

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #3
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Interviewed by Donald A. Ritchie

Ritchie: There are a lot of things about the Senate that we take for granted now, as permanent institutions, but it's surprising to see how recently they were created. It shocked me when I was reading back on Charles Watkins that he was not really appointed parliamentarian of the Senate until 1935, and even then he was also the journal clerk. He wasn't just the parliamentarian until 1937. I couldn't believe that the Senate could have operated without a parliamentarian.

Riddick: Well, I think it's hard for someone to understand a thing like that when they come into it without knowing the background, and how things developed. It's understandable. The first compilation comparable to what I first wrote in 1954, on *Senate Procedure*, was done by a man named Gilfrey, and called *Gilfrey's Precedents*. That was not by any stretch of the imagination as

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exhaustive and complete and in depth as the volume that we put out. As a matter of fact, Mr. Watkins told me that Mr. Gilfrey had prepared that in one summer, and it looked that way. Mr. Watkins came here in 1904, but he didn't go out to the desk, I believe, until about 1917, to participate as a journal clerk and parliamentarian. But even though we didn't have a journal clerk and parliamentarian office until such a late date, these precedents that were compiled by Gilfrey were available to staff members who worked at the desk all the time.

As a matter of fact, there was a man named Rhodes who used to be the head clerk out at the desk, who stayed out there during all the legislative programs, and he normally advised the Chair on procedure. Mr. Watkins told me that even though they didn't have a parliamentarian back in the early years, that way back in the 1800's some clerk tried to keep the presiding officer advised as to the practices and precedents of

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the Senate. It had not been crystalized quite to the extent it began to be after the parliamentarian's office was created. They did try to keep some semblance of uniformity, but it was by no means like it was after the office was created.

Another thing, the senators felt that they were competent to handle their own affairs, and their own procedures, without anybody informing them at the desk. An interesting story, in connection with that, Senator [\[Joseph W.\] Bailey](#) of Texas at the time they created the office of legislative counsel, about 1913, the House had already agreed to it, but when they were debating it in the Senate, Senator Bailey was very vehemently opposed. He, in a speech, said that he had been selected by his state legislature to come to Washington to write legislation not to get some "expert" who was not responsible to the people at all to draft the legislation, and that if they passed that bill to create this legislative counsel,

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he would resign. And, I am told, he actually resigned, but his legislature reelected him and sent him back anyhow. I tell you that because it seemed to be from the atmosphere that I gained in discussion with Mr. Charles Watkins and Jim Preston (who had been the superintendent of the press gallery for the Senate for many years) that the senators just didn't like to be told. They felt that they were the real authority and power and had enough knowledge to do the job themselves. So they did not, like the House which had established an official parliamentary way back in the 1800's who worked by that title, and of course there was more need for it in the House because that body was larger; in the Senate, the senators felt that they had knowledge of the job and they didn't need a parliamentary whispering in their ear when they were presiding as to how the Senate should be run.

Ritchie: Do you think that they, in those days, were more familiar with the rules than perhaps the current senators are?

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Riddick: Well, I think there's a great deal of truth in that, because, number one, when Mr. Watkins became parliamentarian, the government was by no stretch of the imagination as large as it is now. Being a small government, and the Congress not staying in so long each year, the program of the Congress was much lighter. Much of the time, if you go back and read the debates in the *Record*, was spent debating procedure, how they were going to do something, as opposed to the contents of it. As the government began to grow and get bigger, the senators had less time to devote to procedure and it was just natural that they had to begin to depend on somebody to do the procedural aspects for them, leaving to themselves the substantive matters to be put into the legislation.

Ritchie: I wondered if in the early days the vice presidents didn't preside more frequently and were therefore better able to become better parliamentarians themselves?

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Riddick: I think there's some truth in that, too, but as in everything else, even with the senators themselves, some senators preside better than others. I'm sure that some of the vice presidents were much more competent to preside than others. That doesn't necessarily mean that they had more knowledge, some individuals are just more competent to preside, whether they know the rules or not. They just are able to keep the body in line without causing so much conflict among themselves. When I first came up here the vice president, or the president pro tem in the absence of a vice president (when he went down town to be president as in the case of Harry Truman) stayed in the chair most of the time and did preside. But the last vice president to preside regularly was [\[Alben\] Barkley](#). Vice President Barkley stayed in the chair anywhere from, I'd say, fifty to seventy-five percent of the time.

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Ritchie: And there was a man who had spent a long career in the House and the Senate and knew the rules very well.

Riddick: Yes, he did, but Mr. Watkins used to say that Barkley was acquainted with the rules but he would get them mixed up, and he was obstinate about how a rule should be. As a matter of fact, Mr. Watkins advised against Vice President Barkley's position once or twice and the senators consulting to rule on it, reversed Vice President Barkley, because Mr. Barkley had his concept of how it ought to be run regardless of the precedents.

Ritchie: Then there are the vice presidents like [Spiro Agnew](#), who had no legislative or parliamentary background at all when they came to the Senate.

Riddick: Yes, and this is another characteristic even in recent years, that when we have a new vice president he frequents the chair more often than after he has been vice president for a time. But Vice President Spiro Agnew, since he'd

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never worked in a legislative body, told me the first time I chatted with him that he wanted to try to master the knowledge of how to preside in the Senate. So for

the first three months after he became vice president, every morning that he wasn't tied up somewhere else he would come up to the Capitol and we would sit and have coffee together and discuss parliamentary procedures and practices and precedents of the Senate, for anywhere from an hour to two hours each day. He took pride in administering the oath to the new senators by never having to refer to a note. He would study and memorize these things so that he could perform without reading.

