

Chapter 2

Speakers Reed, Cannon, and Gingrich: Catalysts of Institutional and Procedural Change

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“The elect of the elect of the people” is how a little-known Speaker described his position more than two centuries ago.¹ Most of the early Speakers with very few exceptions, such as Speaker Henry Clay (1815–1820, 1823–1825), functioned largely as presiding officers rather than leaders of their parties. This condition began to change during the post-Civil War era with the growth of partisan sentiment and party-line voting in the House and in the country. Speakers became both their party’s leader in the House and influential actors on the national scene. Perhaps the most powerful and institutionally important of these

late 19th century Speakers was a man nicknamed “Czar” Reed, which is why our analysis begins with him.

From Thomas Brackett Reed (R–ME, 1889–1891; 1895–1899) to J. Dennis Hastert (R–IL, 1999–), 20 lawmakers have served as Speakers of the House of Representatives. Only a few are remembered for the procedural or institutional changes they initiated or supported during their occupancy of this constitutionally-established position. Arguably, three Speakers during this century-plus period ushered in ideas and meaningful developments that reshaped the operations of the House: Reed, Joseph Cannon (R–IL, 1903–1911), and Newt Gingrich (R–GA, 1995–1999). A central feature of the three speakerships was the exercise of “top down” command in an institution

¹ Asher Hinds, “The Speaker and the House,” *McClure’s*, vol. 35, June 1910, p. 196. Hinds, a former Member and long-time Parliamentarian of the House, was quoting Speaker Nathaniel Macon (R–NC, 1801–1807).

largely known for its decentralized power structure. Each Speaker, too, was a formidable protagonist to the President at the time (William McKinley, Theodore Roosevelt, and Bill Clinton, respectively).

Reed, Cannon, and Gingrich were strong personalities, but much of their claim to institutional fame arises because they changed the culture and work ways of the House. Reed ended the virtually unstoppable dilatory practices of the minority and riveted the majoritarian principle into the rulebook of the House; Cannon so dominated institutional proceedings that he provoked the famous 1910 “revolt,” which diminished the Speaker’s authority and facilitated the rise of the committee chairs to power; and Gingrich introduced procedural changes that permitted him to lead the House as few other Speakers before him.

To be sure, other Speakers presided during periods of important procedural change. Speaker Sam T. Rayburn (D–TX; 1940–1947, 1949–1953, and 1955–1961) led the House when it enacted the Legislative Reorganization Act {LRA} of 1946. He was also instrumental in expanding the size of the Rules Committee, a 1961 initiative to ensure that President John F. Kennedy’s New Frontier agenda would not be buried in a panel hostile to JFK’s legislative program. The expansion marked the beginning of the end of an era—roughly from the 1910 revolt to the early seventies—in which powerful committee barons exercised significant sway over Chamber proceedings. John W. McCormack (D–MA, 1962–1971), was Speaker during debate and passage of the Legislative Reorganization Act of 1970; Carl Albert (D–OK, 1971–1977), and Thomas P. O’Neill (D–MA, 1977–1987), both led the House during periods of major institutional change—from a resurgent Democratic Caucus to changes in the bill referral and committee assignment process to statutory reforms such as the War Powers Resolution of 1973, the Congressional Budget and Impoundment Control Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985.

The principal advocates of many of these innovations, however, were change-oriented individuals (Richard Bolling, D–MO, for instance) or informal entities such as the Democratic Study Group, rather than the Speaker. When the Senate

passed its version of the 1946 LRA and sent it to the House, Rayburn “gave it a skeptical glance and let it sit on his desk for six weeks;”² Speaker McCormack “resisted the reform of the House”;³ or, as Representative Bolling said about McCormack’s efforts in trying to block what eventually became the Legislative Reorganization Act of 1970: “Behind the scenes, Speaker McCormack has exerted every effort to prevent enactment of any version of the bill designed to provide a limited measure of modernization of the antiquated machinery and antiquated ways of doing business in both House and Senate.”⁴ By contrast, Reed, Cannon, and Gingrich were the principal advocates or instigators of momentous institutional change.

THOMAS BRACKETT REED AND THE “REED RULES”

THE PRE-REED CONTEXT.—Thomas Brackett Reed, Republican of Lewiston, Maine, became Speaker on December 2, 1889, at the start of the 51st Congress. Previous occupants of that high office had little success in preventing a determined minority from delaying and obstructing the business of the House. With few procedural tools to move the legislative agenda, Speakers before Reed entertained motions that were plainly dilatory in intent, or as Reed himself characterized them, “motions made only to delay, and to weary . . .”⁵ The dilatory motions came in numerous forms: repeated motions to adjourn, to lay a measure on the table, to excuse individual Members from voting, to reconsider votes whereby individual Members were excused from voting, and to fix the day to which the House should adjourn, among others.⁶ These filibustering tactics often prevented the majority party from enacting its legislative priorities and opened it to public criticism.

² D.B. Hardeman and Donald C. Bacon, *Rayburn: A Biography* (Austin, TX: Texas Monthly Press, 1987), p. 319.

³ Ronald M. Peters, Jr., *The American Speakership: The Office in Historical Perspective* (Baltimore, MD: Johns Hopkins University Press, 1990), p. 151.

⁴ Richard Bolling, *Power in the House* (New York: E.P. Dutton and Co., 1968), p. 248.

⁵ U.S. House of Representatives, *Hinds’ Precedents of the House of Representatives* [by Asher C. Hinds], 5 vols. (Washington: GPO, 1907), vol. 5, p. 353.

⁶ *Ibid.*, p. 354.

