

Chapter 3

The Speaker of the House and the Committee on Rules

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The rules ... are not for the purpose of protecting the rights of the minority, but to promote the orderly conduct of the business of the House.

Speaker Thomas B. Reed

{To provide the Speaker} absolute control of the House through its Committee on Rules is giving greater power to the Speaker of the House than any man in this free Republic ought to possess.

Representative Joseph W. Bailey

The Speaker of the House and the Committee on Rules have existed since the First Congress. In fact, the first select committee established in the House in 1789 was a Committee on Rules; the first rule it reported detailed the duties of the Speaker.

For the first 90 years of its existence, the Rules Committee was a temporary and relatively unimportant entity. From 1789 to 1880, however, both the link between the Speaker and the Rules Committee, and the power of each, would grow. This accumulation of influence was gradual, and was tied directly to the actions and aspirations of individual Speakers. In 1858 a sitting Speaker was named a member of the Select Rules Committee, and in 1880, the panel was made a permanent standing committee which the Speaker chaired.

Since 1880, the committee has been at various times an agent of the Speaker's power, an opponent and counterweight to it, a political traffic cop, a leadership gatekeeper, an unmovable parliamentary roadblock, an investigative and oversight body, and a secondary legislative filter. The Rules Committee has played an increasingly important role in the Congress. Through it, Speakers of the House have been able to largely control not only the flow, but the substance, of legislation from the standing committees to the House floor. The committee has become one of the most important ingredients in a Speaker's ability to govern.

As one scholar points out, "Sometimes a Speaker has dominated the {Rules} Committee from his position as its chairman; more often than not, he has exerted great influence over it through his impact on the selection of its members. More rarely, he has been confronted with an independent and sometimes rebellious committee."¹

The power relationship between the Rules Committee and the Speaker has often been a synergistic one, each reinforcing the other. It is little

¹U.S. House of Representatives, Committee on Rules, *A History of the Committee on Rules*, committee print, 97th Cong., 2d sess. (Washington: GPO, 1983), p. 6.

wonder, then, that the House Rules Committee is often called “the Speaker’s committee.”

THE ORIGIN OF THE RULES COMMITTEE

While today the Rules Committee is central to the power of the Speaker and the operations of the modern Congress, the origin of the committee is far more modest. In April 1789, when a quorum was finally achieved in the First Congress after weeks of waiting for Members to arrive from the 13 States, the first select committee established was a committee on rules. The 11-member panel, appointed by Speaker Frederick A.C. Muhlenberg of Pennsylvania and chaired by Representative Elias Boudinot of New Jersey, was directed to “prepare and report such standing rules and orders of proceedings as may be proper to be observed in this House.”² When the select committee reported back to the House 5 days later, the first rule it recommended outlined the duties and powers of the Speaker of the House. This rules package was known as the “Boudinot rules,” after the chair of the select committee.

At this time, and indeed, for the next 90 years, the Committee on Rules wielded scant influence over the substance of legislation or the order of procedural business in the House. During these early years, when the Congress was small, and conducted comparatively little legislative business, the Rules Committee was largely a house-keeping panel that met at the beginning of a session to craft a rules package or, more frequently, simply to readopt the Boudinot rules of the First Congress. In many early congressional sessions, the Rules Committee met once to accomplish this task, and not again; in other Congresses, the panel did not make a single report. One congressional scholar has pointed out, “the custom of re-adopting the Boudinot Rules . . . left little [work] to a Committee on Rules.”³ In fact, in its early history, the select committee was so insignificant to the operations of the House that, during one 11-year period—from 1817 to 1828—

Speakers of the House did not even bother to appoint Members to the committee.⁴

From 1841 to 1883, however, the Rules Committee began a gradual evolution that would transform it into one of the House’s most powerful committees. As a result of this evolution, the Rules Committee would become so central to the power of the Speaker and the scheduling of the business of the House, that in spring 1910, almost 121 years to the day after the first Select Rules Committee was established, the House, in a rare instance of open revolution, would rise up in bipartisan revolt against the Speaker of the House and strip him of his seat on the Rules Committee, an entity which had become “the citadel of his power.”⁵

This journey to the heights of power was a slow one, however, that evolved even as the young legislative body grew. In June 1841, the House gave the Rules Committee the power to report from time to time; prior to that, the panel had only been permitted to report at the beginning of a Congress on possible revisions to the rules. This change was made in the hope that the additional power granted the committee would allow it to undertake a comprehensive reform of the Chamber’s rules, which had become a “hodgepodge” that “bordered on chaos.”⁶ The committee, however, was unable to make a comprehensive reform of House rules. Shortly thereafter, Speaker John White of Kentucky, conferred additional influence on the committee by ruling that the panel could “make reports in part at different times.”⁷

In 1849, the House, frustrated with the continued confused state of the rules, briefly made Rules a standing committee with the hopes that doing so would enable it to comprehensively reform the Chamber’s rules. After 4 years, however, the panel had still not been able to accomplish this task. Simply put, “what resulted was more of the same.”⁸

In 1853, the House adopted a resolution making legislation reported from the Rules Committee privileged for consideration, mandating

² *Journal of the House of Representatives*, 1st Cong., 1st sess., April 2, 1789, p. 6.

