

# Chapter 7

## Speakers, Presidents, and National Emergencies

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At various times in American history, emergencies have arisen—posing, in varying degrees of severity, the loss of life, property, or public order—and threatened the well-being of the Nation. The Constitution created a government of limited powers, and emergency powers, as such, failed to attract much attention during the Philadelphia Convention of 1787 which created the charter for the new government. It may be argued, however, that the granting of emergency powers to Congress is implicit in its Article I, section 8 authority to “provide for the common Defence and general Welfare”; the commerce clause; its war, Armed Forces, and militia powers; and the “necessary and proper” clause empowering it to make such laws as are required to fulfill the executions of “the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” The President was authorized to call special sessions of Congress, perhaps doing so in order that arrangements for responding to an emergency might be legislated for executive implementation.

A national emergency may be said to be gravely threatening to the country, and recognizable in its most extreme form as auguring the demise of the nation. The more extreme the threat, like-

ly more widespread will be the consensus that a national emergency exists. At times, however, the term has been artfully used as political rhetoric to rally public support, or employed nebulously. According to a dictionary definition, an emergency is “an unforeseen combination of circumstances or the resulting state that calls for immediate action.”<sup>1</sup> In the midst of the Great Depression, a 1934 majority opinion of the Supreme Court characterized an emergency in terms of urgency and relative infrequency of occurrence, as well as equivalence to a public calamity resulting from fire, flood, or like disaster not reasonably subject to anticipation.<sup>2</sup> Constitutional law scholar Edward S. Corwin once explained emergency conditions as being those “which have not attained enough of stability or recurrency to admit of their being dealt with according to rule.”<sup>3</sup> During Senate committee hearings on national emergency powers in 1973, a political scientist described an emergency, saying: “It denotes the existence of conditions of varying nature, intensity and duration, which are perceived

<sup>1</sup> Henry Bosley Woolf, ed., *Webster's New Collegiate Dictionary* (Springfield, MA: G&C Merriam, 1974), p. 372.

<sup>2</sup> *Home Building and Loan Association v. Blaisdell*, 290 U.S. 398, 440 (1934).

<sup>3</sup> Edward S. Corwin, *The President: Office and Powers, 1787–1957*, 4th rev. ed. (New York: New York University Press, 1957), p. 3.

to threaten life or well-being beyond tolerable limits.”<sup>4</sup> The term, he explained, “connotes the existence of conditions suddenly intensifying the degree of existing danger to life or well-being beyond that which is accepted as normal.”<sup>5</sup>

In responding to an emergency situation, Presidents have exercised such powers as were available by explicit grant or interpretive implication—so-called implied powers—or otherwise acted of necessity, trusting to a subsequent acceptance of their actions by Congress, the courts, and the citizenry. They have, as well, sought statutory bestowal of new powers. In such circumstances, the Speakers of the House of Representatives have played varied roles. Presidents also have occasionally taken an emergency action which they assumed to be constitutionally permissible. Thus, in the American governmental experience, the exercise of emergency powers has been somewhat dependent upon the Chief Executive’s view of the office. The authority of a President in this regard, however, is not determined by the incumbent alone. Other institutions and their leaders, such as the Speaker of the House, may have a tempering effect on, or constitute either an obstacle to, or a sustainer of, the President’s actions in response to an emergency.

In the account that follows, four of the most challenging national emergencies in the American governmental experience—the Civil War, World War I, the Great Depression, and World War II—are reviewed with a view to the role of the Speaker during these crises. That role has been a varied one due to several factors, not the least of which are personality, political partisanship, ideology, institutional stature, and statesmanship.

#### THE CIVIL WAR

For several decades after the inauguration of the Federal Government under the Constitution, controversy and conflict over slavery had steadily grown in the Nation until it erupted in regional rebellion and insurrection in late 1860. News of the election of President Abraham Lincoln, who

was known to be hostile to slavery, prompted a public convention in South Carolina. Convening a few days before Christmas, the assembled voted unanimously to dissolve the union between South Carolina and the other States. During the next 2 months, seven States of the Lower South followed South Carolina in secession. Simultaneously, State troops began seizing Federal arsenals and forts located within the secessionist territory. In his fourth and final annual message to Congress on December 3, 1860, President James Buchanan conceded that, due to the resignation of Federal judicial officials throughout South Carolina, “the whole machinery of the Federal Government necessary for the distribution of remedial justice among the people has been demolished.” He contended, however, that “the Executive has no authority to decide what shall be the relations between the Federal Government and South Carolina.” Any attempt in this regard, he felt, would “be a naked act of usurpation.” Consequently, Buchanan indicated that it was his “duty to submit to Congress the whole question in all its bearings,” observing that “the emergency may soon arise when you may be called upon to decide the momentous question whether you possess the power by force of arms to compel a State to remain in the Union.” Having “arrived at the conclusion that no such power has been delegated to Congress or to any other department of the Federal Government,” he proposed that Congress should call a constitutional convention, or ask the States to call one, for purposes of adopting a constitutional amendment recognizing the right of property in slaves in the States where slavery existed or might thereafter occur.<sup>6</sup>

By the time of Lincoln’s inauguration (March 4, 1861), the Confederate provisional government had been established (February 4); Jefferson Davis had been elected (February 9) and installed as the President of the Confederacy (February 18); an army had been assembled by the secessionist States; Federal troops, who had been withdrawn to Fort Sumter in Charleston Harbor, were becoming desperate for relief and resupply; and the 36th Congress had adjourned (March 3). A divid-

<sup>4</sup>U.S. Senate, Special Committee on the Termination of the National Emergency, *National Emergency*, hearing, 93d Cong., 1st sess., Apr. 11, 1973 (Washington: GPO, 1973), p. 277.

<sup>5</sup>*Ibid.*, p. 279.

<sup>6</sup>James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents*, vol. 7 (New York: Bureau of National Literature, 1897), pp. 3165–3167.

ing nation was poised to witness “the high-water mark of the exercise of executive power in the United States.” Indeed, in retrospect, it has been observed: “No one can ever know just what Lincoln conceived to be limits of his powers.”<sup>7</sup>

A month after his inauguration, the new President notified South Carolina authorities that an expedition was en route solely to provision the Fort Sumter troops. The receipt of this message prompted a demand that the garrison’s commander immediately surrender. The commander demurred, and, on April 12, the fort and its inhabitants, over the next 34 hours, were subjected to continuous, intense fire from shore batteries until they finally surrendered. The attack galvanized the North for a defense of the Union. Lincoln, however, did not immediately call Congress into special session. Instead, for reasons not altogether clear, he not only delayed convening Congress, but also, with broad support in the North, engaged in a series of actions which intruded upon the constitutional authority of the legislature. These included ordering 75,000 of “the militia of the several States of the Union” into Federal service “to cause the laws to be duly executed,” and calling Congress into special session on July 4 “to consider and determine, such measures, as, in their wisdom, the public safety, and interest may seem to demand;” blockading the ports of the secessionist States; adding 19 vessels to the Navy “for purposes of public defense;” extending the initial blockade to the ports of Virginia and North Carolina; and enlarging the Armed Forces with 22,714 men for the regular Army, 18,000 personnel for the Navy, and 42,032 volunteers for 3-year terms of service.<sup>8</sup>

In his July 4 special session message to Congress, Lincoln indicated that his actions expanding the Armed Forces, “whether strictly legal or not, were ventured upon under what appeared to be a popular and a public necessity, trusting then, as now, that Congress would readily ratify them. It is believed,” he continued, “that nothing has been done beyond the constitutional competency of Congress.”<sup>9</sup> Indeed, in an act of

August 6, 1861, Lincoln’s “acts, proclamations, and orders” concerning the Army, Navy, militia, and volunteers from the States were “approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress.”<sup>10</sup> During the next 4 years of civil war, Congress would continue to be largely supportive of Lincoln’s prosecution of the insurrection.

THE HOUSE ENVIRONMENT.—The 37th Congress, which Lincoln convened in July, initially met for about a month. Members returned in December for a second session, which consumed about 200 days of the next year, and a third session, beginning in December 1862 and ending in early March 1863. The President had party majorities in both Chambers: about two-thirds of the Senate was Republican and the House counted 106 Republicans, 42 Democrats, and 28 Unionists. The 1862 elections shifted the House balance to 102 Republicans and 75 Democrats. Despite the numerical dominance of the Republicans, however, “no one individual or faction was able to establish firm control of the congressional agendas during the Civil War.”<sup>11</sup>

Investigation and oversight activities by congressional committees increased during the Civil War, “when 15 of 35 select committees were primarily concerned with wrongdoing or improper performance of duties,” and similar probes were being conducted by at least six standing committees. The war affected these inquiries because it added urgency to proper administrative performance and prompted enlarged Federal expenditures. There were, as well, committee examinations of matters more closely connected with the war.<sup>12</sup>

Perhaps the best known of the wartime oversight panels was the Joint Committee on the Conduct of the War. While some of its tactics—secret testimony, leaks to the press, disallowance of an opportunity to confront or cross examine accusers—and its bias against West Point officers remain unacceptable, its probes of the Fort Pillow massacre, in which Union black troops were

<sup>7</sup> Wilfred E. Binkley, *President and Congress* (New York: Alfred A. Knopf, 1947), p. 126.

<sup>8</sup> Richardson, *A Compilation of the Messages and Papers of the Presidents*, vol. 7, pp. 3214–3217.

<sup>9</sup> *Ibid.*, p. 3225.

<sup>10</sup> 12 Stat. 326.

<sup>11</sup> Allan G. Bogue, *The Congressman’s Civil War* (Cambridge, UK: Cambridge University Press, 1989), p. xviii.

<sup>12</sup> *Ibid.*, pp. 60–88.

murdered and not allowed to surrender, and the poor condition of Union soldiers returned from Confederate prisons “were among its more positive achievements.” Indeed, “a number of its investigations exposed corruption, financial mismanagement, and crimes against humanity,” with the result that the panel “deserves praise not only for exposing these abuses but also for using such disclosures to invigorate northern public opinion and bolster the resolve to continue the war. Had the committee’s work always been modeled on these investigations,” it has been rightly concluded, “there would be little debate about its positive, albeit minor, contribution to the Union war effort.”<sup>13</sup>

By one estimate, the “most influential member of the House of Representatives during this period was Thaddeus Stevens of Pennsylvania,” whose “influence over the House exceeded that of its speakers.”<sup>14</sup> An attorney and former member of the Pennsylvania legislature, he had initially been elected to the House of Representatives as a Whig in 1848. He was subsequently elected to the House as a Republican in 1858, and soon became the leader of the radicals who strongly opposed slavery. He chaired the Ways and Means Committee during the 37th and 38th Congresses, and died in office in the summer of 1868.