Woodrow Wilson wrote critically of the House's inability to conduct business because of the paralyzing effect of dilatory practices. In his classic study, *Congressional Government* (1885), Wilson described the conduct of a pre-Reed House filibuster on a pension bill brought to the floor by the Democratic majority during the 48th Congress (1883–1884):

{T}he Republican minority disapproved of the bill with great fervor, and, when it was moved by the Pension Committee, late one afternoon, in a thin House, that the rules be suspended, and an early day set for consideration of the bill, the Republicans addressed themselves to determined and persistent "filibustering" to prevent action. First they refused to vote, leaving the Democrats without an acting quorum; then, all night long, they kept the House at roll-calling on dilatory and obstructive motions . . .⁷

By "leaving the Democrats without an acting quorum," Wilson is referring to the infamous and long-standing House practice dubbed the "disappearing quorum." Under Article I, Section 5, of the Constitution, "a Majority of each {House} shall constitute a Quorum to do Business." This provision was, however, interpreted by Reed's predecessors to mean one-half of the total membership plus one, who formally acknowledge their presence in the Chamber as determined by a roll call vote. Though physically present on the floor, the disappearing quorum allowed Members to avoid being counted as "present" for the purpose of a constitutional quorum if they failed to respond when the Clerk called their names. "The position had never been seriously questioned that, if a majority of the representatives failed to answer to their names on the calling of the roll," stated a biographer of Reed, "there was no quorum for the transaction of business even if every member might actually be present in the hall of the House."⁸

The practice of the disappearing quorum originated in 1832 when Massachusetts Representative John Quincy Adams, former President of the United States (1825–1829), first used the tactic to frustrate House action on a proslavery measure.

Prior to Adams, it had been customary for every member who was present to vote. In 1832, when a proslavery measure was being considered, Adams broke precedent by sitting si-

lently in his seat as the roll was called during voting; enough members joined him so that fewer than a quorum voted on the measure. Without a quorum . . . the House could only adjourn or order a call of the House to muster a quorum.⁹

In short, the House Chamber could be filled with the total membership, but if less than half responded to a call of the House, there was no quorum and no substantive business could be conducted. No wonder Representative Joseph Cannon referred to the disappearing quorum as "the obstruction of silence."¹⁰

These two procedural devices—dilatory motions and the disappearing quorum—enabled partisan minorities to slow or stop the flow of House business. The stalling tactics were effective, for example, in forcing the House, in 1850, to conduct 31 roll call votes in a single day on a California statehood bill; to require, in 1854, 101 roll call votes during one legislative day on the Kansas-Nebraska bill; and, on a legislative day in 1885, to conduct 21 roll call votes.¹¹ Critics of these procedural logjams, Woodrow Wilson among them, charged that "more was at stake than the ability of the majority to act in pursuit of its legislative agenda; the public reputation and even the legitimacy of the House as a democratic institution was under challenge."¹²

THE REED RULES.—It may appear surprising to some that filibustering tactics often prevented the majority party from advancing its agenda during the post-Civil War period. This era witnessed the rise of the current two-party system and greater partisan cohesion in Congress. It was an era "marked by strong partisan attachments {in the electorate}, resilient patronage-based party organizations, and especially in the later years {of the 19th century}, high levels of party voting in Congress."¹³ Yet, despite the rise of party government in the House, no Speaker until

⁹ Roger H. Davidson and Walter J. Oleszek, *Congress Against Itself* (Bloomington, IN: Indiana University Press, 1977), p. 23.

¹⁰ L. White Busbey, *Uncle Joe Cannon* (New York: Henry Holt and Co., 1927), p. 74.

¹¹ U.S. House of Representatives, *History of the United States House of Representatives, 1789–1994*, 103d Cong., 2d sess., H. Doc. No. 103–324 (Washington: GPO, 1994), p. 181. Hereafter referred to as *1994 History of the House*. See also U.S. House of Representatives, *Journal of the House of Representatives, 48th Cong., 2d sess., March 2, 1885* (Washington: GPO, 1885), pp. 731–765.

¹² Quoted in *1994 History of the House*, p. 181.

¹³ Randall Strahan, "Thomas Brackett Reed and the Rise of Party Government," in Roger H. Davidson, Susan Webb Hammond, and Raymond W. Smock, eds., *Masters of the House: Congressional Leadership Over Two Centuries* (Boulder, CO: Westview Press, 1998), p. 36.

⁷ Woodrow Wilson, *Congressional Government* (Boston: Houghton, Mifflin and Co., 1885), p. 80.

⁸ Samuel W. McCall, *Thomas B. Reed* (Boston: Houghton Mifflin and Co., 1914), p. 166.

Reed used the power of his office to end the filibustering tactics of the minority party. Speaker James Blaine (R-ME, 1869–1875), said when a lawmaker suggested he count as present Members in the Chamber who refused to vote: “The moment you clothe your Speaker with power to go behind your roll call and assume there is a quorum in the Hall, why gentlemen, you stand on the very brink of a volcano.”¹⁴

Reed was willing to “stand on the very brink” for two key reasons. First, he was a strong proponent of the idea that the majority party must be able to govern the House. “Indeed, you have no choice,” he wrote when he was Speaker-elect prior to the convening of the House in the 51st Congress (1889–1890). “If the majority do not govern, the minority will; and if tyranny of the majority is hard, the tyranny of the minority is simply unendurable. The rules, then, ought to be arranged to facilitate action of the majority.”¹⁵ Second, the 1888 elections produced unified GOP control of Congress and the White House for the first time in 14 years. (The House’s partisan composition was 166 Republicans and 159 Democrats.) These two conditions, “together with the frustrations and criticism that had surrounded the House in the previous Congress, created a ‘critical moment’ in which an unusual opportunity was present for large-scale institutional innovation.”¹⁶

When the 1st session of the 51st Congress convened on December 2, 1889, Speaker Reed was determined to end the long-standing ability of the minority party to frustrate majority lawmaking through dilatory motions and disappearing quorums. Unsure whether he had the votes to make these fundamental changes, Reed even planned to resign as Speaker and from the House if the Chamber did not sustain his rulings. “[I] had made up my mind that if political life consisted of sitting helplessly in the chair and seeing the majority powerless to pass legislation,