³ DeAlva Stanwood Alexander, *History and Procedure of the House of Representatives* (Boston: Houghton Mifflin, 1916), p. 182.

⁴ James A. Robinson, *The House Rules Committee* (Indianapolis: Bobbs-Merrill, 1963), p. 59.

⁵ *Ibid.*, p. 57.

⁶ *A History of the Committee on Rules*, pp. 44–45.

⁷ *Ibid.*, p. 44.

⁸ *Ibid.*, p. 45.

that reports from the panel be “acted upon by the House until disposed of, to the exclusion of all other business.”⁹ This additional grant of power failed to help the panel achieve comprehensive rules reform and, in 1857, the panel remained so unimportant that the House did not even create it until a full 6 months of the 35th Congress had elapsed.

In 1858, however, an important breakthrough occurred. The House established a select panel made up of the Speaker and four other Members to revise the rules and report back to the full House; this was the first time that a Speaker had served on one of the Chamber’s legislative committees. Under the resolution, the Speaker named the four other members of the select committee. During floor debate, one Member offered an amendment to have the House, rather than the Speaker, appoint these members, but it was overwhelmingly defeated and the resolution establishing the select committee was adopted with almost no debate.¹⁰ Although the action received little debate on the floor, it marked the first time the Speaker was in full command of the Rules Committee.

In the 36th Congress, the select committee reported back its suggested revisions of the rules, which were subsequently adopted by the House. Included in the report were provisions providing for a five-person Rules Committee appointed and chaired by the Speaker of the House.¹¹ The Speaker would remain a member of the House Rules Committee, serving as its chair, appointing its members (as well as the members of all House committees) and exercising its power and authority for the next three decades. Thus, after 1858, the powers of the committee and the authority of the Speaker became even more closely linked, “a circumstance which served both to enhance the role of the committee and to strengthen the influence of the Speaker.”¹²

In 1880, the Rules Committee was made a permanent standing committee of the House and

given legislative jurisdiction over “all proposed action touching the rules and joint rules.” The House undertook this action in the course of another comprehensive overhaul of its rules, which reduced the number of standing rules from 166 to 44.¹³

The first chairman of the revamped committee, Speaker Samuel J. Randall (D-PA), used his authority on the Rules Committee to bolster the influence of his office, establishing that all future rules changes should be referred to the Rules Committee, and that its reports could be brought to the floor any time.¹⁴

The powers of the committee and the Speaker continued to grow when control of the Chamber shifted again in 1881. One of the first Members to recognize the full potential of the Rules Committee to manage legislative business was Representative Thomas Brackett Reed (R-ME), who was appointed to the Rules Committee in 1882.

In February 1883, in an important development that foreshadowed the role of the modern Rules Committee, the House upheld a Speaker’s ruling that the committee could report a special order of business for a specific bill. The significance of this ruling was that it allowed the House to take up individual bills by a simple majority vote rather than being forced to rely on the cumbersome suspension of the rules procedure, which required a super majority vote of two-thirds, or by unanimous consent.¹⁵

This ruling was prompted by Representative Reed, who called up a resolution reported by the Rules Committee that sought to allow the House to suspend the rules by simple majority vote and request a conference with the Senate on tariff legislation. A point of order was made by Representative Joseph Blackburn (D-KY) against the resolution on the grounds that the Rules Committee did not have the authority to report such a resolution. In making his argument, Blackburn pointed out that the resolution was neither a House rule nor an amendment to House rules, and should thus be ruled out of order. Speaker J. Warren Keifer (R-OH) overruled the point of

⁹ “The Rules Again,” *Congressional Globe*, vol. 23, Dec. 5, 1853, p. 4.

¹⁰ “Revision of the Rules,” *Congressional Globe*, vol. 28, June 14, 1858, p. 3048.

¹¹ U.S. Library of Congress, Congressional Research Service, *A Short History of the Development of the Committee on Rules*, typed report by Walter Kravitz and Walter J. Oleszek, Jan. 30, 1978, p. 4.

¹² *Ibid.*

¹³ George B. Galloway, *History of the United States House of Representatives*, 89th Cong., 1st sess., H. Doc. 250 (Washington: GPO, 1965), p. 47.

¹⁴ *Ibid.*, p. 47.

¹⁵ *Ibid.*, p. 48.

order on grounds that the resolution was “reported as a rule from the Committee on Rules.” The Speaker explained that, just as the Rules Committee could report a rule to suspend or repeal any or every rule of the House, subject to approval by the House itself, it could also issue a rule that would “apply to a single great and important measure . . . pending before the Congress.”¹⁶

While this was the first instance of the House adopting a “special rule” for the consideration of a specific bill, it did not at that time lead to a flood of special rules from the Speaker, or give an indication of the tremendously important procedural development it would later prove to be. “The method of adopting a special order from the Committee on Rules by a majority vote,” one historian noted, “was not in favor for the following three Congresses. In 1887, it was regarded as a proceeding of ‘doubtful validity’ . . . it was not until . . . 1890 that this method . . . gained the favor of the House as an efficient means of bringing bills out of their regular order for . . . immediate consideration.”¹⁷