Ritchie: Was he a good student?

Riddick: I think he was very proficient.

Ritchie: Did he preside very often?

Riddick: Yes, he presided by no means as much as Vice President Barkley did, but he presided much more than Mr. Nixon and those subsequent to him, even including Vice President [Humphrey](#).

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Ritchie: A lot of our talk so far has been about Charles Watkins, he seems to be quite a legendary figure in the Senate. I've read the tributes to him, and a lot of clippings about him, he must have been quite an interesting person as, the first official Senate parliamentarian.

Riddick: Yes, as it's stated in his tributes, he came up here in 1904 as stenographer to Senator James P. Clarke of Arkansas, and in 1907 was named as his secretary. In 1923, when one of the reading clerks, who advised the presiding officer of the Senate on parliamentary matters, became incapacitated, he assumed that duty at that time. And in '35, the office of the parliamentarian never having been created, his title was changed by the Senate to parliamentarian and journal clerk. On July 1, 1937, the combined duties of his position were separated and he was appointed as parliamentarian. Now he stayed as parliamentarian of the Senate until I took over at the end of 1964. But in 1954, he had a very

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serious operation and was out for over nine months. I'd only been up here two or three years at the desk when this sickness occurred and he had the operation, and for a long time he was incommunicado, for several weeks, when he had all or part of one of his lungs taken out.

My first experience of having to take over that role, not having been out at the desk much, was to handle the case of a contested election between Senator [\[Dennis\] Chavez](#) and Patrick Hurley, of New Mexico. Believe you me, it took not only politics but know-how to keep out of trouble, because it was so political -- hot. That was my first real fight at the desk.

Getting back to the parliamentary situation, Mr. Watkins started as parliamentary, no question about it. He had tried to equip himself and educate himself by going back and picking up all of the precedents and practices of the Senate since 1884, which was the last general revision of the Senate rules, or the last readoption of the rules in entirety.

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Since 1884, there have been amendments, but basically the rules of the Senate have remained the same since then; hence unless something was a major precedent or a major practice, or something that has been carried through since 1789, he did not try to collate them as much as things that have occurred since 1884. He wrote up most of these precedents.

When I first joined the staff that was the first assignment I had, to spend about a year doing nothing but sitting and reading these precedents that he had written up. They were written on long legal-size stationery. I guess I would say he had 30,000 or more pages of such literature, in type-written form, that I had to read to equip myself. He didn't care to sit down and write a book on it. As I said, he started as parliamentary in '35 but he was growing older rather rapidly, and when he was around 70, Senators [\[Richard\] Russell](#)

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of Georgia and [\[William\] Benton](#) of Connecticut became very interested in the future of the parliamentary. They saw to it that the office of assistant parliamentary was created. I was then with the "Daily Digest," and I knew Mr. Watkins. The law creating the assistant parliamentary authorized the parliamentary to select an assistant to be approved by the powers that be. Well, Mr. Watkins invited me to take that post. I waited for quite a while before I finally decided because I wasn't sure that it was quite the role that I wanted in life. One of the things that appealed to me about the job, though, was knowing that the precedents had not been compiled and printed. I wanted to get into the job and do the same. So I inquired of Mr. Watkins even then, that if I took the job of assistant parliamentary, would he permit me to compile the precedents of the Senate and put them into a volume on Senate Procedure. He assured me he would. So

the first volume printed in '54 I had written completely, except he read it all carefully to check any possible mistakes, but since I had used all the precedents that he'd compiled, as well as those that I'd dug up later, I felt it was only right that he should have his name first, particularly since he was the parliamentarian and I was the assistant parliamentarian, and that's the way it was done. We stated in the preface, at that time, I believe, that we had used maybe a million precedents to bring this into being.

Ritchie: You had published two books in the late '40's, one on *Congress in Action* and the other *The United States Congress, Organization and Procedure*.

Riddick: I had three, *Congressional Procedure* was published in '41. I had only one chapter in that on the Senate, the rest of it was basically a rewrite of my doctor's dissertation. That was the first one that was published, and then the next one was *Congress in Action*, and

then in '49 there was *U.S. Congress, Organization and Procedure*. And in addition to that, as you know, I published articles on the Congress in the *American Political Science Review* and the *Western Political Quarterly*, for a period of thirty-nine years.

Ritchie: Was it your publications that had interested Watkins in making his decision?

Riddick: I think that's exactly what caused him to decide on me, because he knew that I was writing all of this. He had looked it over and studied it, and, as a matter of fact, when I wrote about the Senate in each of them I consulted and worked with him, to be sure that I was accurate in what I said. I became acquainted that way with him even before I had come up to set up the "Daily Digest."

Ritchie: Could you describe Watkins, and what kind of person he was?

Riddick: Well, he was a slow-talking person. He had a lot of down-to-earth expression. He had a photographic mind, it was unbelievable. Until his later

years, when his mind began to fail him a little, he would sit down to tell me a story and the way he would start would be, "Now, on July the first, about 4:00 o'clock in 1928...." He would give you the exact hour and every detail. He just remembered every single detail of his story. It just amazed me how he was able to maintain such a photographic mind, for every experience he had gone through. If he would tell me about having gone down to the White House with the majority leader to consult with the president, he could remember every single detail.