I had had enough of it and was ready to step down and out.”¹⁷

Part of Reed’s strategy was to block adoption of the rules of the preceding Congress and have them referred to the Rules Committee, the panel he, as Speaker, chaired. On the opening day, the House adopted a resolution directing that the rules of the 50th Congress be referred to the Committee on Rules for review and revision.¹⁸ Until new rules were promulgated for the House, Speaker Reed presided using general parliamentary law and could, therefore, decide when to rule dilatory motions and disappearing quorums out of order. For example, functioning “as the presiding officer under general parliamentary law, Speaker Reed consistently refused to accept dilatory motions”—a harbinger of the procedural changes to come.¹⁹

The House operated under general parliamentary rules—which included adoption of resolutions establishing committees and the Chamber’s order of business—for nearly 3 months. It was during this period that Reed made one of the most consequential rulings of any Speaker: terminating the disappearing quorum. Speaker Reed understood that he was handling political dynamite and carefully calculated how best to end the practice. He chose a contested election to force the issue because these cases were highly partisan and would galvanize Republicans to support the Speaker. Under the Constitution, the House is the judge of the elections, returns, and qualifications of its own Members, but the usual practice was that contested seats were nearly always awarded to the majority party’s candidate as a way to increase their margin of control. In the period from 1800 to 1907, “only 3 percent of the 382 ‘contests’ were resolved in favor of the candidate of the minority party.”²⁰ Mindful of this history, the minority Democrats realized that the Reed-led Republicans would surely seat the GOP Member in any election contest. Their plan: employ the disappearing quorum.

¹⁷ Quoted in Strahan, “Thomas Brackett Reed and the Rise of Party Government,” p. 53.

¹⁸ *Congressional Record*, vol. 60, Dec. 2, 1889, p. 84.

¹⁹ Peters, *The American Speakership: The Office in Historical Perspective*, p. 63.

²⁰ Douglas H. Price, “The Congressional Career—Then and Now,” in Nelson Polsby, ed., *Congressional Behavior* (New York: Random House, 1971), p. 19.

¹⁴ Representative James Blaine, remarks in the House, *Congressional Record*, Feb. 24, 1875, appendix, vol. 3, p. 1734.

¹⁵ Representative Thomas B. Reed, “Rules of the House of Representatives,” *Century*, vol. 37, March 1889, pp. 794–795.

¹⁶ Strahan, “Thomas Brackett Reed and the Rise of Party Government,” p. 51.

The procedural battle was joined on January 28, 1890, when a contested election case was brought to the floor. The specific issue involved who should be seated from the Fourth District of West Virginia: Charles B. Smith, the Republican, or James M. Jackson, the Democrat. Unsurprisingly, the GOP-controlled Committee on Elections submitted a resolution to the House that recommended the seating of Smith. Speaker Reed then put this question to the House: "Will the House now consider the resolution?"²¹ Democrats demanded the yeas and nays on the question, which produced a vote of 162 yeas, 3 nays, and 163 not voting. With 165 a quorum at the time, Reed appeared to prevail until two Democrats withdrew their votes upping the non-voting total to 165. With Democrats crying "no quorum," Speaker Reed directed the Clerk to record as present Members who refused to vote, declared that a quorum was indeed present, and ruled that the resolution was in order for consideration.

Bedlam erupted in the Chamber. Outraged Democrats used such words as tyranny, scandal, and revolution to describe the Speaker's action. One Member, James McCreary (D-KY), prompted this exchange with the Speaker:

MR. MCCREARY. I deny your right, Mr. Speaker, to count me as present, and I desire to read the parliamentary law on the subject.

THE SPEAKER. The Chair is making a statement of fact that the gentleman from Kentucky is present. Does he deny it?²²

The parliamentary turmoil lasted 3 days before the House again turned to the case of *Smith v. Jackson*. Democrats ended their delaying tactics and motions when it was plain that Reed had the votes to sustain any of his rulings. On January 31, 1890, the House resumed consideration of *Smith v. Jackson*, and on February 3, Smith was seated by a vote of 166 yeas, 0 nays, and 162 not voting. Smith was immediately sworn into office.

With the seating of Smith, Speaker Reed apparently believed that he had the votes to definitely ensure adoption of new House rules. On February 6, 1890, the Rules Committee reported to the floor new House rules, the so-called Reed

rules. Eight days later, by a vote of 161 to 144, with 23 Members not voting, the House adopted new rules which augmented the Speaker's authority and limited the minority party's power of obstruction. Among the changes were four key provisions.

First, the disappearing quorum was eliminated. House Rule 15 stated that nonvoting Members in the Hall of the House shall be counted by the Clerk for purposes of establishing a quorum. Second, Rule 16 declared: "No dilatory motions shall be entertained by the Speaker." No longer could lawmakers offer dilatory motions and have them accepted by the Chair. Now the Speaker had formal authority to rule them out of order. Third, Rule 23 established a quorum of 100 in the Committee of the Whole. Before, a quorum in the Committee was the same as that for the full House: half the membership plus one. Lawmakers frequently delayed action in the Committee of the Whole by making a point of order that a quorum was not present. Finally, Rule 22 authorized the Speaker to refer all bills and resolutions to the appropriate committee without debate or authorization from the House.

Defeated on the floor, the Democrats turned to the Supreme Court to negate the Speaker's quorum ruling. On April 30, 1890, they contended that a quorum was not present when the House voted to approve a bill relating to the importation of woolsens. The bill was supported by a vote of 138 to 0, with 189 lawmakers not voting. In the case of *United States v. Ballin* (1892, 144 U.S. 1), the Court held that the House can decide for itself how best to ascertain the presence of a quorum. The advantages or disadvantages of such methods were not matters for judicial consideration.