By 1890, the function of providing special orders of business for the consideration of legislation became routine and was the sole prerogative of the Rules Committee and its chair, the Speaker. Speaker John G. Carlisle (D-KY), regularly issued special rules from the committee for individual bills, further cementing the practice. “Since that time,” former House Parliamentarian Asher Hinds points out, the issuance of special rules “has been in favor as an efficient means of bringing up for consideration bills difficult to reach in the regular order and especially as a means for confining within specified limits the consideration of bills involving important policies for which the majority party in the House may be responsible.”¹⁸

When Republicans retook control of the House in the 51st Congress, 1889–1891, Representative Reed was chosen Speaker. He immediately took advantage of his position as chairman of the Rules Committee to control legisla-

tive business on the floor through the use of special rules. More importantly, Speaker Reed used his power as Speaker and chairman of the Rules Committee in tandem to clear minority obstruction of floor business.

As presiding officer, Reed issued several landmark rulings that in effect, outlawed minority obstructive tactics, particularly the “disappearing quorum,” a parliamentary innovation pioneered by John Quincy Adams during his 17 years as a Member of the House following his one term as President. By this tactic, minority Members, although physically present in the House Chamber, would refuse to vote, thus denying the body the quorum needed to do business. Speaker Reed ruled against these obstructions as presiding officer, and then, as chairman of the Rules Committee, codified his rulings into the standing rules of the House. These provisos, together with a comprehensive overhaul of the rules undertaken by Reed, came to be known as the “Reed rules,” and serve as the basis for the power of the modern Speaker and the operations of the present-day House. Most notably, the Reed rules established a framework by which the Speaker, as leader of the majority party in the House, could move his legislative agenda forward.

Additional power accrued to the Speaker through the Rules Committee when, in 1891, the committee was given the authority to report at any time. Two years later it was also granted the right to sit during sessions of the House.¹⁹

Even when viewed through the prism of the House in later periods of centralized power, it is difficult to convey the absolute control exercised by the Speaker during this period.

So absolute was “Czar” Reed’s control of the business of the House through the scheduling powers of the Rules Committee, that, when told of a particularly long debate that had consumed the time of the Senate, the Speaker was able to remark without humor or irony, “Thank God the House of Representatives is not a deliberative body.”²⁰

¹⁶ House Committee on Rules, Official Web site, www.house.gov/rules, accessed on Aug. 12, 2003.

¹⁷ Chang-Wei Chiu, *The Speaker of the House of Representatives Since 1896* (New York: Columbia University Press, 1928), pp. 120–121.

¹⁸ Asher C. Hinds, *Hinds’ Precedents of the United States House of Representatives*, 5 vols. (Washington: GPO, 1907), vol. IV, § 3152.

¹⁹ *Ibid.*, § 4321.

²⁰ Asher C. Hinds, “The Speaker of the House of Representatives,” *American Political Science Review*, vol. 3, May 1909, pp. 155–156.

THE REVOLT AGAINST SPEAKER CANNON

The power of the Speaker of the House, through and by the Rules Committee, continued to grow under Speaker Joseph G. "Uncle Joe" Cannon (R-IL), who served as the Chamber's presiding officer from 1903 to 1910. Speaker Cannon was a colorful figure, and a strong believer in party discipline. He did not hesitate to use his power in appointing committee members and even committee chairs, and in punishing those who did not obey his wishes.

In assessing the leadership of Speaker Cannon, one scholar has remarked, "Particularly significant was Speaker Cannon's power as chairman of the Committee on Rules. The Committee was small—never over five Republican Members prior to 1910. The three-to-two edge of the Republicans was potent, however, since the Speaker appointed the members carefully—insuring that they agreed with his views."²¹

Cannon was well prepared to use the committee as an instrument of power, having observed its use under Speaker Reed. Indeed, Cannon was no stranger to the use of raw political power. As chairman of the House Appropriations Committee in 1898, Cannon "wooshed through a then staggering \$50 million appropriation to allow President William McKinley to fight the Spanish American War—without consulting or even informing his fellow committee members about it."²²

Cannon continued that use of political power when he became Speaker and Rules chair. "Before March, 1910, the power of the Speaker was in part due to the increase in the power of the Committee on Rules," as one writer has observed, because the committee "had privileges which were not accorded by the House to any other committee. Through a special order, the Committee . . . regulated what should be considered, how long debate on a bill should last, when a vote should be taken, or whether a bill should be voted with or without amendment. It pro-

posed amendments to legislative bills over which other committees had jurisdiction."²³

Speaker Cannon used his power over the Rules Committee coupled with his power of recognition to manage the business of the House down to the smallest detail. Writing of Cannon's daily meetings with his Rules Committee lieutenants and rank and file Members seeking the Speaker's permission to consider their bills, one reporter related:

If the Speaker decides in the applicant's favor, he takes a little pad and writes the Congressman's name and number of the bill on it. Later, when the House assembles and the Speaker calls it to order, he has this little pad in his hand or lying beside him on his desk. The various successful applicants arise and shout "Mr. Speaker!" while the unsuccessful ones sit glumly in their seats . . . The Speaker does not even look at the shouting applicants. He studies his pad and calls out, "The Gentleman from Ohio," or "The Gentleman from Illinois," until the entire list is exhausted. There is more finality in a Cannon "yes" or "no" than in that of any other man in America.²⁴