He told me that when the Versailles Treaty was up, I believe, it was Senator [\[Joe\] Robinson](#) who took him down to the White House to talk with President Woodrow Wilson about the Versailles Treaty. You know, President Wilson had come back from Versailles and docked in Boston. At that time Senior Lodge [\[Henry Cabot Lodge, Sr.\]](#) was the chairman of the Foreign Relations

Committee. After Wilson docked in Boston he didn't make any effort or have anybody to call on Lodge to ask him to meet with the President, or what have you. Well, it was sort of a reflection, or Lodge assumed it to be a reflection on him, that the President didn't call him.

The feeling was obtained, at least Mr. Watkins used to tell me this, that there would be no question if the President would give a little on the treaty to save face for Lodge who had been insulted by the President by not calling him when he landed in Boston, that they could turn the thing around and get the Versailles Treaty approved, get the resolution of ratification agreed to. Senator Robinson tried to prevail with the President to allow a few minor reservations, which wouldn't change the real life of the treaty, but President Wilson said: "Absolutely, no! I don't want a 't' crossed nor an 'i' dotted." And that was where the treaty

was lost, according to Mr. Watkins. I don't think I've ever seen this in a history book anywhere, but this was Mr. Watkins' story, and he was there in this conference with the President and the senators.

Ritchie: I guess a photographic memory would be tremendously important when you're dealing with so many precedents and procedures.

Riddick: It is so, because when you're working at the desk you don't have time to consult a textbook, or what have you. Sometimes the situation is such that unless you get them to call for a quorum, or something to give you a chance to check something out, you just don't have time to go back and find out exactly what the precedent on that is. Most of the points of order raised in the Senate involve precedents as opposed to the specific rules themselves, or at least the provisions of the rules which are clear. It's the gaps that have been filled in that become so important, and if you can't remember them it might take you a long time

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to run one down. It's amazing though, when you work with this as I have, how you can remember as soon as something pops up on the Senate floor whether you've ever seen anything exactly like that in the precedents that you have participated in or that you've read and studied. Mr. Watkins had a terrific mind in that regard, to recall the day and hour and who was presiding, etc., when that occurred. So it was very beneficial to him to have such a photographic mind to guide the Senate in these particulars.

Ritchie: It's amazing to me that he was still working when he was eighty-four years old. I would think that some of his faculties would have had to have slowed down by that time.

Riddick: It's a case of, I forget what book it was, *The Man Who Stayed Too Long*? I think most of us are inclined to want to do that. I remember the last night that Mr. Watkins worked, his mind had been failing him and the senators knew that.

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The last night, which was the end of that Congress, the majority leader and the minority leader, Senators [\[Mike\] Mansfield](#) and [\[Everett\] Dirksen](#), called him down and told him: "Charlie, this is your last night." And it hurt Mr. Watkins so badly that he went down to his desk and literally cried. He had stayed too long, he could still even at that stage, when you'd converse with him, remember a lot of particulars that had occurred a long time ago, but he couldn't recall something that happened ten minutes ago, or yesterday, or a week ago. His mind just would let him down in that regard.

I remember on one occasion, to illustrate what I mean, the way his mind was then failing him, Senator [\[Robert\] Kerr](#) was making a speech, and we were working under a unanimous consent agreement. I believe that the Senator had an hour, and as he was speaking he paused for a moment, and said: "Mr. President, how much time do I have remaining?" And the

Chair said, "The Senator has twenty-five minutes." Then he spoke a little while longer and he thought his time was getting short, so he again said, "Mr. President, how much time do I have remaining now?" And Mr. Watkins advised him "thirty-five minutes," which brought the house to a roar. Well, he wasn't calculating correctly, adding with a watch, he just wasn't keeping up with the program as it should be.

Having seen that situation I swore then to myself, that night, as I sat and watched him lamenting the fact that he had been turned out against his will, that I wasn't going to get caught in that predicament. So when I became sixty-five I made it known that I was going to retire while my mind was still active and I could recall what I should.

Ritchie: I wondered about that, I thought that was quite something to take a job that was that mentally taxing that late in life, to continue doing it must have been quite a strain on him.

Riddick: I think a fellow should not stay in a job like that beyond sixty-five. If his mind is good it's all right to serve in some other capacity, but the work at that desk is just unbelievable. The pressure is beyond your understanding unless you have worked closely with it. I remember when I retired and they adopted the resolution making me Parliamentary Emeritus, Senator Mansfield said, "Mr. President, the job of being the parliamentarian in the United States Senate is a difficult and a demanding one. The stresses and strains are much greater than the ordinary citizen would be led to believe." And it is so, because you have to be under that pressure when a point of order is made with a hundred senators out there to question anything that you're going to advise the Chair about. You have to be able to command everything in the world that you've read or know about it, and do it after a calm situation. If you don't, you're no good to the Senate in that capacity.

I remember in the latter years of Mr. Watkins, not once but a number of times, that he literally lost control of himself at the desk and would misinform the Chair. I remember when President [Johnson](#) was the Majority Leader of the Senate, the Chair had been given some bad advice, and I was standing over to the side of the podium and Mr. Johnson signalled me to come back to his desk. I went there and he said, "You go up there and tell Mr. Watkins to get out of that chair and you

take that chair!" I said, "Senator, you go tell him, he's my boss!" And that's where it was left.

Ritchie: He didn't go up there?

Riddick: Nothing was done, at that time. But as soon as a break occurred they saw to it that he was momentarily removed. You know, he was over eighty, and one's mind just doesn't function like it should at that stage under pressure.