Democrats recaptured control of the House in the 1890 and 1892 elections and their Speaker (Charles Crisp of Georgia) reverted to the practice of the silent quorum, refusing to count lawmakers in the Chamber who were present but who remained silent when their names were called for votes. Reed, now the minority leader, made such strategic use of the disappearing quorum to foil Democratic plans that in 1894 the Democratically controlled Chamber reinstated the rule counting for quorum purposes Members present in the Chamber but who did not vote.

²¹ Representative Thomas B. Reed, remarks in the House, *Congressional Record*, vol. 61, Jan. 29, 1890, p. 948.

²² *Ibid.*, p. 949.

Reed returned as Speaker of the 54th (1895–1897) and 55th (1897–1899) Congresses; however, in 1899 he resigned from the House to protest what he characterized as President William McKinley's imperialist policies in the Philippines and Hawaii.

SPEAKER CANNON AND THE 1910 REVOLT

Joseph Cannon was first elected to the House in 1872 and served for nearly 50 years—suffering two electoral defeats in 1890 and 1912—before retiring in 1923. A popular Republican called “Uncle Joe” by friends and foes alike, Cannon unsuccessfully challenged Reed for Speaker in the GOP Caucus of 1888, but his lengthy experience, party loyalty, and parliamentary skills prompted Reed to appoint him chair of the Appropriations Committee as well as to the Rules Committee. Elevated to the speakership on November 9, 1903, Cannon served in that capacity until March 3, 1911. As Speaker, Cannon was the inheritor and beneficiary of Reed's procedural changes.

Cannon did not have the intellectual or oratorical abilities of Reed, but, like the hedgehog, Cannon knew one great thing: within the formal structure of House procedure, the Reed rules now provided the opportunity for a Speaker to dominate life in the House; not just legislative policy-making on the floor, but the committee system, administrative functions, the granting of favors large and small. When Cannon became Speaker in 1903, he seized this opportunity and dominated the House. His speakership has been described as a case of “excessive leadership.”²³

Briefly enumerated, Cannon's exercise of power included the following: he assigned Members to committees; appointed and removed committee chairmen; regulated the flow of bills to the floor as chairman of the Rules Committee; referred measures to committee; and controlled floor debate. Taken individually, Cannon's powers were little different from those of his immediate predecessors, but taken together and exercised to their limits, they bordered on the dictatorial.

²³ Charles O. Jones, “Joseph G. Cannon and Howard W. Smith: An Essay on the Limits of Leadership in the House of Representatives,” *Journal of Politics*, vol. 30, Aug. 1968, p. 619.

A GOP lawmaker said of his recognition power, for example, that it made a Member “a mendicant at the feet of the Speaker begging for the right to be heard.”²⁴ Claiming the Rules Committee was simply a pawn of the Speaker's, Representative David De Armond (D–MO), suggested that Cannon “personally, officially, and directly . . . make his own report of his own action and submit to [a] vote of the House the question of making his action the action of the House.”²⁵ In making committee assignments, Cannon was not reluctant to ignore seniority. In 1905 he appointed as chair of the Appropriations Committee a Member who had never before served on the panel. On another occasion, he denied the request of GOP Representative George W. Norris of Nebraska, who as a progressive leader opposed Cannon's heavy-handed parliamentary rule, to be named to a delegation to attend the funeral of a Member who had been a personal friend of Norris'.

Frustration and anger with Cannon's autocratic ways began to soar inside and outside the House during his final years as Speaker. No Speaker, said a lawmaker, is “entitled to be the political and legislative dictator of this House in whole or in part.”²⁶ Other factors aroused opposition to Cannon's leadership. His economic and social views were seen as reactionary by many. His relationship with President Theodore Roosevelt was often strained because of policy differences. As Cannon admitted, the two “more often disagreed” than agreed over legislation.²⁷ As one insurgent Republican—John Nelson of Wisconsin—said to his House colleagues, “Mr. Chairman, I wish to say to my Republican fellow Members who believe in the Roosevelt policies, let us look at the rules of the House. President Roosevelt has been trying to cultivate oranges for many years in the frigid climate of the Rules Committee, but what has he gotten but the proverbial lemons.”²⁸

²⁴ Representative William P. Hepburn, remarks in the House, *Congressional Record*, vol. 63, Feb. 18, 1909, p. 2653.

²⁵ Representative David De Armond, remarks in the House, *Congressional Record*, vol. 63, March 1, 1909, p. 3569.

²⁶ Representative Everis A. Hayes, remarks in the House, *Congressional Record*, vol. 65, March 19, 1910, p. 3434.

²⁷ Busbey, *Uncle Joe Cannon*, p. 217.

²⁸ Representative John Nelson, remarks in the House, *Congressional Record*, vol. 62, Feb. 5, 1908, p. 1652.

Dissatisfaction with Cannon's leadership eventually triggered one of the most noteworthy events in the history of the House: the revolt of 1910.

