

there was any objection, and none being heard, the resignation was accepted.

Membership as Retroactive

§ 9.16 The House may adopt a resolution electing a Member to a committee retroactively and fixing his rank on such committee accordingly.

On Nov. 2, 1939,⁽³⁾ in a special session of Congress, Mr. E. C. Gathings, of Arkansas, was elected to membership on the Committee on Claims [later to be incorporated into the Committee on the Judiciary] .

MR. [JERE] COOPER [of Tennessee]: Mr. Speaker, I offer the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

HOUSE RESOLUTION 322

Resolved, That E. C. Gathings, of Arkansas, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Claims as of June 2, 1939, and shall take rank accordingly.

THE SPEAKER:⁽⁴⁾ The question is on agreeing to the resolution.

The resolution was agreed to.

Parliamentarian's Note: Mr. Gathings had been serving on the

3. 85 CONG. REC. 1283, 76th Cong. 2d Sess.

4. William B. Bankhead (Ala.).

committee for several months due to a misconception, shared by all committee members, that he had already been validly named to that committee.

§ 10. Appointments to Select Committees

Speaker Appoints Chairman and Members

§ 10.1 The Speaker appoints the chairmen and members of select committees; such appointments are generally made by the Speaker immediately after the adoption of the resolution creating the committee.

On July 10, 1969,⁽⁵⁾ Speaker John W. McCormack, of Massachusetts, recognized Mr. Ray J. Madden, of Indiana, who, by direction of the Committee on Rules, called up a resolution (H. Res. 472) and asked for its immediate consideration.

The resolution read as follows:

Resolved, That (a) there is hereby created a select committee to be known as the "Committee on the House Restaurant," which shall be composed of five Members of the House of Representatives to be appointed by the

5. 115 CONG. REC. 19080, 91st Cong. 1st Sess.

Speaker, not more than three of whom shall be of the majority party, and one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) On and after July 15, 1969, until otherwise ordered by the House, the Architect of the Capitol shall perform the duties vested in him by section 208 of Public Law 812, 76th Congress (40 U.S.C. 174k) under the direction of the select committee herein created.

Mr. Madden then proceeded to explain that:

The function of this committee will be to establish rules and regulations for the management and the operation and control of all food facilities under control of the House of Representatives, and elective on July 15, 1969. The Architect of the Capitol shall manage the House food facilities under the direction of this select Committee.

The resolution was agreed to by voice vote.⁽⁶⁾

Immediately thereafter, the Speaker made the following announcement:

Pursuant to the provisions of House Resolution 472, 91st Congress, the Chair appoints as members of the Committee on the House Restaurant the following Members of the House: Mr. Kluczynski of Illinois, chairman; Mr. Steed of Oklahoma, Mr. Cabell of Texas, Mr. Collier of Illinois, Mr. Thomson of Wisconsin.⁽⁷⁾

6. *Id.* at p. 19081.

7. For similar instances, see 114 CONG. REC. 25064, 90th Cong. 2d Sess.,

Parliamentarian's Note: Pursuant to the rules of the House,⁽⁸⁾ the Speaker "shall appoint [Members to] all select and conference committees" ordered by the House. This power extends to the appointment of Members to such committees when the House is in recess or during adjournment if such action has been authorized by the House.⁽⁹⁾ Members appointed to select and conference committees have usually expressed their interest to the Speaker in advance. At some times the Member sponsoring the resolution creating a select committee has been appointed its chairman;⁽¹⁰⁾ however, in modern practice, this is often disregarded.

Aug. 2, 1968 [appointments to Special Committee on Campaign Expenditures]; 113 CONG. REC. 17792, 90th Cong. 1st Sess., June 28, 1967 [appointments to Select Committee on Parking]; 112 CONG. REC. 28112, 89th Cong. 2d Sess., Oct. 20, 1966; [appointments to Select Committee on Standards and Conduct]; and 109 CONG. REC. 16754, 88th Cong. 1st Sess., Sept. 11, 1963 [appointments to a select committee to investigate research programs].

8. Rule X clause 2, *House Rules and Manual* §671A (1973). This provision is contained in Rule X clause 6 (e) 701(d) in the 1979 *House Rules and Manual*.

9. For examples of such authorization see §§ 10.3, 10.4, *infra*.

10. Rule X clause 2, *House Rules and Manual* §671A (1973).

Appointments on Separate Days

§ 10.2 The majority and minority members of the Select Committee on Small Business were appointed by the Speaker on separate days.