Ritchie: You said that when he offered you the job of assistant parliamentarian you

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had some hesitation. What reasons did you have for perhaps not wanting to go into that area?

Riddick: Well, I'd studied political science, and I wasn't sure that somewhere along the line some place that I wouldn't want to get into politics myself. I hadn't made up my mind exactly what I wanted to do. I did a lot of speaking around on political questions and interviews, and I knew that if I took that job that I had to go into a nonpolitical, nonopinionated career. The role of the parliamentarian just cannot be worth much to the Senate unless the senators individually can trust the parliamentarian. Until you gain the confidence of a senator so he can tell you all of the particulars of what he's up against, and what he wants to do, you can't give the full measure to the senator in advising him. This is what I like to think that I was able to do soon after I got there. That meant that I could never have a political opinion on

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anything. That meant that I had to be unbiased in advising every senator. That meant, above all things, that if I talked to the majority leader and the minority leader, should they ask me some questions about a situation, I couldn't divulge anything that I had been conferring with the majority leader about. Otherwise, I'd be of no use to anybody.

I'm sure that often it was a case that the minority leader would tell me something that the majority leader would love to know, but I couldn't reveal this and be of any value to them. I just had to keep that to myself. Having been a professor in the university, wanting always to teach and tell things, it was awfully difficult, and I knew it was going to be difficult, for me to maintain that objectivity. But these were questions that I had to resolve in my own mind before I was willing to

undertake the job. When I went into that job I was determined to do it as honestly and as

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fairly and as objectively as I could. And if you read the tributes that were paid to me when I retired, I think you'll see that the senators did trust me, without any reservations, that they could tell me what they wanted to, and they didn't have to worry about me revealing it to anybody else.

Ritchie: It seems to me almost an impossible job to be asked to advise both sides in a dispute, and advising them each on tactics, advising one on what to do on the offense, and advising the other on what to do on the defense.

Riddick: It gets tough! I made it a rule -- or two or three rules -- when I began to get in the position, which was a long time before Mr. Watkins retired (as he grew older I carried the load, he just stayed in the office and carried the title), as soon as I began to get in the position to take over, so to speak, I made it a policy that I would never write a memo to a senator about advice on the manipulations and procedures

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that could be used. Because parliamentary law is so technical that if a slight change occurs in the situation, anything that you would have written in the memo is no longer of any value.

I had, soon after I got to the helm, an experience that I was quoted on the floor completely opposite of what I had advised, because the picture had shifted from the time I talked to the senator until the point of order was raised on the floor. So that was one thing that I decided that I was not going to do from then on, to write memos trying to tell what the parliamentary situation would be, for fear that the picture would shift a little and what I'd advised would have gone out of truthfulness.

The other thing was, and I find that this was very helpful, that you don't talk unless you're asked questions. If you don't say anything, you can't be held responsible for

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misadvising. If you only wait for a question to be asked, and you answer that specific question, you avoid a lot of trouble of feeding information from one to

another. You are obligated, as parliamentarian, if a senator asks you a specific question, to answer it to the best of your ability. But if you wait for him to ask a question, he has no way of finding out what you answered to some other senator, because you can keep answering questions by all one hundred senators and not put them into conflict with each other.

Ritchie: Did all one hundred senators come to you equally, or were there some, say the leaders of the party and chairmen of the committees, who might have called on your service more frequently, because they were floor managing bills?

Riddick: Well that's true, no question about that. I would say the Chair is number one, whoever the Chair is, because they keep alternating the presiding officer. You sit next to the Chair and advise.

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The parliamentarian practically presides silently by whispering everything to the Chair not because he doesn't know it, he may know it, but for fear he might not know it, and to keep him from being embarrassed you try to keep him posted as to what the next step is, so on and so forth, without him having to say: "What do I say here?"

The first assignment is to the presiding officer. The second assignment is to the majority leader and the minority leader. You advise them both and you try to keep yourself just as available to one as to the other. Then the next is the senator managing the bill, and his ranking minority member, the chairman of the committee or subcommittee handling the bill, and the ranking minority member of the committee or subcommittee. Then the membership at large. That is sort of the order, if you can define it that way, in which the parliamentarian feels obligated to the Senate membership.

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You do try to the best of your ability to advise them all equally, if you've got enough time to do so.

Ritchie: Now, when you started as assistant parliamentarian, you said earlier that you had spent most of your time studying the House's procedures, and you began then to read the Senate procedures. Did Watkins give you lessons on Senate procedure? Did you have long briefing sessions with him?

Riddick: No, the way I worked this out mostly was as I read the precedents, and there were so many thousands of pages, if there was any question in my mind on

the point -- you see what we'd do is recap the precedent by putting points up at the top, what the point of law is in that particular decision of the chair -- if there was something that was not completely clear to me, I would write down the question, or make notes, for a session with the parliamentarian later on. If the Senate wasn't in session and the parliamentarian was in the office, I would interrupt him and ask him

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the question at the moment, and discuss the background generally so that I had a complete picture of how this point of order arose and how it was resolved in every particular.

Ritchie: You spent about a year then in preparation?

Riddick: Oh, good gracious, when I retired as parliamentarian I was still studying, just as I am today. Now that I'm supposed to revise *Senate Procedure* under a recent law, and republish it, I am still studying, to be sure that I'm accurate.

Ritchie: I was thinking that before you actually went out on the floor you spent some period of time studying.