THE 1910 REVOLT.—The story of the 1910 revolt has been told many times.²⁹ Suffice it to say that the rebellion by insurgent Republicans and minority Democrats began more than a year before Cannon was stripped of important procedural powers. Recognizing that he needed to defuse the mounting discontent, Speaker Cannon in 1909 backed several procedural changes. He agreed to a new unanimous consent calendar, which allowed lawmakers 2 days during a month to call up minor bills without first receiving prior approval of the Speaker. A Calendar Wednesday rule was adopted, which could only be set aside by a two-thirds vote, that provided 1 day each week for standing committees to call up reported bills, bypassing the Cannon-run Rules Committee. The Speaker, too, agreed to a rules change granting opponents of a bill an opportunity to amend a measure just prior to final passage by offering a motion to recommit—or send the bill back to the committee that had reported it to the floor. (Previously, the Speaker recognized whomever he wanted to offer this motion.) Further, the Rules Committee was prohibited from reporting a rule that denied opponents the chance to offer a motion to recommit.³⁰

These rules changes did little to halt insurgent and public attacks on the Speaker. Several national magazines ran “articles in regular installments that not only detailed the Speaker's wrongdoings but also praised the insurgents.”³¹ Eventually, opponents of Cannon successfully marshaled their forces—employing a procedural resolution offered by Representative Norris—to

weaken the power of the Speaker. The insurgent forces removed the Speaker from the Rules Committee and stripped him of the right to appoint lawmakers to that panel. On March 19, 1910, the House agreed to the Norris resolution, which provided that “there shall be a Committee on Rules, elected by the House, consisting of 10 Members, 6 of whom shall be Members of the majority party and 4 of whom shall be Members of the minority party. The Speaker shall not be a member of the committee and the committee shall elect its own chairman from its own members.”³² Nearly 3 months later, on June 17, 1910, the House further weakened the power of the Speaker by adopting a discharge calendar. This new rule established a procedure to discharge (or extract) bills from committee, providing them with an opportunity to be voted on by the House.

With “Cannonism” an issue in the November 1910 elections, Democrats recaptured control of the 62d Congress (1911–1913). On April 5, 1911, they adopted a new rule which removed from the Speaker his authority to appoint Members to the standing committees. This authority was formally assigned to the House. In reality, each party nominated its partisans to the standing committees through its Committee on Committees, which was followed by pro forma House approval of these decisions.

Cannon's ability to act as an autocratic Speaker was due in part to Reed's skillful remodeling of the rules to remove procedural obstacles to lawmaking erected by the minority party. Cannon's contribution was his forceful use of the rules to discipline not just minority party members, but members of his own party as well. The Speaker's heavy-handedness was also attributable to those Republicans who opposed Cannon but feared—and so remained silent—that his downfall could produce a Democratic Speaker who would use the rules no differently. Various factors, as noted earlier, have been suggested to explain Cannon's fall from power: he exercised procedural power so autocratically that it provoked the rebellion against his leadership; he ignored for too long the rising tide of progressivism, a GOP-led re-

²⁹ See, for example, Jones, “Joseph G. Cannon and Howard W. Smith: An Essay on the Limits of Leadership in the House of Representatives,” pp. 617–646. Also, Kenneth Hechler, *Insurgency: Personalities and Politics of the Taft Era* (New York: Russell and Russell, 1964), pp. 27–82; Chang-Wei Chiu, *The Speaker of the House of Representatives Since 1896* (New York: Columbia University Press, 1928); and Paul DeWitt Hasbrouck, *Party Government in the House of Representatives* (New York: MacMillan Co., 1927), pp. 1–13.

³⁰ Donald R. Wolfensberger, “The Motion to Recommit in the House: The Creation, Evisceration, and Restoration of a Minority Right.” A paper prepared for presentation at a conference on the History of Congress, University of California, San Diego, December 5–6, 2003. Mr. Wolfensberger is director of The Congress Project, Woodrow Wilson International Center for Scholars, Washington, DC.

³¹ Rager, “Uncle Joe Cannon: Brakeman of the House,” in Davidson, Hammond, and Smock, *Masters of the House*, p. 77.

³² H. Res. 502, 61st Cong., 2d sess., *Congressional Record*, vol. 65, March 19, 1910, p. 3429.

form movement, preferring instead to adhere to the status quo of Republican regularity; and he was a 19th century man arriving at a position of national political power in a 20th century moment—a modern moment—of rapid social, economic, and political change for which he was unprepared.

THE RISE OF COMMITTEE GOVERNMENT

Whatever combination of forces led to the 1910 revolt, its aftermath for the institution was dramatic. If the House of Speaker Cannon was “partisan, hierarchical, majoritarian and largely populated by members serving less than three terms,” it gradually became “less partisan, more egalitarian, and populated by careerists.”³³

The 1910 revolt produced a major shift in the internal distribution of power in the House. Committees and their leaders came to dominate policymaking for the next 60 years.³⁴ Various reasons account for this development, such as the rise of congressional careerism and the institutionalization of the seniority system.³⁵

Seniority—longevity of continuous service on a committee—became not just an established method for naming committee chairs, but an ingrained, inviolate organizational norm for both parties. As a result, committee chairmen owed little or nothing to party leaders, much less Presidents. This automatic selection process produced experienced, independent chairs, but it also made them resistant to party control. Many lawmakers chafed under a system that concentrated authority in so few hands. Members objected, too, that the seniority system promoted lawmakers from “safe” one-party areas—espe-

cially conservative southern Democrats and midwestern Republicans—who could ignore party policies or national sentiments.

Committee government was characterized by bargaining and negotiating between party and committee leaders. Speakers had to persuade committee chairs to support priority legislation. “A man’s got to lead by persuasion and the best reason,” declared Speaker Rayburn, “that’s the only way he can lead people.”³⁶ For example, by the early thirties, and continuing for virtually all of Rayburn’s service as Speaker, the Rules Committee was dominated by a conservative coalition of southern Democrats and Republicans. Thus, much of Speaker Rayburn’s time was spent persuading and bargaining with Rules members to report legislation favored by various Presidents and many legislators.

The late sixties and seventies saw a rapid influx of new lawmakers, many from the cities and suburbs, who opposed the conservative status quo. Allying themselves with more senior Representatives, especially Democrats (recall that Democrats controlled the House continuously for 40 years from 1955 to 1995), they pushed through changes that diffused power and shattered seniority as an absolute criterion for naming committee chairs. A resurgent Democratic Caucus initiated many of the procedural changes that transformed the distribution of internal power. Some of the changes were enacted into law (the Legislative Reorganization Act of 1970, for example); some made rules of the Democratic Caucus—the “subcommittee bill of rights” is an example which required, among other procedural changes, that committee chairs refer legislation to the appropriate subcommittee within 2 weeks after initial introduction.