**SPEAKER GALUSHA A. GROW.**—Born and reared in Pennsylvania, Grow had been a practicing attorney before he was first elected to the House of Representatives as a Democrat in 1850. He was returned to the 33d and 34th Congresses as a Democrat, but slavery and related issues prompted him to change party affiliation and he was elected to the 35th, 36th, and 37th Congresses as a Republican. A redrawn district contributed to his electoral defeat in 1862, and he would not return to the House until 1883 when he was elected to fill a seat left vacant by the death of the incumbent. Grow’s oratorical and leadership qualities contributed to his initially being nominated by former Speaker Nathaniel

Banks for the speakership in 1857. Although Grow had the support of nearly all Republicans, he lost to Democrat James L. Orr of South Carolina.<sup>15</sup> He was nominated again for the speakership in 1860, but the more moderate William Pennington of New Jersey was the choice.<sup>16</sup> A long-time champion of the Homestead Act, Grow was among the leaders who, having brought the legislation to final passage, saw their efforts defeated by President Buchanan’s veto. The bill enacted by the 37th Congress, however, was successfully carried into law in May 1862, a few months before Grow would be defeated for reelection.<sup>17</sup>

With the convening of the 37th Congress, Grow had the support of Thaddeus Stevens, who nominated him for the speakership. Less radical contenders were Schuyler Colfax of Indiana and Frank Blair of Missouri. The situation was urgent, and “the Republicans had agreed not to tolerate any protracted conflict over the speakership.” On the first ballot, Grow had 71 votes, 9 short of victory. “Blair, in second place with forty, withdrew and urged his supporters to switch their votes; twenty-eight did,” and “Grow won with ninety-nine votes.”<sup>18</sup>

Stevens was instrumental in Grow’s capture of the speakership. The two men had become acquainted some time ago in their native Pennsylvania. They had come to hold similarly strong views opposing slavery and supporting the preservation of the Union, and both were resistant to the efforts of Simon Cameron and Andrew Curtin to control the State Republican Party. Stevens had nominated Grow for the speakership in 1860, and Grow had recommended Stevens to President-elect Lincoln for a Cabinet position.<sup>19</sup>

“When it came time to make committee assignments, Grow did what was expected of him—he appointed radicals and friends.” He also annoyed some Cabinet secretaries for not consulting with them on appointments that affected their departments.<sup>20</sup>

<sup>13</sup> Bruce Tap, *Over Lincoln’s Shoulder: The Committee on the Conduct of the War* (Lawrence, KS: University Press of Kansas, 1998), pp. 253, 255.

<sup>14</sup> Ronald M. Peters, Jr., *The American Speakership: The Office in Historical Perspective* (Baltimore, MD: The Johns Hopkins University Press, 1990), p. 54; cf. Hubert Bruce Fuller, *The Speakers of the House* (Boston: Little, Brown, 1909), pp. 152–157.

<sup>15</sup> Robert D. Illisevich, *Galusha A. Grow: The People’s Candidate* (Pittsburgh: University of Pittsburgh Press, 1988), p. 156.

<sup>16</sup> *Ibid.*, pp. 182–183.

<sup>17</sup> *Ibid.*, pp. 173–191, 196–197; 12 Stat. 392.

<sup>18</sup> *Ibid.*, pp. 202–203.

<sup>19</sup> *Ibid.*, pp. 194–195.

<sup>20</sup> *Ibid.*, p. 203.

Described as “firm, calm, and precise in construing the rules” of the House, Grow deferred to Stevens in the party caucus and “Stevens was the domineering personality on the floor,” but he would occasionally challenge his friend regarding procedure.<sup>21</sup>

One good example occurred on July 18, 1861, when Henry May of Maryland asked for the floor to defend himself against charges that he had had “criminal intercourse” with the rebels in Richmond. John Hutchins of Ohio objected to the way in which May attacked the military authorities in Baltimore. Stevens said May was out of order, but Grow ruled that May was entitled to the floor. Stevens put his protest into the form of a motion, which the chair refused to entertain. When Stevens appealed the decision, Grow insisted he had no control over the train of remarks May might pursue and, therefore, could not rule him out of order. The chair was overruled, but May was permitted to continue.<sup>22</sup>

Perhaps surprising to some, Grow, the radical, got along “admirably” with the President, and reportedly “believed Lincoln to be almost infallible, a leader who never rubbed Congress the wrong way and who handled men masterfully.”<sup>23</sup> Grow, Stevens, and a caucus of a dozen other radicals, accepted Lincoln’s moderate approach to emancipation, supporting the President’s proposal for Federal assistance to any State that adopted a plan of gradual emancipation, as well as legislation for immediate emancipation in the District of Columbia.<sup>24</sup>

It was Grow’s fortune to be Speaker during one of the nation’s critical moments. The Thirty-seventh Congress faced an awesome task. It had to raise, organize, and equip military forces, and to find the means to support them and the government as well. Yet its performance record was impressive. Before it adjourned in early August, the special session had passed more than sixty bills, and productivity was to continue into the second and third sessions. Fortunately, the Republicans enjoyed a comfortable majority and were able when necessary to ride roughshod over the Democratic opposition. A call for the question often ended the Democrat’s efforts at prolonged debate.<sup>25</sup>

**SPEAKER SCHUYLER COLFAX.**—Grow’s electoral defeat in 1862 assured that the 38th Congress would have a new Speaker of the House.<sup>26</sup> The choice was Schuyler Colfax of Indiana, a

newspaperman who had unsuccessfully sought election to the 32d Congress as a Whig. Two years later, running as a Republican, he was sent to the House and remained there for the next 5 Congresses (1855–1864). He and Grow “became friends and close allies in their struggle for a free Kansas and a homestead bill.”<sup>27</sup> However, his relationship with Stevens, according to one assessment, was somewhat different than that of his predecessor.

Colfax possessed neither will nor mind of his own. Thaddeus Stevens furnished him with these mental attributes. The fact that Stevens permitted him to remain as speaker for six years furnishes the best index of his character. He was the alter ego.<sup>28</sup>

By contrast, an 1868 campaign pamphlet by an anonymous author offered the following description of Colfax’s speakership.

Every session of Congress has been marked by great bitterness of feeling, and yet so just has been his ruling, so courteous and kind his manner to foes as well as friends, that he has been popular with both parties. Probably not one man in a thousand could have passed through the trying scenes which he has, with the same equanimity and approbation of both friends and foes.<sup>29</sup>

Indeed, Colfax was well regarded as a presiding officer, and his party, still under the iron rule of Stevens in the caucus, enjoyed dominant majorities during his tenure as Speaker.<sup>30</sup> As a Representative, however, he appears to have left no individual mark upon the statute books. Moreover, “Colfax’s influence on the development or passage of specific legislation is unclear.”<sup>31</sup> In a biography published shortly after the former Speaker’s death, Ovando J. Hollister summed up his late brother-in-law’s role in the House.

The two successive re-elections of Speaker Colfax attest the great satisfaction he gave in this high office. These were as eventful times as ever chanced in the annals of men, and the actors played their part in a manly way, worthy of their place in the line of generations that has won from the oppressor, maintained, and transmitted liberty. Neither before nor since have there been greater Houses than those which called

<sup>21</sup> *Ibid.*, pp. 204–205.

<sup>22</sup> *Ibid.*, p. 205.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*, p. 207.

<sup>25</sup> *Ibid.*, p. 204.

<sup>26</sup> Concerning Colfax’s preparations and support in this regard, see Willard H. Smith, *Schuyler Colfax: The Changing Fortunes of a Political Idol* (Indianapolis: Indiana Historical Bureau, 1952), pp. 182–184, 196.

<sup>27</sup> Illisevich, *Galusba A. Grow: The People’s Candidate*, p. 112.

<sup>28</sup> Fuller, *The Speakers of the House*, p. 158; cf. Smith, *Schuyler Colfax*, pp. 189–190.

<sup>29</sup> Anonymous, *The Life and Times of Hon. Schuyler Colfax, Speaker of the United States House of Representatives and Republican Candidate for the Vice-Presidency* (New York: E.B. Treat, 1868), p. 12; the author is identified on the title page as “a distinguished historian.”

<sup>30</sup> Bogue, *The Congressman’s Civil War*, p. 116.

<sup>31</sup> *Ibid.*, p. 118.

Schuyler Colfax to be their presiding officer; at no time in our history were the people and their Congresses in closer sympathy, and this was due in part to the Speaker's faculty of wise and successful political management.<sup>32</sup>

That political management included consultations with Cabinet members concerning their preferences for Representatives assigned to the House committees with which they had to deal. It also involved scheming and connivance that, according to an entry in the diary of Secretary of the Navy Gideon Wells, resulted in Lincoln considering him to be "a little intriguer,—plausible, aspiring beyond his capacity, and not trustworthy." The diary of John Hay, Lincoln's secretary, reflected similar White House doubts about Colfax.<sup>33</sup> Lincoln had preferred others for the speakership, but when it fell to Colfax, the President met with him, only to receive "what was not exactly a pledge of support but a promise of neutrality in the upcoming fights in Congress between Radicals and Conservatives."<sup>34</sup> It was, seemingly, less than he had enjoyed with Grow.

#### WORLD WAR I

When war swept over Europe during the latter months of 1914, the United States, in terms of emergency conditions confronting the Nation, was unaffected by the conflict. Initially pursuing a policy of neutrality, President Woodrow Wilson, in September 1915, reluctantly agreed to allow American bankers to make general loans to the belligerent nations. These loans, foreign bond purchases, and foreign trade tended to favor Great Britain and France. Earlier, in February 1915, Germany had proclaimed the waters around the British Isles a war zone which neutral ships might enter at their own risk. In May, the British transatlantic steamer *Lusitania* was sunk by a German submarine with the loss of 1,198 lives, including 128 Americans. Disclosures of German espionage and sabotage in the United States later in the year, unrestricted submarine warfare by

Germany as of February 1917, and March revelations of German intrigue to form an alliance with Mexico contributed to the President calling a special session of Congress on April 2, when he asked for a declaration of war, which was given final approval 4 days later.<sup>35</sup>

As Wilson led the Nation into war, the "preponderance of his crisis authority," it has been noted, "was delegated to him by statutes of Congress." Indeed, "Wilson chose to demand express legislative authority for almost every unusual step he felt impelled to take." By comparison, the source of Lincoln's power "was the Constitution, and he operated in spite of Congress," while the "basis of Wilson's power was a group of statutes, and he cooperated with Congress."<sup>36</sup>

The President also exercised certain discretion over and above that provided by statute. For example, he armed American merchantmen in February 1917; created a propaganda and censorship entity in April 1917—the Committee on Public Information—which had no statutory authority for its limitations on the First Amendment; and he created various emergency agencies under the broad authority of the Council of National Defense, which had been statutorily mandated in 1916.<sup>37</sup>

"Among the important statutory delegations to the President," it has been recounted, "were acts empowering him to take over and operate the railroads and water systems, to regulate and commandeer all ship-building facilities in the United States, to regulate and prohibit exports" and "to raise an army by conscription." Others authorized him "to allocate priorities in transportation, to regulate the conduct of resident enemy aliens, to take over and operate the telegraph and telephone systems, to redistribute functions among the executive agencies of the federal government, to control the foreign language press,

<sup>35</sup> 40 Stat. 1.

<sup>36</sup> Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (Princeton, NJ: Princeton University Press, 1948), p. 242.

<sup>37</sup> Concerning the Committee on Public Information, see Stephen L. Vaughn, *Holding Fast the Inner Lines: Democracy, Nationalism, and the Committee on Public Information* (Chapel Hill, NC: University of North Carolina Press, 1980); concerning the Council of National Defense, its mandate may be found at 39 Stat. 649–650 and its operations are discussed in Grosvenor B. Clarkson, *Industrial America in the World War: The Strategy Behind the Line 1917–1918* (Boston: Houghton Mifflin, 1923); see also, generally, William Franklin Willoughby, *Government Organization in War Time and After* (New York: D. Appleton, 1919).

<sup>32</sup> O.J. Hollister, *Life of Schuyler Colfax* (New York: Funk and Wagnalls, 1886), p. 216.