Minority Leader (and later Speaker), Champ Clark, summed up Speaker Cannon's partisan use of the Rules Committee when he told his House colleagues in 1910, "I violate no secret when I tell you the committee is made up of three very distinguished Republicans and two ornamental Democrats."²⁵

It is clear that, "the legislative agenda, the progress of bills, members' committee assignments, almost every function of the House, all . . . was under the control of the Speaker and the five-member House Rules Committee, which was made up of Cannon and four of his hand-picked colleagues."²⁶ So absolute was Speaker Cannon's rule, that one, perhaps apocryphal, story claimed that, "when a constituent asked one representative for a copy of the rules of the House toward the end of Cannon's Speakership, the member simply mailed the man a picture of the white-bearded Cannon."²⁷

In 1909, the House, which had become increasingly frustrated with Speaker Cannon's iron grip over the legislative agenda, enacted a poten-

²¹ Charles O. Jones, "Joseph G. Cannon and Howard W. Smith: An Essay on the Limits of Leadership in the House of Representatives," *The Journal of Politics*, vol. 30, Aug. 1968, pp. 617-646.

²² Michael Kilian, "Tough Act to Follow," *Chicago Tribune*, Jan. 23, 1995, sec. 2, p. 1.

²³ Chiu, *The Speaker of the House of Representatives Since 1896*, pp. 124-125.

²⁴ "A Glimpse Into Speaker Cannon's Famous Red Room," *New York Times*, Dec. 13, 1908, p. SM8.

²⁵ Representative Champ Clark, remarks in the House, *Congressional Record*, vol. 45, March 17, 1910, p. 3294.

²⁶ *Ibid.*, p. 1.

²⁷ Kilian, "Tough Act to Follow," sec. 2, p. 1.

tial restriction on his scheduling power through the Rules Committee when it adopted the "Calendar Wednesday" procedure. Under this procedure, each Wednesday was reserved exclusively for the various standing legislative committees to call up measures in their jurisdiction for floor consideration. This procedure could be used to bring to the floor measures for which the Rules Committee had granted no hearing or special rule. While the adoption of Calendar Wednesday was an attack on the power of the Speaker, in practice, Cannon was largely able to render it ineffective.

Noted parliamentary expert with the House, Asher C. Hinds, argued that far too much was made of the Speaker's power vis-a-vis the Rules Committee. He wrote in 1909, "The power of the Speaker, as it is related to the Committee on Rules, is much overestimated. When a committee has once reported a bill, that bill is in the hands of the House."²⁸ Hinds further argued that the Rules Committee did nothing in practice that was revolutionary or inappropriate, but only did what the party caucuses had routinely done in previous years. It is important to keep in mind, however, that while Hinds was intimately familiar with the operations of the Cannon House, he was also the clerk at the Speaker's table, so his viewpoint arguably cannot be considered entirely unbiased.

Speaker Cannon and his Republican majority had ample warning of the unrest brewing among the more progressive Members of both parties during the 60th and 61st Congresses. Some observers of Congress have alleged that this mounting frustration was attributable less to Cannon's absolute control of the House through the Rules Committee than the fact that he used that power to prevent the House from voting on progressive legislation which rank and file Members of Congress of both parties supported. "It was 'Uncle Joe' Cannon's economic and social philosophy," one scholar argues, "that first aroused {Republican insurgents} against his autocracy"²⁹ Whatever the genesis of the reform movement, Speaker Cannon was steadfastly unwilling to heed the growing chorus calling for reform. In characteris-

tically blunt style, he said, "I am damned tired of listening to all this babble for reform. America is a hell of a success."³⁰

Member frustration spilled onto the floor when, "Twelve insurgents refused to vote for Cannon for Speaker at the opening of the special session in 1909 called by President Taft to consider the tariff . . . {and} a combination of insurgents and Democrats defeated a motion to adopt the rules of the previous Congress. At that point Minority Leader Clark offered a resolution which would have increased the size of the Committee on Rules, removed the Speaker from the committee and taken from the Speaker his power of appointing all committees except Ways and Means."³¹

The Speaker was able to fend off this attack by agreeing to a compromise motion to establish a unanimous consent calendar, a motion of recommittal for the minority party, and increases in the number of votes necessary to set aside the Calendar Wednesday procedure.

Speaker Cannon later meted out his revenge against the rebels. As one reporter noted days after the quashed revolt, "With few exceptions, members of the House who opposed the Speaker's candidacy or opposed the adoption of the . . . rules find themselves tonight with undesirable committee assignments or without the promotion long service on a particular committee entitled them to expect."³²

While he was able to delay the inevitable, in the end, even Speaker Cannon's mastery of the Rules Committee could not prevent the full House from working its will. Frustration with "Cannonism" came to a final head on St. Patrick's Day, 1910, when a small band of progressive Republican Members, led by Representative George W. Norris (R-NE), joined with Democrats to again challenge the powers of the Speaker. Cannon had given opponents a parliamentary opening when he tried to shut down the use of the Calendar Wednesday procedure. In response, Norris rose and offered a resolution as a matter of constitutional privilege to change House rules

²⁸ Greg Pierce, "Joe Made Them Cry Uncle," *Washington Times*, May 7, 1986, p. 2D.