Riddick: I studied in the office nearly three years before I went to the desk. That's why I said when I went there in the later part of '50, and in '54 I had to handle this case of the contested election from New Mexico. I had not stayed at the desk before, and for a youngster to go out and face a hundred senators and tell them

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what they can do and what they can't do, and what's in order and what's not in order . . . I frequently, in the early years, thought that my heart was in my throat! It's a very strenuous assignment. A lot of these old timers, when I first went to the desk, had been there years. Senator Russell, for example, had been there twenty years or more, and he was a great parliamentarian and who was I to get up there, as a youngster and flout his will, when I was just learning, so to speak?

Ritchie: Did you have any trouble from any senators, who might have flaunted their parliamentary knowledge?

Riddick: I was very seldom questioned. I might say, at this point, that I served over a period of twenty-five years at the desk, and only one ruling was overturned

by vote of the Senate. The Chair never failed to follow my advice except in one instance. I worked at that desk and advised

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them for over twenty-five years and only once was my advice to the Chair overruled, and that one I was going to lose only by about a three vote margin, and when the senators found that I was going to lose it, many shifted and left me losing with about a twenty vote margin!

That was the only instance, it was a case under cloture rule of whether a particular amendment were germane; well, anybody on its face would know the amendment wasn't germane, but it was to prohibit discrimination against Indians. It wasn't that discrimination against Indians wasn't germane on a Civil Rights bill, but this was involving court procedures and techniques that were clear out of the realm of discrimination that prohibited it from being germane. It doesn't matter if ninety percent of an amendment is germane, if the ten percent is not germane, then it has to be ruled out of order because it's

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not germane. Well, this was the situation in this case, and the point of order was made, and I advised the Chair that the amendment wasn't germane. Even the author of the bill later admitted he knew it wasn't germane, but they wanted that amendment. They overruled the Chair and then they turned around and agreed to the amendment by about ninety to one, or something to that effect.

Ritchie: So, the Senate can stretch the rules from time to time when they feel the necessity.

Riddick: That's right. Now as to advising a senator, on one instance, and this is the only time I think that I told the Chair, and insisted that this was the way he should rule, and the Chair said, "I can't rule that way." It was an amendment to the bill on which a point of order was going to be made that it wasn't germane, that would be detrimental to that senator in his next election. He said, "I just can't

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rule that way. I just couldn't possibly get reelected if I ruled that way on that amendment." Well, the vice president had told me, as they had in each instance, that whenever you find yourself in a predicament, if I'm around, send for me in a hurry. And as you know, when a senator is presiding, the vice president can come

in and bump that senator and take the chair, so in this instance the senator had forewarned me, five or ten minutes before he was going to have to rule that he couldn't rule that way, so I sent for the vice president. The vice president came in and ruled the way I'd advised him, and that's the way it was. But that senator, being from that state that would be affected by this amendment, just didn't want to stick his neck out on that amendment.

Ritchie: Even though the chair is supposedly nonpartisan.

Riddick: That's right, but the constituency might not think that.

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Ritchie: Could you tell me a little bit about the duties of the parliamentarian of the Senate?

Riddick: They are very broad. Briefly put, I would say, if you were going to put it in one sentence, the duties of the parliamentarian of the Senate are much like those of a general counsel of a corporation. The parliamentarian's chief duty and responsibility is to advise the presiding officer of the Senate on all parliamentary aspects of the Senate's activities. This advice is based upon the Senate rules, the precedents and practices thereunder, and the Constitution, where applicable. He also advises all senators and committee staffs on these same matters, being particularly responsive to the joint leadership, since it has the responsibility for the orderly flow of the Senate's business. He's also called upon by the other branches of the government, the press, and the public, to answer questions and give advice regarding the procedural aspects of

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Senate activity. To perform these duties and functions, the parliamentarian of necessity prepares and maintains in written form the precedents and practices of the Senate. These precedents and practices have been periodically and selectively edited and published as *Senate Procedures, Precedents and Practices*.

Ritchie: You began in 1954 with that publication.

Riddick: That was the first publication, which had been partially fulfilled earlier by Gilfrey -- one other fellow who wrote earlier in the 1800's was named George P. Furber, *Precedents Relating to the Privileges of the Senate*, but they were more like the decisions on contested election cases, broad things, as opposed to actual, detailed parliamentary procedure.

In the name of the presiding officer, the parliamentarian refers all legislation, messages, communications, reports, from the executive branch, and

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petitions and memorials from state legislatures and individuals to the appropriate committees having jurisdiction thereof. The parliamentarian maintains custody of messages from the House of Representatives and conference reports awaiting action by the Senate. During the consideration of all matters considered under a time limit on debate, the parliamentarian even serves as a time keeper for the Senate. The parliamentarian is called upon to prepare replies on behalf of senators and the Secretary of the Senate to correspondents regarding parliamentary aspects of Senate business.

If the Secretary of the Senate has custody of papers which are required for use in judicial, or quasi-judicial proceedings, the parliamentarian prepares the certified copies for the Secretary of the Senate which are sent down to appropriate district attorneys or court, as the case might be. He also prepares resolutions on

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various aspects of Senate procedure, for the joint leadership, senator, committees, and the Secretary of the Senate.