Among the important consequences of these various enactments were: the spread of policymaking influence to the subcommittees and among junior lawmakers; the enhancement of Congress’ role in determining Federal budget priorities through a new congressional budget process; the infusion of flexibility and accountability into the previously rigid seniority system; the tightening of the Speaker’s control over the

³³David Brady, “After the Big Bang House Battles Focused on Committee Issues,” *Public Affairs Report*, University of California, Berkeley, March 1991, p. 8.

³⁴There was a brief interlude of governance by “King Caucus.” When the Democrats took control following the one-man rule of Cannon, they employed their caucus, for example, to debate and mark up legislation prior to its introduction in the Chamber and to bind, by a two-thirds vote of the caucus, all Democrats to support the party’s position on the floor. However, enthusiasm for governing this way faded, and Democrats gradually made less use of King Caucus; it did not survive the return to power of the Republicans following the November 1918 elections. See Wilder H. Haines, “The Congressional Caucus of Today,” *American Political Science Review*, vol. 9, Nov. 1915, p. 699.

³⁵Nelson W. Polsby, et al., “The Growth of the Seniority System in the U.S. House of Representatives,” *American Political Science Review*, vol. 63, Sept. 1969, pp. 790–791.

³⁶“What Influences Congress: An Interview with Sam Rayburn, Speaker of the House of Representatives.” *U.S. News and World Report*, vol. 26, Oct. 13, 1950, p. 30.

Rules Committee (he was granted the authority to select its chair and the other majority members of the panel); and greater transparency of the House's deliberative processes heretofore closed to public observation, including gavel-to-gavel televised coverage of floor proceedings over C-SPAN {Cable Satellite Public Affairs Network}.

Institutionally, dual and contradictory changes were underway in the House during the seventies. Power was shifted from committee chairs downward to the subcommittee chairs (subcommittee government as it was called by some scholars), as well as upward to the centralized party leadership. House Democratic reformers wanted to make the committee system more accountable to the Speaker and the Democratic Caucus as a whole. They brought about some centralization of authority—examples include removing the committee assignment process from the Democrats on the Ways and Means Committee and lodging it in the party Steering and Policy Committee and augmenting the party whip system—but in other ways the changes produced a highly decentralized and individualized institution that made it harder for party leaders to mobilize winning coalitions. Before, party leaders could often rely on a few powerful committee chairs or State delegation leaders to deliver blocs of votes; under subcommittee government, scores of entrepreneurial lawmakers had the capacity to forge coalitions that could pass, modify, or defeat legislation.

The decentralizing forces of the seventies gradually subsided and strong leadership began to reemerge in the eighties. “[T]he latent power of centralized party leadership was aroused by unanticipated changes in the political landscape and the policy agenda.”³⁷ These changes included the election of Ronald Reagan as President in 1980 and 1984. Leading the House became more difficult with sharp differences erupting between the branches—and between the House and Senate, the latter in GOP hands from 1981 to 1987—over the role of the Federal Government and national policy priorities.

Challenged by President Reagan to limit the domestic role of government, cut taxes, and in-

crease defense spending, Democratic Members recognized the importance of strengthening their party leaders both to overcome institutional fragmentation and to negotiate bicameral and inter-branch differences with the White House and the GOP-controlled Senate. Rank-and-file Democrats looked to Speaker Thomas P. “Tip” O’Neill (D-MA), to develop and publicize party programs, and to negotiate equitable budget deals with the Reagan administration, sometimes in high-stakes budget summits. In response, O’Neill used leadership task forces to promote party priorities, created ad hoc panels to process major legislation, and innovated the use of special rules from the Rules Committee to advance the party’s program.

As partisan disagreements became sharper, Republicans repeatedly made O’Neill a media target during congressional November elections. In turn, as the first Speaker to preside over a televised House, and as his party’s highest elected official, O’Neill became a vocal critic of Reagan’s domestic and foreign policies. As a result, the speakership itself was transformed during O’Neill’s time. “Today, O’Neill is as much a celebrity and news source as he is an inside strategist.”³⁸ In short, when O’Neill retired from the House at the end of 1986, the speakership was an office of high national visibility.

The speakership, too, had accumulated additional centralized authority for the management of the House’s business. At the urging of the party rank-and-file, the Speaker-controlled Rules Committee began to issue more restrictive rules to protect Democrats from having to vote on electorally divisive, GOP-inspired “November” amendments. By at least the mideighties, “Democratic party leaders in the House became more active, more forceful in moving party legislation forward.”³⁹

In 1987, James C. Wright (D-TX), became Speaker. An aggressive leader, Wright took bold risks and exercised his leadership prerogatives in an assertive manner. For example, he prodded committee chairmen to move priority legislation, recommended policies (raising taxes to cut defi-

³⁷ Roger H. Davidson, *The Postreform Congress* (New York: St. Martin’s Press, 1992), p. 114.

³⁸ Alan Ehrenhalt, “Speaker’s Job Transformed Under O’Neill,” *Congressional Quarterly Weekly Report*, vol. 43, June 22, 1985, p. 1247.