<sup>33</sup> Bogue, *The Congressman's Civil War*, pp. 116–117; another historian has written that the exact relationship between Colfax and Lincoln "is difficult to ascertain," but expressed doubt that it was "the intimate relationship" portrayed by Hollister; see Smith, *Schuyler Colfax*, pp. 168–169.

<sup>34</sup> David Herbert Donald, *Lincoln* (New York: Simon and Schuster, 1995), p. 469.

and to censor all communications to and from foreign countries.”<sup>38</sup>

In November 1918, Republican majorities were elected to both Houses of Congress, and an armistice was signed in Europe, bringing a cessation of warfare. As peace negotiations, with Wilson participating, began in Paris in mid-January, many temporary wartime authorities began to expire; and most of the remaining war statutes and agencies were terminated by an act of March 3, 1921.<sup>39</sup>

THE HOUSE ENVIRONMENT.—The Presidential contest of 1912 had resulted in the election of Woodrow Wilson, the first Democrat to occupy the White House since 1897. His party held a substantial margin of seats (291 to 127) in the House at the start of his administration, which quickly dwindled during the next two Congresses and disappeared in 1918; an initial seven-seat margin in the Senate grew slightly during the next two Congresses before the opposition gained a two-seat majority in 1918.

The 63d Congress convened about a month after Wilson's March 4, 1913, inauguration. On April 8, a day after their assembly, the two Houses in joint session were personally addressed by Wilson—"the first President to do so since Jefferson stopped the practice in 1801. He wanted the members of Congress to see that he was a real person," one commentator has observed, "and a partner in their work, he told them, not 'a mere department of the Government hailing Congress from some isolated island of jealous power'."<sup>40</sup> It was the beginning of a new relationship between the first and second branches.

During the new President's first years in office, relations between the White House and Congress underwent a drastic change. {Theodore} Roosevelt had fought Congress and had often gone over its head to the people to get it to act, but he was never able to establish the primacy of his office over the conservative leadership in the legislature. {William Howard} Taft had shied away from even contesting for dominance. But it was now a different Congress. . . . {Wilson's} Democratic majorities were well organized and led by, and to a large extent composed of, men who shared the chief executive's goals, were as eager as he to compile a record of party achievement, and were willing to follow or cooperate with him. It was a situation made to order for a man of

Wilson's commitment and temperament. . . . Believing strongly in party government and in his responsibility to be the nation's political head, Wilson gave forceful leadership to his party in Congress from his first day in office, telling it what he wanted it to do, introducing and sponsoring legislation, working closely with the Democratic leaders, committee heads, and individual members to achieve his programs, and in the process strengthening and broadening the powers and prestige of the presidency.<sup>41</sup>

The outbreak of war in Europe in August 1914 found the President and Congress initially in agreement on a policy of strict neutrality. German submarine warfare soon created a division of opinion between the neutralists and peace forces, on the one hand, and those demanding the defense of American's rights on the high seas, on the other. This division led to conflicts in 1915 and 1916 between the White House and congressional Democrats. In the first instance, Wilson's refusal to issue a warning to Americans against traveling on armed merchantmen not only prompted protests from Democrats in both houses, but also resolutions mandating such a warning and an entree for congressional formulation of foreign policy. Vigorous efforts by the President, key Republicans in Congress, and the press, got the resolutions tabled. The second controversy arose over Presidentially proposed military preparedness legislation, which included a new national volunteer "Continental Army" program. The measure was held captive in committee by a peace bloc led by the House Majority Leader, Claude Kitchen. Wilson had to compromise: the resulting legislation provided for an immediate expansion of the regular Army, enlargement of the National Guard, and integration of the Guard into Army organization and command.<sup>42</sup>

Although Wilson emphasized a neutrality theme in his 1916 campaign for reelection, he was almost defeated, edging by his opponent with a plurality of 23 electoral votes, and saw his party strength in the House reduced to a majority of only a few seats. At the end of January 1917, Germany stunned Wilson with the announcement that it was resuming unrestricted submarine warfare. Shortly thereafter, an American ship was torpedoed and sunk without warning, prompting the President to break diplomatic relations with

<sup>38</sup> Rossiter, *Constitutional Dictatorship*, p. 243.

<sup>39</sup> 41 Stat. 1359.

<sup>40</sup> Alvin M. Josephy, Jr., *On the Hill: A History of the American Congress* (New York: Simon and Schuster, 1979), p. 293.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*, pp. 297–298.

Germany. Near the end of February, Wilson asked Congress for authority to arm merchant ships and to use other “instrumentalities or methods” to protect American shipping. The House, on March 1, overwhelmingly gave approval to the first part of the President’s request; adamant noninterventionists in the Senate launched a filibuster against the authorization. Subsequently, Wilson went ahead with the ship armament on his own authority and called for a special session of Congress on April 16, then changed the convening to April 2. That evening he asked the 65th Congress for a declaration of war against Germany. This was accomplished 4 days later.<sup>43</sup>

There followed the passage of a stream of war legislation, beginning with the appropriations of \$4 billion for the army and navy and authorization for a Liberty Loan of bonds to be sold to the public (four Liberty Loan drives during the war and a Victory Loan in 1919 raised a total of \$20.5 billion). A Selective Service Bill providing for universal conscription caused bitter controversy in the House, where Speaker {Champ} Clark left his chair to oppose the measure. Its constitutionality—sending drafted men outside the United States—seemed open to question, but it was enacted on May 18, 1917.<sup>44</sup>

The stream of war legislation continued, including “several acts, urged by the administration and supported by the fervent patriotism and anti-German feeling of a great majority of the American people and their representatives in Congress, {which} broke sharply with the relatively benign atmosphere of political tolerance and freedom of dissent of the progressive period. Paralleling . . . emergency controls on business, they seriously abridged civil liberties and traditional American rights.”<sup>45</sup> Meanwhile, in Europe, the arrival of American troops was decisive in stemming German offensives and launching fierce counterdrives that moved Allied forces toward the German border.

As the conflict in Europe neared an end, Wilson’s uncompromising determination to handle foreign affairs himself and impose on the world his idealistic vision of an enduring peace headed him on a collision course with the Senate. On January 8, 1918, he delivered a stirring address to the Sixty-fifth Congress, boldly outlining fourteen points as a basis for a moral peace. Among them were proposals for open diplomacy, freedom of the seas, the reduction of armaments, and “a general

association of nations.” Liberals in America and the Allied countries supported the Fourteen Points with enthusiasm, but many of the Republicans and militants in Congress were cynical, fearing that Wilson would not be stern enough with Germany and showing signs of resentment at his aggrandizement of the role of sole arbiter of post-war settlements.<sup>46</sup>

The conflict continued and became more acute, with many Republicans separating from Wilson and demanding that he call for Germany’s unconditional surrender. Wilson responded, in part, by appealing to the voting public to give him stronger party control of each House in the November 5, 1918, congressional elections. Republicans viewed the President’s tactic as an attack on their patriotism and a violation of the wartime truce on politics. When the returns came in, “the Republicans won the House by fifty seats and the Senate by two seats, {and} Wilson not only lost his hold over Congress and his goal of a strong national unity behind him, but because of his ill-advised appeal seemed even to have suffered a repudiation of his peace policies on the eve of the war’s end.”<sup>47</sup> That end came on November 11 with a general armistice in Europe. Wilson’s efforts to negotiate a peace ultimately came to an end in fall 1919 when the Senate, divided into three irreconcilable camps, failed to approve any form of the Versailles Treaty.<sup>48</sup> During a campaign to rally public support for the treaty, Wilson collapsed in Pueblo, CO, on September 25, and, after having returned to Washington, suffered a debilitating stroke on October 2. The declaration of war against Germany (and Austria-Hungary) was subsequently terminated by joint resolution on July 2, 1921.<sup>49</sup>

SPEAKER CHAMP CLARK.—When President Wilson addressed a joint session of the 63d Congress on April 8, 1913, James Beauchamp “Champ” Clark of Missouri was beginning his second speakership. A State legislator, he had been unsuccessful in his bid for the Democratic nomination for a House seat in 1890. Two years later, he won his party’s nomination and was elected as a Representative, but lost the reelection contest to a Republican in 1894. Regaining

<sup>46</sup> *Ibid.*, p. 303.

<sup>47</sup> *Ibid.*, pp. 303–304.

<sup>48</sup> The controversy actually continued into the early months of 1920, but without any resolve of the impasse realized earlier.

<sup>49</sup> 42 Stat. 105.

<sup>43</sup> *Ibid.*, pp. 299–301.

<sup>44</sup> *Ibid.*, p. 301.

<sup>45</sup> *Ibid.*, p. 302.



his House seat in 1896, he served continuously thereafter until 1920. In the House, he was a floor leader (1907–1911) before being elected to the speakership in April 1911. During the 60th Congress, he had led the Democrats who joined a group of Republican insurgents in a revolt against the dictatorial Speaker Joseph G. Cannon and his power over the Committee on Rules. While the House had voted in 1910 to remove the Speaker from serving on the committee, public dissatisfaction with the Republican majority in that Chamber resulted in a Democratic landslide in the elections of that year and the basis for Clark subsequently becoming Speaker.

As a consequence of his distaste for Cannon's dictatorial ways, Clark changed the Speaker's role in House affairs, leaving the business of floor scheduling and party caucus management to the floor leader, Oscar Underwood of Alabama. Under this arrangement, the floor leader and caucus guided the party program. Clark, as Speaker, was an impartial presiding officer of the House, but he could, and often did, temporarily step down from his position to participate actively in legislative debate.<sup>50</sup> As a result of his role in the overthrow of Cannon and his frequent discussion of legislative issues, Clark became the leading Democratic candidate for the Presidency in 1912. At the party nominating convention, Clark ran ahead of both William Jennings Bryan, his political adversary, and Woodrow Wilson, but was ultimately defeated when Bryan threw his support to Wilson.

During Clark's speakership, the Democrats exercised party governance through a binding caucus, with Underwood using individual pieces of legislation for such approval.<sup>51</sup>

The caucus rules established a simple majority as a quorum for business, with two-thirds of those members present and voting required to approve a motion to bind. It was not always necessary for the leadership to control two-thirds of the rank and file, but rather some lesser number, ranging down to two-thirds of a quorum. Of 291 Democratic members of the Sixty-third Congress, for example, the number required to bind might have been as few as ninety-eight.<sup>52</sup>

The Speaker could speak in the caucus or offer a motion to bind it, but he could not control

it. Similarly, he could influence the members of the Committee on Rules regarding the floor agenda and debate, but he could not control them. As a consequence, compared with the Democratic floor leader and committee chairmen, it is understandable that the Speaker might not have been viewed as the best agent for realizing the President's legislative agenda. By one estimate, the "operation of the caucus system used by the Democrats attained its maximum effectiveness during Wilson's first administration, especially during the Sixty-third Congress while Underwood served as majority leader." Why? "Progressivism had its moment in the sun, and the Democrats were able to govern the nation just so long as the policy consensus kept the party united behind the administration's program."<sup>53</sup> War in Europe militated against that consensus, as did Underwood's departure for the Senate in 1915, resulting in the succession of Claude Kitchen of North Carolina as floor leader.