²⁹ Jones, "Joseph G. Cannon and Howard W. Smith," pp. 617-646.

³² "Cannon Disciplines House Insurgents," *New York Times*, Aug. 6, 1909, p. 2.

²⁸ Hinds, "The Speaker of the House of Representatives," p. 162.

²⁹ Robinson, *The House Rules Committee*, p. 61.

by removing the Speaker as chair and member of the Rules Committee, and by expanding the panel's membership from 5 to 15, to be chosen by State delegations.

In later years, Representative Norris recalled of his reform resolution, "I had carried it for a long time, certain, that in the flush of its power, the Cannon machine would overreach itself. The paper upon which I had written my resolution had become so tattered it scarcely hung together."³³

Supporters of the Speaker quickly raised a point of order against the Norris resolution, arguing that it did not carry the constitutional privilege its author claimed. Speaker Cannon allowed debate on the point of order to continue for 2 days, after which he sustained it. Cannon's decision that the Norris resolution was not in order was then appealed to the full House which overturned the Speaker's ruling by a vote of 182 to 162. The Norris resolution was then adopted, 191 to 156, after Representative Norris amended it to provide for a 10-member Rules Committee elected by the entire House. Cannon continued to serve as House Speaker, but without the unchecked power he had previously commanded.

DECENTRALIZATION OF THE SPEAKER'S POWER OVER RULES COMMITTEE

Although the overthrow of Speaker Cannon drastically reduced the power of the Speaker to singlehandedly manage the flow and content of legislative business, the Rules Committee's power remained largely intact. The post-Cannon period was a time of general decentralization of authority in the House of Representatives, and one where power resided in the caucus and the majority floor leader even more than in newly-elected Speaker Champ Clark (D-MO). When Democrats regained control of the House in 1911, they set up a system of governance largely through party apparatus, making extensive use of binding votes in caucus to compel Democratic Members to support the majority legislative agenda on the floor. This era of "King Caucus" meant that gone were the days when the Speaker was "considered . . . an officer second only in

power and influence to the President of the United States himself, and so far as the enactment of legislation was concerned, to exercise powers superior to {the President}."³⁴

It would be a mistake, however, to conclude that after 1910 the weakened Office of the Speaker did not continue to exert influence over the Rules Committee in the service of the majority party agenda, or to continue to accumulate power for the panel. The Speaker, in conjunction with the newly influential floor leader, Representative Oscar Underwood (D-AL), continued to use the power of the Rules Committee as one of his most powerful management tools. "Excepting only the caucus," the Rules Committee during Underwood's speakership became, "the most necessary and essential feature of the new floor leader system in the House."³⁵ Democratic leaders made certain that the Rules Committee continued to serve as an organ of the majority party by carefully stocking the committee with solid party loyalists.

Although the speakership was weakened during this period, Speakers continued to accrue power for the panel. In 1920, for example, Speaker Frederick H. Gillett of Massachusetts ruled that the committee might report a resolution providing for the consideration of a bill that had not yet been introduced.³⁶ The ruling was an important one that foreshadowed the modern Rules Committee's ability to manage not only the consideration, but the content, of legislative business in the House.

Speakers also continued to use their influence to prevent the Rules Committee from reporting rules for legislation they and the majority party opposed. In 1922, for example, the committee blocked a resolution demanding answers about the Department of Justice's handling of an investigation relating to war contract fraud³⁷ which the majority opposed.

³⁴Galloway, *History of the United States House of Representatives*, p. 122.

³⁵James S. Fleming, "Oscar W. Underwood: The First Modern House Leader, 1911-1915," in Roger H. Davidson, Susan Webb Hammond, and Raymond W. Smock, eds., *Masters of the House: Congressional Leadership Over Two Decades* (Boulder, CO: Westview Press, 1998), p. 108.

³⁶Clarence Cannon, *Cannon's Precedents of the House of Representatives*, 6 vols. (Washington: GPO, 1935-1941), vol. VIII, § 3388.

³⁷"House Inquiry Plan is Again Blocked," *New York Times*, May 28, 1922, p. 2.

³³Jones, "Joseph G. Cannon and Howard W. Smith," pp. 617-646.

The power of the Speaker to control the legislative agenda was further increased in 1924, when the “pocket veto” power of the chairman of the Rules Committee was curbed by Speaker Gillett after the Rules Committee chairman had exercised his discretion to hold resolutions from floor consideration long after the Rules Committee had reported them.

