarly, on Mar. 9, 1965,⁽³⁾ the following resolution relating in part to the compensation of administrative assistants to the party whips, was adopted:

H. RES. 258

Resolved, That, effective March 1, 1965, there shall be payable from the contingent fund of the House of Representatives, until otherwise provided by law, an amount which will permit the payment of basic compensation per annum, at a rate not in excess of the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended, to the administrative assistant of each of the following: . . .

(4) the majority whip of the House;

(5) the minority whip of the House

As a further illustration, a resolution adopted on Jan. 26, 1966,⁽⁴⁾

3. 111 CONG. REC. 4405, 89th Cong. 1st Sess.

4. 112 CONG. REC. 1125, 89th Cong. 2d Sess.

authorized additional clerical help in the offices of, among others, the majority and minority whips, as follows.

H. RES. 690

Resolved, That effective February 1, 1966, there shall be paid out of the contingent fund of the House of Representatives, until otherwise provided

by law, such sums as may be necessary for: . . .

(b) An additional position in the Office of the Majority Whip, the basic compensation of which shall be at a rate not to exceed \$2,500 per annum.

(c) An additional position in the Office of the Minority Whip, the basic compensation of which shall be at a rate not to exceed \$2,500 per annum.