³⁹ Leroy N. Rieselbach, *Congressional Reform: The Changing Modern Congress* (Washington: CQ Press, 1994), p. 129.

cits, for example) over the opposition of the Reagan White House and many Democratic colleagues, and employed procedural tactics—limiting GOP amendment opportunities, for example—that made Republicans' minority status more painful and embittered their relations with Democratic leaders. "If Wright consolidates his power, he will be a very, very formidable man," said Representative Newt Gingrich (R-GA). "We have to take him on early to prevent that."⁴⁰

Gingrich represented a new breed of Republican who entered the House starting with the election of 1978. They were unhappy with the institutional status quo and the cooperative relations their GOP leaders had established and maintained with Democrats. These Gingrich-led Republicans sought to portray the Democratic leadership as corrupt and to undermine public confidence in congressional operations. The strategic goal was to win Republican control of the House. Gingrich employed two long-term plans in his eventual rise to power. First, he urged all Republicans to work together to advance a unified conservative agenda and to use that agenda to nationalize House elections. Second, GOP Members would aggressively confront the Democratic leadership about what Republicans viewed as the unfairness of the legislative process and attempt to make the internal operations of the Chamber a public issue. For example, Gingrich and his Republican allies argued vociferously that special rules from the Rules Committee were skewed to bolster the majority party and that the Democratic leadership was stifling legitimate debate on national issues. Gingrich also employed ethics as a partisan weapon against Speaker Wright, which led to his departure from the House in June 1989. (Wright was charged with violating several House rules, such as accepting gifts from a close business associate.)

Wright was succeeded as Speaker by Majority Leader Thomas Foley (D-WA). Elected to the House in November 1964, Foley rose through the ranks to become Speaker during an era of sharp partisan animosity and political infighting. Republicans found Foley easier to work with than

the more pugnacious Wright, but they also lamented his willingness to use procedural rules to frustrate GOP objectives. Significantly, public approval of Congress reached an all-time low of 17 percent as citizens learned in September 1991 about Members bouncing personal checks at a so-called House bank.⁴¹ Voters also learned that some lawmakers had converted campaign and official office funds into cash for personal use. Speaker Foley worked to win back the public's trust by supporting such initiatives as more professional administrative management of the House and tighter restrictions on lobbyists. Democratic reform efforts proved to be insufficient. In November 1994, after a 30-year congressional career, Foley lost his bid to return to the House in that year's electoral earthquake. That election returned Republican majorities to both the House—for the first time since 1954—and the Senate.

THE RETURN OF THE STRONG SPEAKERSHIP

Newt Gingrich, who was his party's unanimous choice for Speaker, took the office to new heights of influence, initially challenging even the President as a force in national politics and policymaking. Three factors help to explain this development: recognition on the part of most Republicans that Gingrich was responsible for leading his party out of the electoral wilderness of the "permanent minority"; the broad commitment of GOP lawmakers to the Republican agenda; and the new majority's need to succeed at governance after 40 years in the minority. Not since the Cannon era had there been such vigorous party leadership in the House. Speaker Gingrich explained the need for greater central authority. The GOP must change, he said, "from a party focused on opposition to a majority party with a responsibility for governing. That requires greater assets in the leader's office."⁴²

A key centralizing aspect of Gingrich's speakership was his influence over committees. Not only did Gingrich personally select certain Re-

⁴⁰ John Berry, *The Ambition and the Power: The Fall of Jim Wright* (New York: Viking, 1989), p. 6.

⁴¹ C. Lawrence Evans and Walter J. Oleszek, *Congress Under Fire: Reform Politics and the Republican Majority* (Boston: Houghton Mifflin, Co., 1997), pp. 35–38.

⁴² David Cloud, "Gingrich Clears the Path for Republican Advance," *Congressional Quarterly Weekly Report*, vol. 52, Nov. 19, 1994, p. 3319.

publicans to chair several standing committees, ignoring seniority in the process, he also required the GOP members of the Appropriations Committee to sign a written pledge that they would heed the Republican leadership's recommendations for spending reductions. Furthermore, he often bypassed committees entirely by establishing leadership task forces to process legislation, dictated orders to committee chairs, and used the Rules Committee to redraft committee-reported legislation. Party power during this period dominated committee power.

The centerpiece of Gingrich's early days as Speaker was a 10-point Republican Party program titled the "Contract with America," which the House acted upon within the promised first 100 days of the 104th Congress. The contract set the agenda for Congress and the Nation during this period. An important component of the contract was a wholesale reworking of the Rules of the House, the most significant since Speaker Reed. "The elections of November 8, 1994, transformed the politics of congressional structures and procedures," declaimed a congressional scholar.⁴³ With GOP cohesion and solidarity especially high, Speaker Gingrich consolidated and exercised power to transform House operations in significant ways.

Among the administrative, legislative, and procedural actions taken by Republicans during the 104th Congress were these: (1) passing the Congressional Accountability Act, which applied workplace safety and antidiscrimination laws to Congress; (2) hiring Price Waterhouse and Company, a nationally known accounting firm, to conduct an independent audit of House finances; (3) cutting House committee and subcommittee staffs by one-third; (4) imposing 6-year term limits on committee and subcommittee chairs; (5) banning proxy—or absentee—voting in committees; (6) permitting radio and television coverage of open committee sessions as a matter of right and not by authorization of the committee; (7) guaranteeing to the minority party the right to offer a motion to recommit with instructions; (8) restricting Members to two standing committee

assignments and four subcommittee assignments; (9) requiring more systematic committee oversight plans; (10) prohibiting commemorative measures; (11) doing away with the joint referral of legislation—referring measures to two or more committees simultaneously—but authorizing the Speaker to designate a primary committee of jurisdiction upon the initial referral of a measure; (12) prescribing term limits—8 years of consecutive service—for the Speaker (abolished at the start of the 108th Congress); (13) eliminating three standing committees (District of Columbia, Post Office and Civil Service, and Merchant Marine and Fisheries) and consolidating their functions in other, sometimes renamed, standing committees; (14) transforming the Committee on House Administration into a leadership-appointed panel; and (15) reorganizing the administrative units of the House.