Basic differences in political philosophy between Wilson and Kitchen led to a clash of political wills, and they did not work as closely together as had Wilson and Underwood. Because of this, Wilson began using congressman John Nance Garner of Texas as his intermediary to the House. The Democrats had suffered heavy losses in the election of 1914, bringing their congressional majority down from 290 seats to 231. With the growing involvement of the United States in European affairs, Americans became increasingly concerned about the possibility of engagement in a general European war. Running on the theme that he had "kept us out of war," Wilson was reelected in 1916, but the party retained control of the House of Representatives by the narrowest of margins, electing an identical 215 members to the Republicans, and relying on the support of five independent members to retain organizational control. Wilson did not keep America out of the war, and during his second administration he won congressional support for his war program only at the cost of bitter divisions within the party, which proved fatal in the 1918 congressional elections, when the Republicans swept the Congress.<sup>54</sup>

Clark admired Kitchen, calling him "one of the most brilliant debaters this generation has known—fluent, intelligent, witty, sarcastic, affable, courageous, and at times eloquent."<sup>55</sup> He occasionally voted, as a matter of conscience, contrary to the position of the President. Joining Kitchen, Clark opposed the administration's

<sup>50</sup> Peters, *The American Speakership*, pp. 92–94.

<sup>51</sup> *Ibid.*, p. 93.

<sup>52</sup> *Ibid.*, p. 94.

<sup>53</sup> *Ibid.*, p. 97.

<sup>54</sup> *Ibid.*, pp. 97–98.

<sup>55</sup> Champ Clark, *My Quarter Century of American Politics*, vol. 2 (New York: Harper and Brothers, 1920), p. 339.

highly controversial military conscription plan, and denounced the proposal on the House floor in April 1917.<sup>56</sup> He also proved to be a valuable ally of the White House, however, such as when he frustrated efforts in September 1917 to establish a powerful joint congressional committee to oversee the conduct of the American war effort, and privately assured Wilson that he would render any service to defeat legislation creating, separate from the traditional Cabinet, a war cabinet or council, composed of three distinguished citizens, "with almost unlimited jurisdiction over plans and policies, to insure the most vigorous prosecution of the war."<sup>57</sup> When the President lent support in July 1918 to a local effort to deny Representative George Huddleston of Alabama the Democratic nomination for reelection to the House, Clark and Kitchen provided their colleague with letters praising his patriotic service in Congress. Their intervention was denounced locally as the interference of a pair of "super pacifists," but Huddleston captured the nomination and was returned to the House.<sup>58</sup> In the closing pages of his autobiography, Clark characterized Wilson as "a great President," but, perhaps best explained his own role when refuting a newspaper allegation that he had campaigned for Wilson in 1912 in the hope of obtaining a Cabinet position. "The man who wrote that," counseled Clark, "did not have sense enough to know that the Speakership of the House of Representatives is a much bigger place than is any Cabinet position, and he was not well enough acquainted with me to know that I would not accept all ten Cabinet portfolios rolled into one, for I would not be a clerk for any man."<sup>59</sup>

#### THE GREAT DEPRESSION

In his final State of the Union Message of December 4, 1928, President Calvin Coolidge advised the legislators that no previous Congress "has met a more pleasing prospect than that which appears at the present time," and con-

cluded that the "country can regard the present with satisfaction and anticipate the future with optimism."<sup>60</sup> One year later, the dreamworld envisioned by Coolidge vanished and was replaced by a nightmare. On October 24, 1929, an overspeculated stock market suddenly experienced a deluge of selling, which sent prices plummeting. Panic ensued. In the howling melee of the stock exchange, brokers fought to sell before it was too late. Rapidly, it became too late.

Economic crisis was not new to America. The country had experienced financial setbacks of nationwide proportion in 1857, 1875, and 1893. History, however, was an enemy in the devising of strategy to deal with the depression of 1929. The periods of economic difficulty of the past were but a tumble when compared with the plunge of the Great Depression. This was the first problem experienced by those attempting to rectify the plight of the country: they did not recognize the ramifications of the situation or the extent of damage done and continuing to be done. Perhaps, too, the administrative machinery was not available or sufficiently developed to halt the downward economic spiral. It may have been that the President's philosophy of government was inadequate for meeting the exigency. In the face of all efforts to halt its progress, the cancer of economic disaster continued to devastate American society mercilessly.

The depression demoralized the Nation: it destroyed individual dignity and self-respect, shattered family structure, and begged actions which civilized society had almost forgotten. In brief, it created a most desperate situation, ripe for exploitation by zealots, fanatics, or demagogues. It also created an emergency which, unlike exigencies of the past, dealt a kind of violence to the public that neither Armed Forces nor military weaponry could repel. It was a new type of crisis leading to a broad extension of executive power.

In 1932, a malcontent and despairing electorate voted against President Herbert C. Hoover, Coolidge's successor. Although a dedicated public servant of demonstrated ability, he was replaced with Franklin D. Roosevelt, who came to the Presidency from the governorship of New York,

<sup>56</sup>Seward W. Livermore, *Politics Is Adjourned: Woodrow Wilson and the War Congress, 1916-1918* (Seattle, WA: University of Washington Press, 1966), p. 17.

<sup>57</sup>Ibid., pp. 57, 89.

<sup>58</sup>Ibid., pp. 163-164.

<sup>59</sup>Clark, *My Quarter Century of American Politics*, vol. 2, pp. 442-443.

<sup>60</sup>Fred L. Israel, ed., *The State of the Union Messages of the Presidents, 1790-1966*, vol. 3 (New York: Chelsea House-Robert Hector, 1966), p. 2727.

and had previously served as Assistant Secretary of the Navy during the Wilson administration. In his inaugural address, the new President was eloquent, telling the American people “that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance.” More important, on the exertion of leadership during crisis, he expressed hope that the normal balance of executive and legislative authority would prove to be adequate “to meet the unprecedented tasks before us,” but acknowledged that “temporary departure from that normal balance” might be necessary. “I am prepared under my constitutional duty to recommend the measures that a stricken Nation in the midst of a stricken world may require,” he said, but, in the event Congress did not cooperate “and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me”—using “broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.”<sup>61</sup>

THE HOUSE ENVIRONMENT.—The day after his inauguration, Roosevelt called for a special session of Congress. When the proclamation for the gathering was issued, no purpose for the March 9 assembly was indicated. Nonetheless, the President’s party enjoyed overwhelming majorities in the House (310 to 117) and Senate (60 to 35). Roosevelt had arrived in Washington with drafts of two proclamations, one calling for the special session of Congress and the other declaring a so-called “bank holiday,” which would temporarily close the Nation’s banks and restrict the export of gold by invoking provisions of the Trading With the Enemy Act.<sup>62</sup> The bank holiday proclamation was issued on March 6. Between the evening of the inauguration and the opening of Congress, Roosevelt’s lieutenants, aided by Hoover’s Secretary of the Treasury, Ogden Mills, drafted an emergency banking bill. When Congress convened, the House had no copies of the measure and had to rely upon the

Speaker reading from a draft text. After 38 minutes of debate, the House passed the bill. That evening, the Senate followed suit. The President then issued a second proclamation, pursuant to the new banking law, continuing the bank holiday and the terms and provisions of the March 6 proclamation.<sup>63</sup>

Thereafter ensued the famous “hundred days” when the 73d Congress enacted a series of 15 major relief and recovery laws, many of which provided specific emergency powers to the President or broad general authority to address the crisis gripping the Nation. The Emergency Banking Relief Act, for example, authorized the President to declare a condition of national emergency and, “under such rules and regulations as he may prescribe,” regulate banking and related financial matters affecting the economy. This statute also continued the Chief Executive’s authority to suspend the operations of member banks of the Federal Reserve System.<sup>64</sup> Under the authority of the Civilian Conservation Corps Reforestation Relief Act, the President was granted broad power “to provide for employing citizens of the United States who are unemployed, in the construction, maintenance, and carrying on of works of a public nature in connection with the forestation of lands belonging to the United States or to the several States.” Authority also was granted to house, care for, and compensate such individuals as might be recruited to carry out programs established pursuant to the act.<sup>65</sup> After declaring the existence of a national emergency with regard to unemployment and the disorganization of industry, the National Industrial Recovery Act authorized the President to establish an industrial code system and a public works program to facilitate the restoration of prosperity. The President could establish administrative agencies to carry out the provisions of the act, and might delegate the functions and powers vested in him by the statute to those entities.<sup>66</sup> Additional recovery programs would be given approval by the 74th Congress.

<sup>61</sup> Samuel I. Rosenman, ed., *The Public Papers and Addresses of Franklin D. Roosevelt*, Vol. 2: *The Year of Crisis, 1933* (New York: Random House, 1938), pp. 11, 15.

<sup>62</sup> Arthur M. Schlesinger, Jr., *The Coming of the New Deal* (Boston: Houghton Mifflin, 1959), p. 4.

<sup>63</sup> 48 Stat. 1; Rosenman, ed., *The Public Papers and Addresses of Franklin D. Roosevelt*, Vol. 2: *The Year of Crisis, 1933*, pp. 24–26, 48.

<sup>64</sup> 48 Stat. 1.

<sup>65</sup> 48 Stat. 22.

<sup>66</sup> 48 Stat. 195.

These federal programs served widespread, enduring, and organized interests in American society. The political coalition to which they gave rise lent definition to American political life, and the consequences were felt in the Congress. The tendency towards stability was already present, especially within the Democratic party, and the seniority system had entrenched the power of southern Democrats. The newcomers who came to town in 1933 and 1935 did not upset it; instead, those who stayed on enlisted themselves in its long apprenticeship. By cooperating with those at the top of the power structure, those at the bottom served their own interests and those of their constituents. This was a game ideally suited to the character and temperament of the Democratic party, a party marked by diversity and devoted to logrolling. From the Roosevelt administration, to the oligopoly on Capitol Hill, through the growing bureaucracy, to the congressional constituencies, everyone found something to gain.<sup>67</sup>

Indeed, "Roosevelt was careful to defer to the Democratic barons in the Congress on the control of federal spending," and harmony prevailed because Federal largesse was particularly sought by the southern States where the Great Depression had hit the hardest.<sup>68</sup> "Conservative southern opposition to Roosevelt remained quiescent," it has been observed, "until the court-packing episode of 1937, which triggered the development of the conservative coalition in the Congress. Roosevelt's decision to purge the Congress of southern Democrats who had opposed his reelection in 1936 sealed many southerners in opposition to him."<sup>69</sup>

Apart from Congress, New Deal efforts at combating the Depression, in the estimate of one analyst, also resulted in a transformation of the Presidency as well as inter-branch relations.

Since FDR, the public's expectations of the presidency have been different than they were before. The public expects leadership from the president, and it is the president who sets the basic elements of the national political agenda. But if the president can and must set the major items on the agenda, he cannot enact them by himself. Instead, he must seek to persuade the Congress to follow his leadership. This led to a strengthening of the link between the president and the speakership. On occasion speakers had been supporters of presidents, but there existed no norm that demanded it prior to the New Deal. Since the New Deal, speakers, especially Democratic speakers, have viewed it as their obligation to support presidents of their own party. Thus, the New Deal

had the ironic effect of solidifying congressional power in the committee system, which the speaker could influence but not control, and of imposing on the speaker the duty of supporting a president of his own party. From 1932 forward, speakers would be caught in a crossfire between the congressional power structure and their obligation to the White House.<sup>70</sup>

SPEAKER HENRY T. RAINEY.—Formerly a practicing attorney and county master in chancery in Illinois, Henry T. Rainey was first elected to the House of Representatives as a Democrat in 1902. He served in the 58th Congress and the 8 succeeding Congresses (1903–1921). Unsuccessful in his 1920 campaign, he was returned 2 years later to the 68th Congress and served in the next five Congresses (1923–1934) until his death in office. When the Democrats, after 12 years, were returned to majority status in the House in 1931, "power in the party was centered in the Texas delegation" with John Nance Garner, "a leading force in the party since the Wilson administration," elected Speaker.<sup>71</sup> That year, "the southern Democrats controlled twenty-seven of forty-seven chairmanships" of the House committees.<sup>72</sup> Emerging as the new floor leader for the Democrats was Rainey, renowned for his "progressive political independence," according to his biographer, but a man who had gained the support of his more conservative colleagues through his reelection successes and efforts on behalf of farmers and agricultural relief.<sup>73</sup> However, in his new position, Rainey "was never able to win acceptance within the establishment" of House southern Democrats "and his relationship with Speaker Garner was strained."<sup>74</sup>

Ironically, "Garner's leadership of the Democratic party in the House brought to him great public visibility," as well as "ample political assets to enable him to contend for the presidency in 1932."<sup>75</sup> Supported by the newspapers of William Randolph Hearst, Garner won the California primary election and entered the Democratic National Convention with the solid support of the delegations from that State and Texas.