In 1925, during the speakership of Nicholas T. Longworth (R-IL), one Member bemoaned this ability to obstruct legislation, stating that the Speaker and the members of the Rules Committee “were empowered by . . . House ‘gag rules’ to allow legislation to live or to make it die” while other Members looked on, “. . . as helpless as little children.” The Member in question concluded that this was simply, “too damned much power.”³⁸

Soon after assuming the speakership, Longworth had moved to restore the Speaker’s power over the Rules Committee. “To consolidate his control, Longworth had the Committee on Committees remove three {insurgent progressive} Members from the Rules Committee . . . and replace them with dependable party regulars.” During Longworth’s tenure, Rules Committee chair Bertrand Snell was a member of a group known as the “Big Four” which acted as Speaker Longworth’s inner circle of advisors and the party’s principal policy body.³⁹

This trend toward restoring the Speaker’s power over the committee continued under Speaker John Nance Garner (D-TX), who “functioned as a broker, a negotiator who put together coalitions and compromises by working with and through committee chairs,” including the Rules Committee.⁴⁰

In another important development, in 1933, Speaker Henry T. Rainey (D-IL) upheld the Rules Committee’s right to report a resolution for consideration of a bill on which the House had refused to act under suspension of the rules. Speaker Rainey also shepherded through the Chamber an increase in the threshold needed to discharge legislation from committees—from 145

to 218—to stop legislation awarding veterans a cash bonus from being brought up in Congress.⁴¹ This latter development further empowered the Rules Committee and the Speaker in relation to rank and file Members.

Still later in the Rainey speakership, a Member was named to the Rules Committee over the Speaker’s objections. That Member was “Judge” Howard W. Smith of Fauquier County, VA, who would play a crucial role in the future of the relationship between the Speaker and the Rules Committee.

THE SPEAKER VS. THE COMMITTEE: THE EMERGENCE OF THE “CONSERVATIVE COALITION”

During the speakership of William B. Bankhead (D-AL), 1936–1940, the Rules Committee ceased to be an unquestioned agent and ally of majority party leadership, due to the advent of a “conservative coalition” of southern Democrats and Republicans on the panel. For the next three decades, Speakers would find the committee to be, at least on some issues, an independent and competing power base in need of cajoling and catering and, at worst, a legislative adversary.

The rise of the conservative rules coalition was a gradual one. The Rules Committee played an instrumental part in expediting much of President Franklin D. Roosevelt’s New Deal legislation during his first “hundred days,” and through his initial term in office, by reporting closed rules on major legislation forwarded by the President. As the economic emergency of the Depression receded, however, a backlash against Presidential policies that were viewed by southern Democrats as increasingly liberal and unwise, set in during the 74th Congress. This growing suspicion of New Deal policies coincided with, and was furthered by the election of Representative John J. O’Connor (D-NY), a New Deal critic, as chair of the committee.⁴²

“By 1937, the House Democratic Leadership could no longer count on Rules Committee

³⁸ “Howard Charges Gag Rule in the House,” *New York Times*, March 19, 1930, p. 19.

³⁹ Donald C. Bacon, “Nicholas Longworth: The Genial Czar,” in *Masters of the House*, p. 134.

⁴⁰ Anthony Champagne, “John Nance Garner,” in *Masters of the House*, p. 170.

⁴¹ “Discharge Rule Approved,” *New York Times*, April 19, 1933, p. 3.

⁴² Galloway, *History of the United States House of Representatives*, p. 135.

Southern Democrats in granting of rules.”⁴³ As a result, Speaker Bankhead was increasingly unable to promise prompt consideration of administrative legislative priorities.

One visible split between the Speaker and the Rules Committee occurred during consideration of the President’s wage and hour bill, a legislative proposal that would have set a national minimum wage, established standards for maximum hours of work, and implemented several child labor reforms. After the legislation was passed by the Senate in August 1937, it was subsequently reported from the House Labor Committee. That is where its progress abruptly stopped. “With the five southern Democrats and four Republicans on the Rules Committee opposed to it, no rule was granted and no hearing was even held on the Wage and Hour bill.”⁴⁴ When a compromise wage and hour measure was also scotched by the Rules Committee, the House Democratic leadership had to resort to a discharge petition to bring the plan forward for consideration. In explaining the failure to grant a rule for wage and hour legislation, Rules Committee member Representative Edward E. Cox (D-GA) made an argument presaging the coming civil rights battles of the next two decades, stating, “This bill is an attempt to . . . destroy the reserved powers of the states over the local concerns,”⁴⁵

The “gatekeeping committee” had shut the gate on the Speaker himself. “The 1937–1938 fight over the wage and hour legislation was extremely significant,” one scholar has noted, “it not only highlighted and aggravated the split in the Democratic Party, but it meant that on some issues the {Rules Committee} was a bipartisan coalition,” rather than an arm of the Speaker and the majority party.⁴⁶

Other observers of Congress have argued that, far from being an example of a stubborn minority holding legislation hostage, the wage and hour fight was actually an instance of the Rules Committee fulfilling a legitimate role as a filter for legislation that was not ready for consideration by the entire Chamber. Following debate on the

bill, the full House overwhelmingly voted to recommit the first wage and hour bill to committee. “To say that the Rules Committee was defying the majority will of the House in not granting a rule,” one author has reasoned, “must be qualified in light of the difficulties in getting a majority in favor of the principle of the bill” in the House.⁴⁷

Regardless of the interpretation of the significance of the battle, the wage and hour fight heralded the beginning of a three-decade fight between Democratic Speakers of the House, most notably Speaker Sam Rayburn (D-TX), and the committee on issues such as labor protections, civil rights, and social policy.

The advent of the conservative coalition did not mean that the Speaker lost all control of the Rules Committee. “It is important to note that on many issues, the Rules Committee continued to act on behalf of the majority party, albeit at times reluctantly.”⁴⁸ The rise of the conservative bloc did, however, make the ability of the Speaker to schedule and manage legislative business on behalf of the majority significantly more difficult.