These and many other formal and informal Gingrich-led changes made the 104th House (1995–1997) considerably different from its immediate predecessor, modifying the legislative culture and context of the House. Civility between Democrats and Republicans eroded as both sides exploited procedural and political devices in efforts either to retain, or win back, majority control of the House. Some of the attempted reforms also proved hard to implement. The new majority promised a more open and fair amendment process compared to the restrictive amendment opportunities Republicans often experienced during Democratic control of the House. This goal, however, sometimes clashed with a fundamental objective of any majority party in the House: the need to enact priority legislation even if it means restricting lawmakers' amendment opportunities. Throughout the 104th Congress, Democrats and Republicans prepared "dueling statistics" on the number of open versus restrictive rules issued by the Rules Committee. Democratic frustration with GOP-reported rules that limit their amendment opportunities has escalated in subsequent years.⁴⁴

In 1995, *Time* named Gingrich their "Man of the Year." (Ironically, the person to appear on the first issue of the magazine's cover was Joe

⁴³ Roger Davidson, "Congressional Committees in the New Reform Era," in James A. Thurber and Roger H. Davidson, eds., *Remaking Congress: Change and Stability in the 1990s* (Washington: Congressional Quarterly Inc., 1995), p. 41.

⁴⁴ Erin P. Billings, "Democrats Protest Closed Rules in the House," *Roll Call*, March 17, 2003, p. 16.

Cannon.) However, Speaker Gingrich soon encountered political and personal problems. In an unsuccessful confrontation with President Bill Clinton, the Gingrich-led Republicans were twice publicly blamed for shutting down parts of the government in late 1995 and early 1996 because of failure to enact appropriations bills in a timely manner. Rank-and-file Republicans became upset with the Speaker's impulsive leadership style. A small group of Republicans, with the encouragement of some in the leadership, planned in summer 1997 to depose Gingrich as Speaker, but the plot was uncovered and averted.⁴⁵ Nonetheless, the coup attempt exposed the deep frustration with the Speaker within GOP ranks. Gingrich, too, was reprimanded by the House for ethical misconduct and blamed for the loss of GOP House seats in the 1996 and 1998 elections. Weakened by these developments, Gingrich resigned from the House at the end of the 105th Congress.

CONCLUDING OBSERVATIONS

The historian David McCullough once wrote, "Congress . . . rolls on like a river . . . always there and always changing."⁴⁶ His observation fits the speakerships of Reed, Cannon and Gingrich. Although each served in different political, economic, and social circumstances—with a President of their own party or not, for example, Reed, Cannon and Gingrich centralized procedural control of the House in their hands to accomplish policy and political goals. Each was willing to hamstring the minority party and to challenge the White House. Whether the influence of these Speakers stems primarily from the context in which they served (the strength of partisan identification in the electorate, the autonomy of committees, the cohesiveness of the majority party, etc.) or their personal skills, abilities, and talents, there is little doubt that, at the

apex of their power they shaped and reshaped the procedures, policies, and politics of the House.

The return of dictatorial Speakers on the order of Joe Cannon is unlikely in the contemporary era. The reasons seem mostly self-evident: greater transparency in almost all of Congress' activities; larger, more diverse, and more sophisticated media coverage of Congress; a congressional membership that is not only better educated but one that has thrived in an era where policy and political entrepreneurship is a norm and overly strict adherence to the directives of a single party leader an uncommon occurrence; and the expectations of attentive and well-educated constituents who want Members to participate in public debates and media events and to initiate policy proposals.

The speakership in its most recent incarnation draws its strength in part because of a procedural change adopted during the Gingrich speakership: the three-term limit on committee chairs. These committee leaders are unlikely to remain in their post long enough to accrue political influence sufficient to challenge the Speaker on a regular or sustained basis. Moreover, the decision to appoint a new committee chair is exercised by the Speaker-led Republican Steering Committee. Congressional history demonstrates, however, that centralized authority is not a permanent condition. Instead, the forces of centralization and decentralization are constantly in play, and they regularly adjust and reconfigure in response to new conditions and events.

Another large source of influence for today's Speaker is the heightened level of partisanship in the House. This situation often enables majority party leaders to demand, and often get, party loyalty on various votes. Broadly, the Speaker has the dual task of mobilizing majority support for party goals and, concurrently, formulating and publicizing issues that attract the support of partisans and swing voters nationally so his party retains majority control of the House.

The Reed, Cannon, and Gingrich speakerships highlight how each defined their role according to time, place, and circumstance. The office itself has changed shape time and again, and its ability to procedurally and politically control the business of the House has waxed and waned. The heightened partisanship in today's House means

⁴⁵Jackie Koszczuk, "Party Stalwarts Will Determine Gingrich's Long-Term Survival," *Congressional Quarterly Weekly Report*, vol. 55, July 26, 1997, pp. 1751-1755.

⁴⁶David McCullough, "Time and History on Capitol Hill," in Roger H. Davidson and Richard C. Sachs, eds., *Understanding Congress: Research Perspectives*, U.S. House of Representatives, 101st Cong., 2d sess., 1991, H. Doc. 101-241, p. 32.

that the Speaker often gets party loyalty on key votes. Probably the Speaker's most compelling argument to his partisans is that if they are to maintain majority control, they must stick together and do whatever it takes politically and procedurally to retain their status. Speakers may lose key votes on the floor, but it is seldom for lack of trying.

In its present configuration, the speakership is as significant an office as any time in the past, a product now of its occupant and lieutenants collectively and the conditions in which they op-

erate. These circumstances today favor strong party leadership, but Speakers always operate under a range of constraints, such as the independence of lawmakers and size and unity (or fragmentation) of the majority party. At bottom, the Speaker's authority rests on the willingness of lawmakers to follow his lead. Without followership, Speakers can still be "the sport of political storms."⁴⁷

⁴⁷ Herbert Bruce Fuller, *The Speakers of the House* (Boston: Little, Brown and Company, 1909), p. 292.