The parliamentarian tries to keep prepared various publications which would supplement information about Senate procedure, for example, while I was parliamentarian I prepared documents or secretary's reports on "Enactment of a Law," or a Senate document on "Majority and Minority Leaders of the Senate," a document on the classification of senators, and the term of senators. These are very helpful, for example, in the case of the classification of United States senators, when a new state comes into the Union you need these for the precedents that the Senate followed in putting the senators into first, second, or third classes. Under the Constitution the Senate was required as soon as it came into being to divide its membership into three classes, as equally as possible,

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so that only one-third of the Senate membership would come up for election each two years. The system that they used in 1789 is still used today. These precedents, in this document that I prepared, and these practices are set forth so that when you come to a new case, if it varies in any regard, you've got the precedents and

practices compiled there so that the Senate can decide what it wants to do about the oncoming case.

Ritchie: The Senate seems to work so much on precedent rather than on written rules, you said that the last codification was in the late 1880's, and since then they added on amendments and the legislative reorganization acts; doesn't it become a problem to decide which precedent takes precedence over another? Don't they pile on top of each other?

Riddick: No, they conflict, obviously, and I'll just tell you one little illustration; when we got in the filibuster on the energy bills (in 1977), although I'm now parliamentarian emeritus, the

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leader [[Robert C. Byrd](#)] calls on me regularly to advise and discuss with him the possibilities, the prospects, and what can be done, and what shouldn't be done. Well, when we got into this problem of filibustering after cloture had been invoked, the leader felt that something had to be done if the Senate wasn't going to be stymied and couldn't operate. So they had to work out some technique or procedure that they could follow, that might be a little stiff-armed in appearance, but at the same time might give some relief to accomplish the end that the Senate was up against.

Here is a picture that seems very reasonable to answer the question you raised. There were a number of amendments that were pending that were evident to anybody that they wouldn't be in order, because after you invoke cloture you may not take up any amendments that had not been submitted before you vote to invoke cloture. Likewise, if you have, under the precedents,

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submitted an amendment before cloture has been invoked, say the amendment is drawn that it should be added at the end of section 2, once cloture is invoked you can't modify that amendment, except by unanimous consent, to make that amendment applicable to title 3, or section 3. Well, you know the leader was not going to let them get unanimous consent, and since they had recommitted that bill with instructions to report forthwith a certain amendment, that amendment was the pending question before the Senate, which had eliminated a substitute amendment that had been pending, to which a great number of amendments had been drawn. Therefore, these amendments were on their face no longer applicable. But, if you allowed them to be called up one at a time, even though the

chair would rule it out of order, you could take an appeal from the decision of the Chair and get a quorum call and get a vote. And if

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you have hundreds of amendments, how were we going to get rid of them in a hurry?

The leader finally decided upon getting the vice president into the role, and he would get recognition, call up an amendment, have it read, or have the Chair rule it out of order without it even being read (which was done), and then call up the next one, and get rid of them hurriedly. You have developed practices in the Senate with the rules that give you this picture: the presiding officer under the precedents is supposed to give the majority leader preferential recognition over the other membership, if he is seeking recognition simultaneously with the others. Now if somebody else speaks first, that's something else, but when you are playing a game you know the leader is going to be standing all the time, seeking recognition all the time, so

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nobody else can get in ahead of him. All right, the Chair will recognize the leader, that's under the precedents. Then, number two, when a senator calls up an amendment, when the amendment is supposed to be reported that senator loses the floor, there's a hiatus in which he loses the floor, then it becomes a problem of whom you are going to recognize next. Well, if the leader's standing, he's going to be recognized next. Then he makes a point of order that the amendment is not in order. The Chair sustains the point of order. The leader is back up again asking for recognition. Well, somebody else over here simultaneously is seeking recognition to take an appeal from the decision of the Chair. He can't say it until he gets recognized. Whom is the Chair going to recognize? He's going to recognize the leader again. The leader calls up another amendment. When he calls up another amendment, the

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appeal that the senator wanted to take is gone past.

It seems like it's stiff-arm playing in a sense, but it's still within the rules. I mean, if you've established that the leader is going to be recognized first, and he's recognized and moves to something else, and you can't get recognized to take an appeal, you've lost your right. The rules also say that every decision of the Chair is

subject to appeal; this is part of parliamentary law. Which is going to come in first? If you work in the game for years and years, you get to see how you can weave the cloth without making knots. These things, automatically, one takes precedence over another, so that you are able to not conflict and not refute or repudiate what you've just said and still keep the ball rolling. So, that is sort of the picture that you're up against. Now, the biggest problem, and you did raise a question that presents a

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great problem, and that you'll be interested to know I'm working on, and I hope we'll get it done some day, is a codification of the rules or revision of the rules, not changing them, but merely taking all of the body of law and putting it in the rules. Now, we've got the Legislative Reorganization Act of 1946, the Legislative Reorganization Act of 1970 -- they amend, supplement, and alter a lot of procedures in the Senate. When I first came to the Senate there were forty rules, now we've got fifty rules.

If you know the rules, and the parliamentarian is supposed to know all of these, he knows where all of these things can be found and be able to put them down in an orderly fashion, or rule in an orderly fashion, even though these things have been altered. And when something is done, frequently you might alter a rule that will throw out a thousand precedents.