<sup>67</sup> Peters, *The American Speakership*, pp. 106–107.

<sup>68</sup> *Ibid.*, p. 107.

<sup>69</sup> *Ibid.*, p. 108; in February 1937, President Roosevelt sent Congress a draft bill to change the composition of the Federal judiciary, and, in particular, to allow him to expand the membership of the Supreme Court, which had recently struck down New Deal recovery legislation; the following year, he made appeals to party faithful for the defeat of some southern Democrats seeking reelection to Congress.

<sup>70</sup> *Ibid.*, pp. 108–109.

<sup>71</sup> *Ibid.*, p. 110.

<sup>72</sup> *Ibid.*, p. 109.

<sup>73</sup> Robert A. Waller, *Rainey of Illinois: A Political Biography, 1903–1934* (Urbana, IL: University of Illinois Press, 1977), p. 159; see also *Ibid.*, pp. 138–158.

<sup>74</sup> Peters, *The American Speakership*, p. 114.

<sup>75</sup> *Ibid.*, p. 113.

With the convention deadlocked after three ballots, Garner threw his support to Roosevelt to be the party's Presidential candidate and was rewarded with the Vice Presidential position on the ticket. When the Democrats won the Presidential contest, the speakership for the 73d Congress became open.

Rainey had been elected his party's floor leader in 1931 "with a coalition of southern and northern support," but "he remained very much an outsider in a leadership structure that was dominated by the southern oligarchy."<sup>76</sup> Several factors contributed to his election to succeed Garner as Speaker. In addition to Rainey, four southerners and a New York City Representative emerged as contenders for the speakership, with the result that "the party suffered a complete geographic split, with candidates from each of its major regions."<sup>77</sup> Within the institution of the House, Rainey was the second-longest-serving Member, and had earned the respect of many of his Democratic colleagues as their floor leader and as one in that role who "was not disloyal to Garner." Moreover, "Rainey's election was ensured by the election of 129 new Democrats; of these, ninety-five were from the North, twelve from border states, and seventeen from the South," with Illinois, his home State, electing the most new Democratic Members—11 in total.<sup>78</sup>

These new members were politically tied to President Roosevelt's commitment to political action. Rainey had for several years advocated a diffusion of the power structure in the House through the creation of a party steering and policy committee similar to that employed by the Republicans. In 1933 he made this proposal a key element in his campaign platform for the speakership. The concept of a party steering committee had been strongly opposed by Garner, who favored the management of the House by the speaker and the committee chairmen. But the idea was very attractive to new members, who could have no hope of influence under the leadership of the old guard. . . . Rainey became the first speaker since Champ Clark to come to the office committed to reform, and like Clark he was committed to decentralizing reforms.<sup>79</sup>

<sup>76</sup> *Ibid.*, p. 114.

<sup>77</sup> *Ibid.*, p. 115.

<sup>78</sup> *Ibid.*, pp. 114–115.

<sup>79</sup> *Ibid.*, p. 115; Rainey's biographer notes that when he announced his intention to seek the speakership, "Rainey indicated that he expected considerable support from the newly elected Democrats in the lower House," and identified other factors lending support to his bid for the speakership, such as being "a rallying point for all northern Democrats who were tired of seeing most of the party plums go to

However, after becoming Speaker, Rainey eventually made only slight changes in the committee system. "Among forty-five standing committee chairmen of the House," by one estimate, "there were no uncompensated violations of seniority."<sup>80</sup> He would, nonetheless, carefully manage the House committee system in other ways, while attempting to pursue his reform proposals and lend support to the new President's efforts at achieving economic recovery.

Speaker Rainey's commitment to diffuse power in the House ran head-on into the presidency of Franklin Roosevelt and his first hundred days. However much the speaker and his supporters might have wanted collegial decision making, the country demanded immediate action that could only come about by firm control of the House. Rainey did appoint a steering and policy committee for the Democrats, and created a variety of special committees designed to involve members in the canvassing of opinion. But the real business of the House was being done at the other end of Pennsylvania Avenue, and Speaker Rainey's job was primarily to see to it that the president's program was expedited. In order to accomplish this, the speaker held up the appointment of most committees during the special session called by Roosevelt to deal with the crisis. He appointed a special committee to deal with the Economy Act, a budget-cutting measure that gave broad power to the president to cut federal expenditures, and he used the Rules Committee to bring the New Deal legislation to the House under special orders that severely limited the capacity of the membership to amend the bills as reported by committees.<sup>81</sup>

As Speaker, Rainey, according to his biographer, "was in an ideal position to serve as middleman between executive wishes and legislative fulfillment."<sup>82</sup> Prior to the convening of the 73d Congress, Rainey, in a January 1933 meeting with Roosevelt, had proposed a program to balance the budget and warned that increasing taxes "would be inviting revolution." It was, by one estimate, "an instance in which a congressional leader had prepared a complete fiscal program for

the South," having a "rural and small town background {which} would help balance a party which drew heavily from the urban areas and the Solid South," having the precedent that "four of the Democratic Speakers since the Forty-seventh Congress . . . elevated from the post of majority leader and a fifth from acting majority leader," and perhaps even the "striking personal appearance" of the candidate; see Waller, *Rainey of Illinois*, pp. 174–175.

<sup>80</sup> Peters, *The American Speakership*, p. 116.

<sup>81</sup> *Ibid.*, p. 117.

<sup>82</sup> Waller, *Rainey of Illinois*, p. 181; this biographer also acknowledges that "the record upon which to construct the climax of Rainey's career is limited severely" because "Franklin Roosevelt did not preserve memoranda of his personal conferences and phone conversations" and "most of the key legislative transactions were handled in this fashion;" *Ibid.*, p. 181.

the President-elect.”<sup>83</sup> Subsequently, authority for the President to cut Federal expenditures to realize a balanced budget was included in legislation to maintain government credit.<sup>84</sup> However, it also enabled the President to reduce the pensions and allowances of war veterans. In the course of an unsuccessful attempt to bind the party on the measure in caucus, Rainey learned of an amendment backed by the veterans’ lobby to prevent the President from completely discontinuing a pension or other allowance or reducing them by more than 25 percent. Given that “Democratic unity was shattered by the economy bill,” the legislation was brought to the floor “under a rule providing a two-hour limit, no opportunity for amendments, and one motion to recommit by anyone opposing the proposition.” To avoid the veterans’ lobby amendment, arrangements were made for another Democrat, “an ardent veterans’ supporter,” to seek to be recognized in order to move to recommit the entire bill. Rainey, as prearranged, recognized this man and, as expected, his motion was defeated, but the terms of the rule had been satisfied on this point. When the Member with the veterans’ lobby amendment protested, contending that he believed he had caucus agreement that he would have an opportunity to offer his amendment to the recommitted measure, “Rainey coldly replied that he had no knowledge of a binding agreement.” Moreover, he voted with those approving the bill. Thus, “the Speaker used his right to recognize with decisive effect, and saved the administration from an embarrassing defeat during its first few days in office.”<sup>85</sup>

On another occasion, “Rainey used his influence as Speaker to block legislation that was not a part of the President’s urgent program.” As the Senate began considering an industrial recovery bill limiting labor to a 5-day week and 6-hour day, “Rainey predicted that if it should pass the Senate, it would be sidetracked in the House temporarily to clear the way for more urgent bills.” When a companion bill to the Senate legislation was reported in the House, “Rainey was not inclined to give the matter preferential treatment on the House floor, and supported the ad-

ministration in its demand for considerable revision.” During the delay, the White House developed its own measure—to be known as the National Industrial Recovery Act—embracing the reduced labor hours objectives of the competing House and Senate 30-hour week bills.<sup>86</sup>

Once the new measure was ready, Rainey announced that both the thirty-hour week bills had been put on ice. Several House committees wanted jurisdiction over the new bill. The Speaker assigned it to the Ways and Means Committee, although it was not directly a revenue measure. Rainey used his discretionary power in assigning bills to committee to foster the Roosevelt program. By the close of the session, the bill for industrial self-government was ready for the President’s signature. The thirty-hour measures were left in limbo.<sup>87</sup>

Not every piece of Presidential legislation offered to achieve economic recovery, however, required the Speaker’s attention. For example, to enact Roosevelt’s “federal emergency relief, supervision of stock market operations, relief of small home owners, and railroad reorganization and relief” proposals, “Rainey’s services as master parliamentarian were not needed.” Nonetheless, the Chief Executive was appreciative of the assistance he provided.

Rainey had identified himself fully with the President’s program. While the Speaker is not called upon to vote during roll calls, the Illinoisan established a record by being enshrined as supporting New Deal measures on twenty-three separate occasions during the hundred days. At the close of the session, Roosevelt made a point of thanking the legislators through Rainey for their cooperation and teamwork in meeting the nation’s problems.<sup>88</sup>

When the House convened in January 1934 to begin the 2d session of the 73d Congress, Rainey predicted “a short, harmonious and constructive session.” The approaching fall elections, however, provided House Members a clear and understandable reason to assert themselves to gain visibility and an individual record that would justify being returned to office. This situation, together with the “presidential decision to outline needed legislation in his annual message and let Congress iron out the details proved a detriment to a short and harmonious session, but it was nonetheless a productive term.”<sup>89</sup>

<sup>83</sup> *Ibid.*, p. 182.

<sup>84</sup> 48 Stat. 8.

<sup>85</sup> Waller, *Rainey of Illinois*, pp. 182–183.

<sup>86</sup> *Ibid.*, pp. 183–184.

<sup>87</sup> *Ibid.*, p. 184.

<sup>88</sup> *Ibid.*, p. 185.

<sup>89</sup> *Ibid.*, p. 187.