Deeply concerned by this “loss” of the Rules Committee to the conservative coalition, the Roosevelt administration actively campaigned for the defeat of three renegade Rules Committee Democrats in the 1938 elections—Representatives O’Connor, Smith of Virginia, and Cox of Georgia. “The chief desire of the {Roosevelt Administration} ‘purge,’” a *New York Times* writer observed at the time, “is to eliminate the important Rules Committee members who have consistently opposed Administration measures. If these can be beaten . . . the group feels that the Administration will have unquestioned control of the direction of House affairs in the next session.”⁴⁹ When the smoke cleared on the morning after the election, however, only Representative O’Connor was defeated, a development that, when coupled with the loss of several New Deal allies on the panel, left the “conservative bloc” on Rules unchanged.

⁴³ *A History of the Committee on Rules*, p. 138.

⁴⁴ *Ibid.*, p. 138.

⁴⁵ “Rule Denied, 8 to 6,” *New York Times*, April 30, 1938, p. 1.

⁴⁶ *A History of the Committee on Rules*, p. 139.

⁴⁷ Robinson, *The House Rules Committee*, p. 61.

⁴⁸ *A History of the Committee on Rules*, p. 139.

⁴⁹ Charles A. Michael, “New Deal ‘Purge’ Said to Seek Control of House Rules Group,” *New York Times*, June 30, 1938, p. 1.

Even worse for the Speaker, the election returned fewer Democrats to the House as a whole, a development that sounded the death knell to the Speaker's ability to skirt the committee by using discharge petitions. Further complicating this strained relationship was the emboldened nature of the Rules Committee, which proceeded to hold public hearings on issues embarrassing to the Roosevelt administration, actively undermined the Speaker's use of the suspension procedure, negotiated concessions from committees on the content of bills, and granted rules for the consideration of legislation that favored conservative interests.

ENACTMENT OF THE 21-DAY RULE

After World War II, the Speaker worked to undermine the power of the Rules Committee's conservative coalition over the legislative agenda. On January 3, 1949, Speaker Sam Rayburn, who took office following the death of Speaker Bankhead, shepherded through the House the adoption of the so-called "21-day rule." "Under this rule, the chairman of a legislative committee which had favorably reported a bill could call it up for House consideration if the Rules Committee reported adversely on it or failed to give it a 'green light' to the House floor within 21 days."⁵⁰

The Speaker, together with allies in the Truman administration, employed the procedure of binding Democrats through a vote of their party caucus to support the resolution that enacted the 21-day rule. Indeed, Speaker Rayburn expended considerable effort and personal prestige in pushing for the rule change, making a rare speech on the House floor urging Members' support. One scholar observed that Rayburn's remarks:

were especially directed toward his southern colleagues, many of whom were voting against the 21-Day rule because they feared it would increase the chances for the passage of civil rights legislation, which they opposed. Rayburn contended that civil rights legislation was not the issue. 'The rules,' he said, 'of a legislative body should be such at all times as to allow the majority of a legislative body to work its will.'⁵¹

⁵⁰ Galloway, *History of the United States House of Representatives*, pp. 57–58.

⁵¹ Robinson, *The House Rules Committee*, p. 67.

Rayburn's efforts were ultimately successful, and when the 21-day rule was initially passed, observers called it a major power surge for the Speaker and a defeat for the renegade Democrats on the Rules Committee. William S. White, of the *New York Times*, wrote after the vote:

Mr. Rayburn, as he is well aware, has received a power and a responsibility not given in generations to a Speaker of the House. He will be in command. He will be responsible in almost the complete sense of that term, for what the House does, in so far as the Administration Democrats are not outweighed from time to time by the orthodox Republicans and whatever bloc of rebellious southern Democrats can be marshaled.⁵²

For critics of the 21-day rule, White subsequently observed, "this meant . . . a return to 'czarism,' for in cutting down the Rules Committee the Members . . . had simply left it all up to one man's yea or nay rather than to twelve."⁵³

During the 81st Congress, the 21-day rule was successful in helping Speaker Rayburn bring anti-poll tax legislation to the floor, as well as forcing a vote on controversial housing and minimum wage bills. The Rule was also instrumental in obtaining consideration of legislation establishing the National Science Foundation, as well as bills granting Alaska and Hawaii statehood. The rules helped the Speaker get around an obstructive Rules Committee. As one Member of Congress later noted, "Altogether, during the 81st Congress, eight measures were brought to the floor and passed by resort to the 21-Day rule, and its existence forced the Rules Committee to act in other cases."⁵⁴

The 21-day rule was eventually repealed after a bitter political fight in 1951 between Speaker Rayburn and the conservative coalition of southern Democrats and Republicans. "As a result, the power of the Rules Committee to blockade bills" sought by the Speaker and the majority party was restored.⁵⁵ This turnaround was made possible largely by solid increases in Republican strength in the House following the 1950 elections, coupled with mounting concern by many southern

⁵² William S. White, "House Gives Speaker Large Grant of Power," *New York Times*, Jan. 9, 1949, p. 1.

⁵³ William S. White, "Sam Rayburn, the Untalkative Speaker," *New York Times*, Feb. 27, 1949, p. SM10.