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Something that we've recently done concerned mandatory voting. Under Rule 12 no senator may vote after a roll call vote has been announced, likewise under Rule 12, when the clerk calls your name, you're supposed to respond affirmatively or negatively. But if you fail to -- and it says you must vote, it doesn't give you any out that you can decide; the rule says you must vote unless you're excused by the Senate -- so after the roll has been called and you've gotten ready to announce the vote, if a senator is present who hasn't voted, another senator can say: "Mr. President, Senator Jones from Arkansas is present, and he hasn't voted." Well, you can't make a motion to make him vote, but the Chair says: "What excuse does the senator have for not voting?" And if he answers and makes excuse, then the Chair puts the question to the Senate: "Shall the senator be excused for the excuse he has given?"

And before the Chair announces the vote on the substantive issue, you can have another roll call vote to see whether you're going to force that senator to vote.

This was cut and dried until Rule 45 was adopted in 1977 that says that a senator, notwithstanding provisions of Rule 12, may excuse himself on effect from voting if he thinks that he's voting on something that is a conflict of interest. That's part of the ethics code that was adopted in the last eight or ten rules that were added to the Senate rules. Well, now that adoption throws out all of these precedents under Rule 12, where there is no exception, because you now can except yourself if it's a conflict of interest. So the parliamentarian is supposed to be, even whether the rules have been codified or not, in a position to remember all of these alterations and be able to answer them with a snap of the fingers.

Ritchie: I was interested in that story about Senator Byrd and the amendments to the energy bill. I recall that about two days or so before he did that, there was a case where Vice President [Mondale](#) was presiding and Senator Byrd stood to get recognition and Vice President Mondale called on Senator [McGovern](#) instead. At that point Senator Byrd took the Vice President to task publicly for not recognizing him. And I always wondered if that wasn't a little bit of play acting, set up in advance to remind the rest of the Senate that the Vice President had to recognize the Majority Leader. The Vice President acknowledged that, and then two days later they used that technique to break the filibuster.

Riddick: Well, I can't say that that was a stage play. I never question the motives of anybody, but I assure you that it would be a warning to everybody what would be the case when it's tested.

Ritchie: Senator Byrd does seem to have a habit of announcing a little bit ahead of time what he has in mind.

Riddick: Senator Byrd tries to stay prepared, that I must say he does well in performing his tasks. If he sees a signal ahead, or a problem ahead, he gets prepared and he studies hard.

Ritchie: He seems to be one who has taken the rules very seriously. Was he one of the senators who came to you for advice in his early years?

Riddick: Yes, I've worked with Senator Byrd as much as I have with anybody, I guess. Senator [\[James\] Allen](#) and Senator Byrd are two of my great customers, so to speak. Senator Byrd, if you look at my volume of *Senate Procedure* that I gave him, it reminds me of Professor Irby Hudson at Vanderbilt University, one day when he was returning term papers that he had assigned for that particular class; as he was returning the papers to the students, giving them their grades,

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he said: "I want you to know one thing, when I read a paper it's red!" And when you got that paper it was literally marked up in red. Well, Senator Byrd with that book of mine on Senate Procedure, if you take a look at it, it is literally red, he marks every one of these points and he's really versed in the Senate's procedures, no question about it.

Ritchie: He taught a course on legislative procedure, I think at George Washington University, and he used your book as his textbook.

Riddick: American University, I believe it was. Yes, I lectured once or twice out there for him when he was teaching.

Ritchie: I noticed that the Senate Library has a copy of your book and it has the syllabus for his course pasted in the back; someone had used it as their textbook.

Riddick: Yes, I've worked very closely with Senator Byrd, as I have with senators on both sides. Even now, I have consultations with both Republican and

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Democratic senators and both leaders and we discuss not only the technical procedures, but the general reasoning behind it, and the basis for this, because they might want to make a little different maneuver, or establish a new precedent, so they like to get the full background. As a matter of fact, I feel a little freer now to discuss the overall procedural aspects than I did when I was parliamentarian, because I'm no longer at the desk advising the Chair.

Ritchie: You talked about Byrd and Allen, I think it's interesting that the two people who probably knew the rules the best of all the senators were so different, in that Byrd was using the rules to facilitate the flow of business on the floor, and Senator Allen was using them to obstruct the flow of business on the floor. The two of them were quite a show to watch when they were really lined up against each other on an issue.

Riddick: And they both were informed. I never comment about the competence of one

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senator over another, although I might just make a statement that they both were very competent, really very competent as parliamentarians as well as in their knowledge of the legislation that they had under consideration.

Ritchie: In terms of serving as majority leader, how would you compare Senator Byrd to his predecessors, Mansfield and Johnson?

Riddick: I think Senator Byrd is more like Johnson than like Senator Mansfield.

Ritchie: In what ways?

Riddick: Well, Senator Mansfield seemed to be a little more lackadaisical and not as concerned about hewing to the line on procedure to his advantage, if it's within reason, and so forth. So did Senator Johnson when he was the majority leader. I assume that's the procedure for anybody that's following the rules.

Ritchie: Was Johnson a stickler for rules?

Riddick: Oh yes, he was always briefed, just like Senator Byrd cares to be briefed. He knows it, but you know, when you go

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out to battle you want to be sure that you've reaffirmed your knowledge and that you are in accord with what the precedents and practices are. Even the parliamentarian now, Murray Zweben, frequently calls me when he sees a real problem coming up, not that he doesn't have access to the precedents and not that he doesn't have his own opinion, but it's always consoling to be able to discuss the matter over with somebody who has sort of been through the mill, so to speak.

Ritchie: You said that the parliamentarian answers questions, that he doesn't make decisions but informs the senators of the precedents, but there are some cases where the rules require automatic response, such as in referring bills to committee. You once mentioned a CIA investigation, where the parliamentarian was forced to make a decision that was not pleasing to Senator Russell of Georgia.