As the session got underway, Rainey soon engendered Presidential displeasure on three issues. The first involved a bill providing special consideration for silver in financial transactions. In March, Rainey publicly praised the recently reported measure, and said it would likely pass the House and not incur White House objection. In fact, both the President and Secretary of the Treasury Henry Morgenthau were, by one estimate, "horrified at this bill's implications." Rainey subsequently got into a heated public dispute with Morgenthau over silver policy, moved the controversial silver bill, and was surprised by its approval by the House, which necessitated White House efforts to strike a compromise on the legislation in the Senate. More tension between the Speaker and the President ensued, but Roosevelt ultimately obtained sufficient compromise on the disputed legislation in the Senate that a veto was avoided. "The silver inflation debate was the only major occasion on which the Speaker differed markedly with the President," but it was the first of three controversies that left Roosevelt with less than full confidence in Rainey.<sup>90</sup>

The second controversy involved legislation—the Patman bonus bill—authorizing an immediate payment to World War I veterans based upon their service certificates. During the latter half of February, supporters of the bonus bill obtained the requisite number of signatures on a discharge petition to force the measure out of committee. At that time, the President warned the House, through Rainey, that it was not the appropriate time to approve such legislation. Both Rainey and Roosevelt were unwilling to expend the \$2.4 billion authorized by the bill. When some question arose as to whether or not the President would allow the proposal to become law without his signature, Rainey wrote for clarification and received what became a highly public and unequivocal response from Roosevelt saying he would veto the legislation. The House, nonetheless, elected to follow an independent course and, in early March, voted by a 3 to 1 margin to approve the discharge petition. Thereafter, the House approved the bonus bill on a 295 to 125 vote, but when it arrived in the Senate, it

was reported adversely and died without a floor vote. Nonetheless, "Rainey had been unsuccessful in getting the House to follow the President's guiding hand."<sup>91</sup>

The third controversy arose with the Independent Offices Appropriations bill and adherence to the President's economy program. In early January, "Rainey had pledged that the House would keep 'absolutely' within the budget recommendation limits submitted by the President," which was done when the Independent Offices measure was considered, but "only by an adroit series of parliamentary moves." As passed by the House, the bill was "perfectly acceptable to the President." Senate leaders were unsuccessful in their efforts to defeat amendments providing for the restoration of government employee pay cuts. When the legislation came back to the House, Rainey did not follow custom and send it to a conference committee, but took the somewhat unusual step of referring it back to the committee of origin, presumably to be crafted into a version acceptable to both the Senate and the President. The Appropriations Committee, however, declined to redraft the Senate version, and Democratic leaders failed in two caucuses to bind their House Members to ignore the Senate amendments to the legislation. When the Rules Committee reported a special rule on the measure that would have sent it to a conference committee without instructions from the House, the rule was overwhelmingly defeated. The bill was then open to amendment from the House floor, and among those successfully added was the full restoration of veterans' benefits reduced by the Economy Act of 1933. Ultimately, House amendments added \$228 million to the President's original recommendations, which both Houses accepted. The President, however, did not, and he vetoed the bill. Rainey confidently predicted the veto would be sustained, but he completely misjudged the situation. The House voted 310 to 72 to override, with no fewer than 209 Democrats bolting.<sup>92</sup>

In the aftermath of this tumult—"Rainey helped to lead one revolt and was unsuccessful in halting the two others"—speculation and

<sup>90</sup> *Ibid.*, pp. 189–191.

<sup>91</sup> *Ibid.*, pp. 191–192.

<sup>92</sup> *Ibid.*, pp. 192–194.

rumor soon arose that the President was sufficiently displeased with his party's House leaders that he would welcome a change. Emerging from a White House meeting in April, Rainey volunteered that the President "wanted me to stay where I am" as Speaker of the House.<sup>93</sup> After the 2d session of the 73d Congress ended in mid-June, Rainey embarked upon an extensive speaking tour as an ambassador for the New Deal. On August 10, due to fatigue and a slight cold, he elected to be admitted to a hospital in St. Louis for a few days' rest. Speaker Rainey died unexpectedly on August 19, 1934, 1 day short of his 74th birthday.<sup>94</sup>

**SPEAKER JOSEPH W. BYRNS.**—An attorney and former member of the Tennessee legislature, Joe Byrns was elected to the House in 1908 as a Democrat and served in the 61st and 13 succeeding Congresses. During the 72d Congress, he chaired the Appropriations Committee. He was among those who sought the speakership for the 73d Congress, and was made floor leader by the coalition that elected Rainey as Speaker. Although he was part of the House leadership that had displeased the President in 1934, his party colleagues in the House had high regard for him, not only as their floor leader, but also as the chairman of their Congressional Campaign Committee. "With his help," it has been observed, "the Democrats had actually increased their representation in the House in the off-year election of 1934," with the result that many in his party who had been returned to their seats or were newcomers "felt themselves indebted to him."<sup>95</sup> Many newspapers expected Byrns to be the next Speaker after Rainey's death. He had a few competitors for the position, the strongest of whom might have been Sam Rayburn of Texas, but he subsequently withdrew for several reasons, not the least of which was his State's control of several committee chairmanships and the Vice Presidency. Ultimately, the same coalition of north-eastern, border, and midwestern Democrats who had installed Rainey as Speaker elected Byrns, with southern supporters, to that position.<sup>96</sup>

While some of the President's "brains trust" advisers urged him to announce his support for Rayburn, whom they favored as Speaker, Roosevelt remained discreetly silent about the contest. By one estimate, "Byrns was probably not his preference, but he may have thought that Byrns would win."<sup>97</sup> Nonetheless, "among all the candidates for the speakership, the only one who had stood with FDR in opposition to the {veterans} bonus in the previous session had been Byrns."<sup>98</sup> Moreover, "Byrns was known for party loyalty, for always being a regular party supporter. While he had served as majority leader," it has been observed, "his strong and continuing support of New Deal legislation, even those measures which he philosophically opposed, illustrated his party loyalty."<sup>99</sup> In a radio address given shortly after the convening of the 74th Congress, Speaker Byrns indicated that it was "not the function of Congress to initiate executive policies." That was the President's responsibility, and Congress "is and should be proud to accept his leadership," he said. Of the issues he foresaw ahead, he hoped a noninflationary way could be found to pay the veterans' bonus.<sup>100</sup>

Byrns soon brought the bonus question before the House, the legislative solution being to provide the necessary \$2 billion by printing more money—a clearly inflationary course of action. He was among the 90 Members who voted against the legislation. In the aftermath of Senate approval of the bill, the President personally delivered his veto message to a joint session of the two Houses of Congress when, at the conclusion of his remarks, he handed the rejected legislation to Byrns. Immediately thereafter, the House voted overwhelmingly to override the veto, "but Byrns was one of the 98 in opposition." The next day, the Senate vote for an override was insufficient, but Speaker Byrns' loyalty to the President was, by then, on the record.<sup>101</sup>

Byrns next became involved in negotiating a massive emergency relief appropriations bill. Many House Members wanted to specify the

<sup>93</sup> *Ibid.*, p. 197.

<sup>94</sup> *Ibid.*, pp. 202–203.

<sup>95</sup> Peters, *The American Speakership*, p. 119.

<sup>96</sup> Ann B. Irish, *A Political Biography: Joseph W. Byrns of Tennessee* (Knoxville, TN: University of Tennessee Press, 2001), pp. 190–199.

<sup>97</sup> *Ibid.*, p. 193.

<sup>98</sup> *Ibid.*, p. 196.

<sup>99</sup> *Ibid.*, p. 202.

<sup>100</sup> *Ibid.*, pp. 216–217.

<sup>101</sup> *Ibid.*, pp. 220–221.



kinds of jobs that would be created by the legislation, thereby limiting the discretionary authority of Secretary of the Interior Harold Ickes, whom they felt was unresponsive to congressional concerns. In a meeting on this matter, Roosevelt, Byrns, and Appropriations Committee Chairman James Buchanan reached a compromise: the funds would be appropriated without directions to the President regarding their expenditure, but the President would allocate the money himself rather than designating Ickes to perform this task. Byrns obtained caucus agreement to the compromise and the bill received overwhelming party support, with only 10 Democrats voting against it in the House. "Byrns had held his party in line; here was an example of his ability to forge consensus among the very different kinds of Democrats in the House." He and Vice President Garner subsequently intervened with the conference committee on the legislation to obtain a version acceptable to the President.<sup>102</sup>

Next came the Social Security Program. Byrns exerted his influence early, referring the legislation to the Ways and Means Committee, whose members he perceived were more favorable to the proposal than the skeptical members of the Labor Committee. When there was hesitation to report the bill, Byrns convinced committee members "that if they wanted to kill the measure, it should be defeated on the floor during public debate, not in a secret committee session." On the matter of a rule for bringing the legislation to the floor, "Byrns insisted the debate be as open as possible so that members would feel trusted, not coerced." He "based his desire for an open debate on the social security bill on assurance from Pat Boland's whip organization that the bill would pass." Indications were that an alternative plan to the President's proposal did not have much support. Such proved to be the case; Byrns' strategy succeeded.<sup>103</sup>

The House had to consider a number of additional important bills, and in expediting (or blocking) them, the speaker was influential mostly in little-noticed ways. These included persuading committees to finish their consideration so that bills could come to the floor, helping convince the Rules Committee to schedule bills for floor debate, and urging efficient floor consideration.<sup>104</sup>

The President's gratification with Byrns became apparent in early May 1935 when "Roosevelt lightheartedly scolded Senate leaders, suggesting they could learn from Speaker Byrns's methods and adopt legislation more expeditiously."<sup>105</sup> When illness prevented William Bankhead from carrying out his duties as Democratic floor leader, Byrns sometimes functioned as Speaker and majority leader, "and won compliments for his dual leadership role during Bankhead's absence."<sup>106</sup>

When the sometimes fractious House came to the close of the 1st session of the 74th Congress in late August, it was clearly evident that "Byrns had helped the administration achieve its goals," the last 3 months being so productive that many termed them the "second hundred days."<sup>107</sup>

Returning from travel in Asia late in the year, Byrns foresaw "nothing on the horizon that should cause any controversies" in the next session, but quickly added that "one never knows what is going to happen in the legislative halls at Washington." The unforeseen did burst on the scene a few days after the new session got underway: the Supreme Court invalidated the Agricultural Adjustment Act, with the result that the Nation was left with no farm program. Byrns arranged for efficient House consideration and passage of a constitutionally acceptable replacement program.<sup>108</sup>

More predictable was the early reappearance of veterans' bonus legislation. The track record on this issue was familiar by now, and support for such legislation was strengthened by a modest upturn in the economy and a looming national election. Byrns thought the passage of such a bill was inevitable. The White House may have concurred, but when the measure was sent to the President, he perfunctorily vetoed it, only to have his rejection overridden by both houses.<sup>109</sup>

Due, in part, to Bankhead's return to perform his floor leader duties, "Byrns was not nearly as prominent in the 1936 session as he had been a year earlier," and "because the long 1935 session had been so productive, the 1936 session saw less

<sup>102</sup> *Ibid.*, pp. 221–222.

<sup>103</sup> *Ibid.*, pp. 223–224.

<sup>104</sup> *Ibid.*, p. 224.

<sup>105</sup> *Ibid.*, p. 226.

<sup>106</sup> *Ibid.*, p. 227.

<sup>107</sup> *Ibid.*, p. 232.

<sup>108</sup> *Ibid.*, pp. 241–242.

<sup>109</sup> *Ibid.*, pp. 242–243.

controversy and less necessity for a speaker to use his position publicly to achieve a result." As it happened, "Byrns had no chance to compile his own summary of this session's accomplishments," it has been observed, "but he must have felt satisfaction as he saw the Seventy-fourth Congress meeting the goals he had suggested at the outset of his speakership."<sup>110</sup> Approximately 2 weeks prior to the end of the Congress, Speaker Byrns died suddenly on June 4, 1936.