On Feb. 7, 1961,⁽¹¹⁾ Speaker Sam Rayburn, of Texas, informed the House that:

The Chair desires to make the following announcement.

Pursuant to the provisions of House Resolution 46, 87th Congress, the Chair appoints as members of the Select Committee To Conduct Studies and Investigations of the Problems of Small Business the following Members of the House:

Mr. Patman, Texas, chairman; Mr. Evins, Tennessee; Mr. Multer, New York; Mr. Yates, Illinois; Mr. Steed, Oklahoma; Mr. Roosevelt, California; Mr. Alford, Arkansas.

Ten days later, on Feb. 17, 1961,⁽¹²⁾ the Speaker stated:

Pursuant to the provisions of House Resolution 46, 87th Congress, the Chair appoints as additional members of the Select Committee To Conduct Studies and Investigations of the Problems of Small Business the following Members of the House:

Mr. McCulloch, Ohio; Mr. Moore, West Virginia; Mr. Avery, Kansas; Mr. Smith, California; Mr. Robison, New York; and Mr. Derwinski, Illinois.

11. 107 CONG. REC. 1820, 87th Cong. 1st Sess.

12. *Id.* at p. 2271.

Parliamentarian's Note: All of those appointed on Feb. 7, 1961, were members of the Speaker's party inasmuch as minority party members had not yet acted on the recommendations of their Committee on Committees. The majority party members were appointed in order to enable the committee to organize and to permit its chairman the opportunity to certify the employment of staff personnel.

Authorizing Appointments During Recess

§ 10.3 The Speaker may be authorized by unanimous consent to appoint commissions and committees authorized by law or by the House during a recess.

On Aug. 7, 1948,⁽¹³⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Majority Leader Charles A. Halleck, of Indiana, who initiated the following exchange:

Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until December 31, 1948, the Speaker be authorized to appoint commissions, boards, and committees authorized by law or by the House.

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

13. 94 CONG. REC. 10248, 80th Cong. 2d Sess.

There was no objection.

The Speaker, acting pursuant to this authority, made the following appointment, which was announced on Dec. 31, 1948:⁽¹⁴⁾

THE SPEAKER: The Chair announces that pursuant to the provisions of House Resolution 18, Eightieth Congress, and the order of the House of August 7, 1948, empowering him to appoint commissions, boards, and committees authorized by law or by the House, he did, on August 14, 1948, appoint as a member of the Select Committee to Conduct a Study and Investigation of the Problems of Small Business the gentleman from Virginia [Mr. Hardy] to fill the existing vacancy thereon caused by the resignation of the gentleman from Tennessee [Mr. Kefauver].

Authorizing Appointments After Adjournment Sine Die

§ 10.4 The House may authorize the Speaker to appoint committees and commissions authorized by law or by the House following the adjournment of a session.

On Aug. 21, 1937,⁽¹⁵⁾ Mr. Sam Rayburn, of Texas, was recognized by Speaker William B. Bankhead, of Alabama, and the following exchange took place:

MR. RAYBURN: Mr. Speaker, I ask unanimous consent that notwith-

14. *Id.* at p. 10264.

15. 81 CONG. REC. 9640, 75th Cong. 1st Sess.

standing the adjournment of the first session of the Seventy-fifth Congress the Speaker be authorized to appoint commissions and committees authorized by law or by the House.

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

There was no objection.

Speaker Announces Appointments

§ 10.5 The Speaker announced his appointments to the special committee to report to the House on the right of Adam C. Powell to be sworn in as a Representative from New York.

On Jan. 19, 1967,⁽¹⁶⁾ Speaker John W. McCormack, of Massachusetts, made the following announcement:

Pursuant to the provisions of House Resolution 1, 90th Congress, providing for a special committee to report to the House upon the question of the right of Adam Clayton Powell to be sworn in as a Representative from the State of New York in the 90th Congress, as well as to his final right to a seat therein, the Chair appoints the following members: Mr. Celler, of New York, chairman; Mr. Corman, of California; Mr. Pepper, of Florida; Mr. Conyers, of Michigan; Mr. Jacobs, of Indiana; Mr. Moore, of West Virginia; Mr. Teague, of California; Mr.

16. 113 CONG. REC. 1037, 90th Cong. 1st Sess.

MacGregor, of Minnesota; and Mr. Thomson, of Wisconsin.