Riddick: That was an interesting case. Senator Mansfield, I believe, had introduced a resolution to investigate the CIA a number of years before that. And he had fifty or sixty co-sponsors on the resolution, more than enough to pass the resolution. It was referred to the Armed Services Committee, the committee having jurisdiction over the CIA, because it was created in the National Security Act originally, a bill reported by the Armed Services Committee. They reported the bill, as I recall, but when it came up for a vote they just didn't have the number, a number of co-sponsors had left, and it was defeated. I think the committee reported it adversely, I'm inclined to think they did. Then the Foreign Relations Committee later got interested in this, particularly from the activities of the CIA in foreign affairs, and a resolution was so drawn. The resolution it self was to authorize the Foreign Relations Committee to investigate it.

Well, it had been an established precedent in referring resolutions to a committee which authorized the said committee to make an investigation, to refer it to that said committee, because after all they are the ones to decide whether they want to make that investigation or not.

Senator Russell thought that I should have referred that to Armed Services, because they had the overall jurisdiction. Well, I told him no, that precedents wouldn't support that. It was properly referred according to the precedents. He said: "If they report it out, how are they going to get the money?" I said: "Well, Senator, if they report it out providing money for the purpose, that resolution will then have to be referred to the Committee on Rules and Administration for its consideration of taking money out the contingency fund, as to the amount that should be taken out, before it could be

considered in the Senate. Senator Russell said: "Well, that's great. I won't quibble about that because [Carl Hayden](#)" -- who was the chairman of the Rules Committee -- "will take care of it for me."

Lo and behold, what happened was that the Foreign Relations Committee reported out an original resolution with no provision for funds out of the contingency fund at all, so that this left Senator Russell out in the cold. Then they had to work out a strategy to overcome the situation, because they really didn't want the CIA investigated at that time. I'm sure that that's the case because the

vote later told the story. The Senate went into executive session to discuss this issue. This was a case of the importance of what committee a particular bill or resolution goes to.

Ritchie: I get a picture from the way you describe the rules that they're not static but very fluid. Has there

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been a lot of change in the rules over the years that you've been here?

Riddick: I'd say the biggest thing has been expanding the rules, so to speak, through precedents. The precedents come along and bridge those gaps that the rules do not spell out in detail. The biggest part of the legislative reorganization acts, as contrasted to the original rules of the Senate, is concerned with committee procedure, aspects not so much concerned with the procedure on the floor per se. The Senate procedure has varied very little in a general way with regard to procedure on the floor as opposed to the specifics regulating and defining the marks of demarcation for the committees. Whether it's a good practice or not, the Congress has gotten into a habit in recent years of passing a lot of laws on specific subjects to take care of procedure on specific matters, like the Congressional Budget Act. There's a lot of

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procedure in that law, which Congress put in through its rule making power, which absolutely varies from the regular procedure of the Senate. I am now compiling all of these laws which involve what we call Congressional veto, committee veto, and special procedures for the handling of particular pieces or kinds of legislation. I was enumerating them the other day in compiling them and found that I have a list right at this time of a little over two hundred of these laws. This is making case history procedure.

As you know, President [Jimmy] Carter just submitted a message to Congress a couple of weeks ago on Congressional vetoes. He is sort of warning the Congress that he is going to begin to veto these so-called Congressional veto laws because it is encroaching on the administrative powers of the president for Congress to require every regulation of a certain nature to be submitted to Congress to give them a chance

for sixty days to decide whether they want to veto the regulation before it goes into effect; that puts Congress in sort of an administrative capacity. All of these laws that have been passed are really complicating Senate procedure. But it's case history as opposed to general procedure. They establish how much time these resolutions for discharging a committee is going to be open to debate; the motions to recommit, whether they be in order or not; whether they be amendable or not, the time that budget resolutions will be debated -- there are thousands of prescriptions as to the time that different things will be debated. This is a maze that nobody can run through unless you study, each time that a bill pursuant to that law or resolution is going to be brought up -- unless you study that law to find out what all the particulars are.

Ritchie: Why do you think this trend is developing?

Riddick: I think it perhaps is an effort on the part of Congress to clip the wings of the

administration from getting too strong. This inevitably happens. The beginning of this sort of idea goes back to World War II. President Roosevelt didn't want to be bothered with renewing certain pieces of legislation every years, because in the war he didn't want to find himself without legislative authority, like the OPA, or the WPB regulations and so forth, and the bills that created them. He wanted them to run for a longer period of time. Well, Congress was unwilling to do this. They were even unwilling to go home, they were a little distrustful of some of the New Deal legislation and what might be done with some of these laws if they gave him a carte blanche law. So, to overcome this, the President himself submitted a formula to the Congress to write into these laws that these bills could be repealed or become ineffective by the Congress passing a concurrent resolution on its own, which didn't have to go to the

President. The President could decline or fail to continue the enforcement of the law, if he wanted to, but they were going to then write into the laws (which they began to do) that Congress by the adoption of a concurrent resolution by both houses could terminate the affectability of that particular law. Well, this is a

different aspect, but it's still the first time the Congress began to move generally in that field.

Ritchie: So it's a way of reasserting itself after a period of strong presidents.

Riddick: That's correct.

Ritchie: Well, this is fascinating. I think this is giving us an excellent perspective on the story of the parliamentarian; and I think this would be a good place to call a break.

[end of interview #3]