SPEAKER WILLIAM B. BANKHEAD.—Advised by the House Parliamentarian of the need for a new Speaker in order that the business of the 74th Congress could be concluded, House leaders turned to Will Bankhead.<sup>111</sup> An attorney, State legislator, and city attorney of Huntsville, Bankhead was first elected to the House of Representatives from Alabama in 1915, serving in the 65th and 11 succeeding Congresses. His father had been a Member of the House and the Senate, and during his own service in the House, his brother was a Senator. Unsuccessful in his bid to become House majority leader in 1932, he became the acting chairman and then chairman of the Rules Committee during the 74th Congress. Two years later, his election as majority leader was secured. In his later congressional career, Bankhead was beset by health problems. He suffered major heart attacks in 1932 and 1935, and "labored with a weak heart during the remainder of his life."<sup>112</sup> As a consequence, Bankhead formed a close working relationship with his deputy, Majority Leader Sam Rayburn. "Working in close cooperation with the administration, Sam Rayburn," according to one assessment, "provided the strength that Bankhead lacked."<sup>113</sup>

At the time of the death of Speaker Byrns in June 1936, the "Depression continued, but people had confidence that their federal government was working to end their distress."<sup>114</sup> For many, the sense of desperation within the country had subsided and the relief legislation Congress was being asked to enact by the Roosevelt administration was of a smaller quantity and somewhat less urgent character than the New Deal pro-

posals of 1933–1934. Indeed, the exclusively domestic focus of the first Roosevelt administration was supplemented with growing defense and foreign policy considerations during the second term. It was in this changing policy environment that Bankhead played his leadership role.

Bankhead's party loyalty was beyond question; the high regard in which he was held by minority leaders Bertrand H. Snell and Joseph W. Martin, Jr. and others is a testimony to his fairness as a presiding officer. His congressional colleagues remember him as the only Speaker who could get order in the House merely by standing up. Gavel rapping was seldom necessary. He followed House precedent and seldom made a formal speech. When he did leave the chair to speak in behalf of a particular bill, he was listened to with much more than usual interest.<sup>115</sup>

Bankhead's efforts (and those of Rayburn) to assist the White House with securing the passage of legislation addressing the emergency conditions of the Great Depression were complicated, and sometimes hampered, by other legislative issues and the President's demands regarding them. For example, "the congressional leaders were not consulted and knew nothing of the President's explosive judiciary reorganization plan until they were called to the White House a few hours before it was made public."<sup>116</sup> Subsequently, among the more "serious consequences" of this legislation was "the split it produced in the Democratic ranks" with the result that "congressional leaders encountered unexpected opposition to less controversial administration measures."<sup>117</sup> The President's executive reorganization legislation, which was proposed shortly after his judiciary reorganization plan was unveiled, was affected, the bill being perceived "as giving the President dictatorial power." The executive reorganization legislation "continued to be a headache for Bankhead and other party leaders until a greatly watered-down version was passed in 1939."<sup>118</sup>

Other fractious issues militating against Bankhead's efforts to gain support for the President's relief proposals included the Ludlow reso-

<sup>110</sup> Walter J. Heacock, "William B. Bankhead and the New Deal," *Journal of Southern History*, vol. 21, August 1955, p. 354.

<sup>111</sup> *Ibid.*, p. 355; see also Kenneth S. Davis, *FDR: Into the Storm, 1937–1940: A History* (New York: Random House, 1993), pp. 84–87.

<sup>112</sup> Heacock, "William B. Bankhead and the New Deal," p. 356.

<sup>113</sup> *Ibid.*; see, generally, Richard Polenberg, *Reorganizing Roosevelt's Government: The Controversy Over Executive Reorganization, 1936–1939* (Cambridge, MA: Harvard University Press, 1966).

<sup>110</sup> *Ibid.*, p. 249.

<sup>111</sup> *Ibid.*, p. 252.

<sup>112</sup> Peters, *The American Speakership*, p. 120.

<sup>113</sup> *Ibid.*

<sup>114</sup> Irish, *A Political Biography*, p. 249.

lution, which proposed to amend the Constitution to require a national referendum to validate any congressional declaration of war and neutrality legislation.<sup>119</sup> “The year 1938,” by one estimate, “saw the culmination of domestic reforms and the shifting of attention to international affairs.”<sup>120</sup> Bankhead served Roosevelt as a legislative leader through the President’s second term. He was not the only such leader consulted by the President. “Roosevelt, preferring to deal with Congress in his own way, frequently chose to consult directly with chairmen whose committees held the fate of his program,” and, it was said, by engaging in such consultations, “FDR embarrassed Bankhead to demonstrate his own dominance over Congress.”<sup>121</sup> Although Bankhead was not among those “urging the President to seek re-election, he announced his full support of the Roosevelt program and his readiness to support the President should he decide to seek another term.”<sup>122</sup> At the July 1940 Democratic National Convention in Chicago, he stood as a candidate to be Roosevelt’s Vice Presidential running mate, but was not successful. Nonetheless, he subsequently called upon all Democrats to support the party ticket. Following his own advice, Speaker Bankhead, about to launch the Democratic campaign in Maryland with a speech in Baltimore, collapsed suddenly in his hotel room and died a few days later on September 15, 1940.

## WORLD WAR II

At the time of Speaker Bankhead’s death, nations of Europe had been at war for 12 months, and Japan’s aggression in China had been underway for an even longer period of time. The formal entry of the United States into World War II occurred on December 8, 1941, with a declaration of war against Japan in response to the attack on Pearl Harbor in the Hawaiian Islands and other U.S. possessions that had occurred the previous day.<sup>123</sup> Three days later, on December 11,

war was declared against Germany and Italy.<sup>124</sup> As a result of the 1940 elections, President Roosevelt had been returned to office for an unprecedented third term.

During Roosevelt’s first and second Presidential terms (1933–1940), as totalitarian regimes began threatening the peace of Europe and Asia, Congress adopted a series of Neutrality Acts restricting arms shipments and travel by American citizens on the vessels of belligerent nations.<sup>125</sup> Two months after war commenced in Europe in September 1939, Congress, at the President’s request, modified the neutrality law by repealing the arms embargo and authorizing “cash and carry” exports of arms and munitions to belligerent powers.<sup>126</sup> Some advanced weapons—aircraft carriers and long-range bombers—were procured for “defensive” purposes. More bold during the period of professed neutrality was the President’s unilateral transfer of 50 retired American destroyers to Great Britain in exchange for American defense bases in British territories located in the Caribbean. The President also negotiated a series of defense agreements whereby American troops were either stationed on foreign territory or were utilized to replace the troops of nations at war in nonbelligerent tasks so that these countries might commit their own military personnel to combat. Such was the case with Canada when, in August 1940, it was announced that the U.S. Navy, in effect, would police the Canadian and American coasts, providing mutual defense to both borders. Canadian seamen would, of course, be released to aid the British Navy. In April 1941, American military and naval personnel, with the agreement of Denmark, were located in Greenland. In November, the Netherlands concurred with the introduction of American troops into Dutch Guiana.

With the declarations of war and the impending international crisis, Roosevelt, by one estimate, became “a President who went beyond Wilson and even Lincoln in the bold and successful exertion of his constitutional and statutory powers.” Congress “gave the President all the power he needed to wage a victorious total war, but stubbornly refused to be shunted to the back

<sup>119</sup> Davis, *FDR: Into the Storm, 1937–1940*, pp. 189–190, 392–394, 399–415, 449–458.

<sup>120</sup> Heacock, “William B. Bankhead and the New Deal,” p. 357.

<sup>121</sup> D.B. Hardeman and Donald C. Bacon, *Rayburn: A Biography* (Lanham, MD: Madison Books, 1987), p. 245.

<sup>122</sup> Heacock, “William B. Bankhead and the New Deal,” p. 358.

<sup>123</sup> 55 Stat. 795.

<sup>124</sup> 55 Stat. 796, 797.

<sup>125</sup> 49 Stat. 1081, 1152; 50 Stat. 121.

<sup>126</sup> 54 Stat. 4.

of the stage by the leading man." The Supreme Court "gave judicial sanction to whatever powers and actions the President and Congress found necessary to the prosecution of the war, and then post bellum had a lot of strong but unavailing things to say about the limits of the Constitution-at-War."<sup>127</sup>

THE HOUSE ENVIRONMENT.—The 1940 elections gave the Democrats large majorities in the House (268 to 162) and Senate (66 to 28). As a result of the 1942 elections, these margins narrowed in the House (218 to 208), although less so in the Senate (58 to 37). The 1944 elections strengthened the Democratic majority in the House (242 to 190), but resulted in only a slight change in the Senate (56 to 38).

Once war came, Congress quickly adjusted itself to the conditions of war, and it was by no means the anachronism that many—including some of its own members—predicted it would be. Issues were raised which needed to be resolved politically, and, as before the war, the President and the government agencies continued to ask Congress for funds and for authority. The President was given great powers, but he was not a dictator, and Congress did not become a rubber stamp in delegating power. The relationship with the President and the numerous war agencies raised many problems, for though it was agreed that the prosecution of the war came within the province of the President, Congress did not wish to delegate all authority over domestic issues to the expanding bureaucracy. A wartime President was expected to have more power, to be able to act without certain congressional restraints, but once this major premise was granted, the allowable sphere of congressional action had still to be determined.<sup>128</sup>

In the House, Speaker Bankhead and Majority Leader Rayburn had encountered determined opposition to administration legislation from southern Democrats in 1938, but, "when administration foreign policy was involved, the South was inclined to be cooperative."<sup>129</sup> Such cooperation generally became more widespread as war erupted in Europe late the following year, and culminated in the declarations of war in December 1941. When the 1942 elections reduced the Democratic majority in the House, "sniping at the administration increased" during the 78th

Congress.<sup>130</sup> The wartime bureaucracy was a primary object of attack and derision.

In the growing tensions and frustrations of the war economy, citizens registered complaints of every kind to their Congressmen—against administrative ineptitudes, against highhanded bureaucrats, controls, and rationing, against the forty-hour week and strikes, and against real or assumed injustices to relatives in the armed forces. Many members of both houses were quick to champion such causes, waging something of a guerrilla war in the two chambers and through the newspapers and radio against war agencies and their administrators. Much of the drumfire was of more than momentary significance, for it reflected a growing offensive to try to dismantle Roosevelt's prewar domestic reforms and halt any moves that tended to impose new social ideas.<sup>131</sup>

It also contributed to a phenomenon, described below, which often produced consternation and discomfort for both the administration and the principal congressional leaders of the President's political party.

The proliferation of investigation committees was one of the singular characteristics of the war Congress. The emphasis on investigation, on the control of policy after the passage of an Act, was a spontaneous congressional reaction, as it were, to the increasing number of activities with which the administrative branch was concerned. At the beginning of the war, the major investigation committees were the Truman Committee (Senate Special Committee Investigating the National Defense Program), which was interested in questions relating to production; the Tolan Committee (House Committee on Inter-state Migration), which broadened its activities from migratory labor to include also general problems relating to the organization of production; the Murray and Patman Committees (Senate and House Committees on Small Business); the Maloney Committee (Senate Special Committee to Investigate Gasoline and Fuel-Oil Shortages); and the House and Senate Committees on Military Affairs and on Naval Affairs. There was considerable overlapping of committee interests inasmuch as jurisdictions were not precisely determined. Some dozen different committees were concerned with such controversial subjects as rubber production; manpower policy was considered by the Labor Committee as well as by the Military Affairs, Appropriations, Judiciary, and Agricultural Committees, and by the Truman and Tolan Committees.<sup>132</sup>

Generally, the congressional situation did not improve as the prospects for victory in Europe

<sup>130</sup> Josephy, *On the Hill*, p. 336.