Announcing Appointments Made During Recess

§ 10.6 Following a recess, the Speaker announces to the House the fact that he has, pursuant to law, made an appointment during the recess to fill a vacancy on a select committee.

On Feb. 2, 1960,⁽¹⁷⁾ Speaker Sam Rayburn, of Texas, laid before the House an announcement which the Clerk read, as follows:

Pursuant to the provisions of section 5, Public Law 115, 78th Congress, and House Resolution 165, 86th Congress, the Chair appoints as a member of the Committee on the Disposition of Executive Papers the gentleman from Iowa, Mr. Kyl, to fill the existing vacancy thereon.

§ 10.7 The Record generally discloses the Speaker's appointments to a select committee or commission during an adjournment to a day certain.

Under date of July 26, 1948,⁽¹⁸⁾ the Record discloses the following information:

17. 106 CONG. REC. 1822, 86th Cong. 2d Sess.

18. 94 CONG. REC. 9362, 80th Cong. 2d Sess.

APPOINTMENTS MADE AFTER ADJOURNMENT

INVESTIGATION OF FEDERAL COMMUNICATIONS COMMISSION

The Speaker, pursuant to the authority conferred upon him by House Resolution 691, Eightieth Congress, and the order of the House of June 19, 1948, empowering him to appoint commissions, boards, and committees authorized by law or by the House, did on June 29, 1948, appoint as members of the select committee to conduct a study and investigation of the organization, personnel and activities of the Federal Communications Commission the following Members of the House: Hon. Forest A. Harness, Indiana, chairman; Hon. Leonard W. Hall, New York; Hon. Charles H. Elston, Ohio; Hon. J. Percy Priest, Tennessee; Hon. Oren Harris, Arkansas.

WASHINGTON AND LEE UNIVERSITY BICENTENNIAL COMMISSION

The Speaker, pursuant to the authority conferred upon him by Public Law 636, Eightieth Congress, and the order of the House of June 19, 1948, empowering him to appoint commissions, boards, and committees authorized by law or by the House, did on July 9, 1948, appoint as members of the United States-Washington and Lee University Bicentennial Commission the following members on the part of the House to serve with himself: Hon. Clarence J. Brown, Ohio; Hon. James W. Wadsworth, New York; Hon. John W. Flannagan, Jr., Virginia; Hon. Fadjo Cravens, Arkansas.

Announcing Appointments Prior to Effective Date

§ 10.8 The Speaker has announced the appointments of

Members to a commission, established by law, prior to the effective date of the appointments.

On Dec. 13, 1971,⁽¹⁾ Speaker Carl Albert, of Oklahoma, made the following announcement:

Pursuant to the provisions of section 1202, Public Law 91-452, the Chair appoints the following Members on the part of the House to be members of the National Commission on Individual Rights, effective January 1, 1972: Mr. Celler, Mr. Mikva, Mr. McCulloch, and Mr. Sandman.

Appointment of Speaker and Leaders

§ 10.9 The Speaker appoints himself and the Majority and Minority Leaders as members of the Joint Committee on Inauguration.

On June 4, 1968,⁽²⁾ immediately after the House had concurred in a Senate concurrent resolution (S. Con. Res. 73), establishing a joint committee to make arrangements for the upcoming inauguration, Speaker John W. McCormack, of Massachusetts, made the following announcement:

Pursuant to the provisions of Senate Concurrent Resolution 73, 90th Con-

1. 117 CONG. REC. 46530, 92d Cong. 1st Sess.
2. 114 CONG. REC. 15870, 90th Cong. 2d Sess.

gress, the Chair appoints as Members of the Joint Committee to make the necessary arrangements for the inauguration of the President-elect and the Vice-President-elect of the United States on the 20th day of January 1969 the following Members on the part of the House: Mr. McCormack, Mr. Albert, and Mr. Gerald R. Ford.

§ 11. Seniority Considerations⁽³⁾

Order of Members' Names on Resolution as Showing Seniority

§ 11.1 Committee seniority is shown by the order in which the Members' names are listed in the resolution electing them to a committee; and where an error was made in the order of names in a resolution, the House, by unanimous consent, vacated the proceedings, reconsidered the matter, and agreed to a corrective amendment putting the names in proper order.

On Feb. 3, 1969,⁽⁴⁾ Speaker John W. McCormack, of Massachusetts, recognized Mr. Gerald R. Ford, of Michigan, who sought

3. See also Ch. 7, § 2, supra.
4. 115 CONG. REC. 2433, 91st Cong. 1st Sess.