<sup>131</sup> *Ibid.*

<sup>132</sup> Young, *Congressional Politics in the Second World War*, p. 19; concerning the Truman committee, see Donald H. Riddle, *The Truman Committee: A Study in Congressional Responsibility* (New Brunswick, NJ: Rutgers University Press, 1964); Harry A. Toulmin, Jr., *Diary of Democracy: The Senate War Investigating Committee* (New York: Richard R. Smith, 1947); Theodore Wilson, "The Truman Committee, 1941," in Arthur M. Schlesinger, Jr., and Roger Bruns, eds., *Congress Investigates: A Documented History, 1792–1974*, vol. 4 (New York: Chelsea House, 1975), pp. 3115–3136.

<sup>127</sup> Rossiter, *Constitutional Dictatorship*, p. 265; for a catalog of emergency powers granted to the President during the period of the war, see U.S. Library of Congress, Legislative Reference Service, *Acts of Congress Applicable in Time of Emergency*, Public Affairs Bulletin 35 (Washington: Legislative Reference Service, 1945).

<sup>128</sup> Roland Young, *Congressional Politics in the Second World War* (New York: Columbia University Press, 1956), pp. 4–5.

<sup>129</sup> Heacock, "William B. Bankhead and the New Deal," p. 357.

and the Pacific steadily became stronger during 1943 and 1944 and Roosevelt's return to the White House for a fourth Presidential term grew more likely. By one estimate, the "1944 session of Congress, attuned to the presidential election of that year, was more partisan and quarrelsome than the one of the year before."<sup>133</sup> In the subsequent playout of history, Roosevelt retained the Presidency and his party increased its majority hold on the House, but his tenure in office ended suddenly on April 12, 1945, with his death in Warm Springs, GA. Shortly thereafter, on May 8, came the Allies' victory in Europe, followed by victory over Japan on August 15.

**SPEAKER SAM RAYBURN.**—First elected to the speakership on September 16, 1940, to succeed the fallen Will Bankhead, Samuel T. Rayburn remained in this position throughout the years of World War II, and subsequently became the longest serving Speaker—over 17 years—in American history. A Texas attorney and State legislator, he was first elected to the House in 1912 as a Democrat, serving in the 63d and the 24 succeeding Congresses. Rayburn became the chairman of the Interstate and Foreign Commerce Committee during the 72d Congress and remained in that leadership position for the next two Congresses. In this capacity, he had endeared himself to the Roosevelt administration by assisting with the passage of some of the most controversial New Deal legislation.<sup>134</sup> Moreover, within a few years after entering the House, Rayburn became a protege of the influential John Nance Garner, who became an intermediary to the House for President Wilson, Speaker of the House (1931–1932), and Vice President (1933–1941).<sup>135</sup> His close ties to Roosevelt and Garner, as well as his being a member of the powerful Texas congressional delegation, militated against his initial attempts to gain a top House leadership position in 1934.<sup>136</sup> "Speaker Byrns's death in 1936 opened the door for Rayburn," it has been said, "and Speaker Bankhead's death four years later closed it behind him."<sup>137</sup> Moreover, his long experience in the House would serve

him well. Indeed, according to one considered view, "Sam Rayburn entered upon the duties of Speaker of the House with better training for the speakership than any of the forty-two men who had preceded him."<sup>138</sup>

The House environment initially encountered by Speaker Rayburn in 1941 was familiar from his recent majority leader experience. "The Democratic majority was substantial, but it included a number of members who were prepared to oppose the administration on almost any given issue," according to one assessment.<sup>139</sup> Moreover, there were dangerous cross currents at work.

The delicate situation was made more so by the necessity of winning congressional acceptance of a shift in the official government posture toward the war in Europe. The President, while pushing for a strong defense program, had sedulously endeavored to turn popular thinking away from the possibility that the nation might become involved in armed combat.<sup>140</sup>

The President quickly tested Rayburn's skills as a legislative manager working on his behalf. In early January, administration draftsmen began developing a bill authorizing the President to have the Armed Forces place orders for such defense articles as they required, as well as for such additional quantities of such materials as the United States might lend or lease to other nations. Great Britain, which had just repelled savage and sustained German air attacks, would be the immediate beneficiary. Rayburn contributed to perfecting the final version of the lend-lease legislation, which was introduced by Majority Leader John McCormack as H.R. 1776, "A Bill to Further Promote the Defense of the United States."<sup>141</sup>

The bill defined defense articles so broadly as to make nearly anything a defense article if the President said so. It authorized the Chief Executive to order any government official to have manufactured in arsenals, shipyards, factories or to procure in any way any defense article for the use of any country the President named—"notwithstanding the provisions of other laws." The President also could order any defense article to be sold, exchanged, transferred, leased, lent, or tested, inspected, proved, repaired, outfitted or reconditioned, for the use of any party he might name—again without regard to other laws. The bill provided that defense infor-

<sup>133</sup> Josephy, *On the Hill*, p. 338.

<sup>134</sup> Peters, *The American Speakership*, p. 123.

<sup>135</sup> *Ibid.*, p. 120.

<sup>136</sup> *Ibid.*, pp. 118–119.

<sup>137</sup> *Ibid.*, p. 121.

<sup>138</sup> Booth Mooney, *Roosevelt and Rayburn: A Political Partnership* (Philadelphia: J.B. Lippincott Company, 1971), p. 147.

<sup>139</sup> *Ibid.*, p. 155.

<sup>140</sup> *Ibid.*

<sup>141</sup> See, generally, Warren F. Kimball, *The Most Unsordid Act: Lend-Lease, 1939–1941* (Baltimore, MD: Johns Hopkins Press, 1969).

mation might be communicated to any government the President named and that any defense article could be released for export to any country he named. And it authorized the President to issue such orders as he considered necessary to carry out any part of the act.<sup>142</sup>

Rayburn began gathering votes in support of the legislation. He could count on the southern Democrats, who were “almost unanimously interventionist while the Republicans were hopelessly split.” After canvassing other colleagues, he perfected four specific modifications, to be approved in committee, which would garner additional votes for the measure on the floor. “Rayburn thought it might also be well, as an insurance measure, to do some trading with representatives from farm states by providing that cash payments would be made for food and other raw materials provided under terms of the bill.” Finally, “during the two days of debate Rayburn successfully stifled efforts by isolationist members to amend it into innocuousness.” The House adopted the legislation in early February by a margin of almost 100 votes.<sup>143</sup> It was subsequently signed into law on March 11, 1941.<sup>144</sup>

An even more daunting task, however, soon fell to Rayburn. The military conscription law enacted in September 1940, providing that Army draftees would be in uniform for only 1 year of training, would expire unless it was statutorily extended before the end of August. In continuing the draft law, Roosevelt wanted to extend tours of service to 18 months. Opposition to extending the law was widespread and highly emotional. Initially, Rayburn personally appealed to many of his colleagues, being “no less convinced than Roosevelt that an extension of the draft was imperative for national security.”<sup>145</sup> Up to the moment the final vote began, the outcome was uncertain. The clerk completed the first call of names and then started the second required call to obtain the votes of those who had not initially answered. The result was a tie, which meant defeat for the draft extension bill, but many Members were coming to the well of the House to be recognized to change their votes. When this process reached a point where the vote was 203 to 202 in favor of the legislation, Rayburn an-

nounced the final vote and declared the bill had passed. Protests broke out. The Speaker recognized a Member opposed to the bill, who asked for a recapitulation of the vote, a purely mechanical examination of the vote to determine that each Member had been correctly recorded. When this was completed, Rayburn declared there was no correction in the vote, “the vote stands, and without objection a motion to reconsider is laid on the table.” The tabling of the motion to reconsider meant that no reconsideration could occur without unanimous consent. The draft extension bill had been saved in the House by a single vote and the adroit action of the Speaker.<sup>146</sup>

In the closing weeks of 1941, Rayburn was instrumental in obtaining passage of amendments to the Neutrality Acts which would allow armed American merchant ships to enter combat zones or the ports of belligerent nations. He gained some votes by persuading the President to send him a letter making a personal appeal for the amendments. This he read on the floor to the Members, but, to garner a sufficient number of votes for the amendments, he also agreed to allow an antistrike bill, which he had blocked because he considered it unfair, to come to the floor. “If Rayburn deserved credit for winning repeal of the neutrality restrictions,” it was observed, “he also shared blame for allowing a harsh antistrike measure to pass the House a few days later.”<sup>147</sup> The political climate, necessitating such tradeoffs, would shift significantly shortly thereafter with the attack on Pearl Harbor and the entry of the United States into World War II.

United, at least, in their desire to win the war, Democrats and Republicans temporarily put aside their differences to give Franklin Roosevelt the basic laws he needed to strengthen the war effort. Victories came deceptively easy for the House leadership as Congress handed the President vast war-time powers, appropriated staggering sums for the military, found new revenue to finance the war by adding some 25 million Americans to the tax rolls, and expanded the draft to include 18-year-olds. “No administration in time of war ever had greater cooperation than we have given the present administration,” said House Republican Leader Joe Martin.<sup>148</sup>

<sup>142</sup> Mooney, *Roosevelt and Rayburn*, p. 159.

<sup>143</sup> *Ibid.*, pp. 160–162.

<sup>144</sup> 55 Stat. 31.

<sup>145</sup> Mooney, *Roosevelt and Rayburn*, pp. 164–165.

<sup>146</sup> Alfred Steinberg, *Sam Rayburn: A Biography* (New York: Hawthorn Books, 1975), pp. 171–172.

<sup>147</sup> Hardeman and Bacon, *Rayburn*, p. 272.

<sup>148</sup> *Ibid.*, p. 279.

This last action—extending the draft to 18-year-olds—was costly for Democrats in the House and Rayburn could see the result when he convened the 1943 session: 50 Members from his party in the previous Congress were gone, and his margin over the minority was 11 votes. The precariousness of the situation soon became apparent when a large number of southern Democrats failed to appear on the House floor to cast their votes for an initial group of administration bills, causing them to be defeated. Rayburn, however, declined to punish the absentees.<sup>149</sup> Nonetheless, his efforts on behalf of the administration during the year brought him public praise from both the President and the First Lady.<sup>150</sup> There was even a fleeting possibility that Rayburn might become Roosevelt's Vice Presidential running mate on the 1944 ticket.<sup>151</sup> Ray-

burn was reelected to the House where he once again was installed as Speaker and the Democrats again held a 50 vote margin.

Renewed optimism gripped Washington as 1945 began. It promised to be an eventful year. The Democrats firmly controlled Congress. Political appointees could see four more years of job security ahead. In Europe, the allies were drawing a tight ring around Hitler's Germany; in the Pacific, U.S. Marines were advancing rapidly toward a final showdown with Japan. The war would be over in a year, according to most predictions.<sup>152</sup>

Indeed, it was an eventful year: the Presidency of Franklin D. Roosevelt came to an end with his death, and the end of World War II came with the dawning of the Atomic Age. The career of Sam Rayburn as Speaker of the House, however, continued for many years after the conclusion of the national emergencies which had first tested his leadership.

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<sup>149</sup> Steinberg, *Sam Rayburn*, p. 213.

<sup>150</sup> *Ibid.*, p. 215.

<sup>151</sup> *Ibid.*, pp. 215–220, 222; Hardeman and Bacon, *Rayburn*, pp. 291–297.

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<sup>152</sup> Hardeman and Bacon, *Rayburn*, p. 301.