⁵⁴ Representative Chet Holifield, remarks in the House, *Congressional Record*, vol. 106, Sept. 1, 1960, p. 19393.

⁵⁵ Galloway, *History of the United States House of Representatives*, pp. 57–58.

Democrats about the possible use of the 21-day rule to force consideration of civil rights legislation.

From 1955 to 1960, the new chairman of the Rules Committee—"Judge" Howard W. Smith of Virginia—the same Member who had been placed on the committee over the objections of Speaker Rainey nearly three decades earlier, and who had been unsuccessfully targeted for electoral defeat in the FDR "purge,"—was the "acknowledged leader of the {conservative} coalition."⁵⁶ The coalition's ability to independently block legislation would continue largely unchanged until 1961, when 79-year-old Speaker Sam Rayburn would mount an assault on the power of the Rules Committee in one of the final political battles of his four-decade career in the House.

SPEAKER RAYBURN AND THE PURGE OF THE RULES COMMITTEE

Toward the end of the fifties, Speaker Rayburn's continued frustration with the Rules Committee spilled over into public view. "Judge" Smith's ability to block legislation supported by the Speaker was legendary:

Often, when he did not want to bring a bill out of his {Rules} committee, the Judge would leave town and go to his 70-acre farm in Fauquier County, Virginia, to avoid calling a meeting. Early in 1957, he resorted to this tactic to delay consideration of President Eisenhower's civil rights proposal, insisting that he had to return home to inspect a barn that had burned down. "I knew Howard Smith would do almost anything to block a civil rights bill," said Speaker Sam Rayburn upon hearing this excuse, "but I never knew he would resort to arson."⁵⁷

Speaker Rayburn arguably did all that he could to avoid the head-on battle with the committee's conservative coalition that eventually erupted in 1961, preferring instead to negotiate and cajole Smith to forward his majority party agenda. In 1959, for example, when members of the liberal Democratic Study Group {DSG} demanded reform of the Rules Committee by enlarging its size to defeat the coalition of four Republicans and two southern Democrats that

dominated the 12-person panel, Speaker Rayburn refused to back the plan, seeking instead to "assure the House liberals of steps under existing rules" that could be used to outmaneuver the obstructive committee, including, "the use of . . . seldom-invoked Calendar-Wednesday."⁵⁸ In response to Rayburn's rebuff, the liberal Members issued the following statement:

We have received assurances from Speaker Rayburn that legislation which has been duly considered and reported by the legislative committees will be brought before the House for consideration within a reasonable period of time. Our confidence in the Speaker is great, and we believe he will support such procedural steps as may be necessary to obtain House consideration of reported bills.⁵⁹

This "go along to get along" approach was in keeping with Speaker Rayburn's leadership style. "{Rayburn's} effectiveness has rarely if ever rested on the use of raw power, coercion or threats," one reporter wrote at the time. "Rather, it has stemmed from his great personal prestige, close friendships with other House Democrats in positions of power, and the esteem, and respect held for him by nearly all colleagues."⁶⁰

As 1961 dawned, however, Rayburn's position on the Rules Committee gradually changed as "it became evident that enactment of President Kennedy's legislative program would hang upon overcoming the conservative coalition control of the Rules Committee."⁶¹

In many ways, the 1961 battle between the Rules Committee and the Speaker was the direct opposite of the 1910 overthrow of Speaker Cannon. In 1910, Members had risen up because a Speaker, who, through his tight control of the power of the Rules Committee, had prevented legislation he opposed from being considered by rank and file Members of the House. In 1961, however, it was the Rules Committee that was blocking consideration of legislation, thwarting the will of a powerful Speaker, the majority leadership, and an increasing number of rank and file Members who wished to act on the "progressive" bills supported by their constituents.

⁵⁸ John D. Morris, "Rayburn Rebuffs Move By Liberals," *New York Times*, Jan. 3, 1959, p. 1.

⁵⁹ Galloway, *History of the United States House of Representatives*, p. 143.

⁶⁰ John D. Morris, "Stakes High in Rules Struggle for Rayburn, 79, and Smith, 77," *New York Times*, Jan. 30, 1961, p. 12.

⁶¹ Galloway, *History of the United States House of Representatives*, p. 143.

⁵⁶ CRS, *A Short History of the Development of the Committee on Rules*, p. 11.

⁵⁷ Charles and Barbara Whalen, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act* (New York: Mentor Press, 1985), p. 92.

An editorial cartoon by the satirist Herblock during this period summed up many liberal Members' feelings on the Rules Committee: it pictured a baseball player in catcher's face mask and pads standing in front of, rather than behind, home plate, catching a fastball pitch before the batter could have a chance to swing at it. The batter represented Members of Congress and the catcher wore a jersey labeled "Rules Committee."

"Speaker Rayburn kept his own counsel until the eve of the session," George B. Galloway has written, "when he came out on the side of the reformers with a plan to enlarge the membership of the Rules Committee from 12 to 15" members.⁶² In doing so, the Speaker resisted—after initially embracing—the suggestion of members of the Democratic Study Group to balance the committee by purging it of one of its renegade southern Democrats, Representative William M. Colmer (D–MS). The Rayburn plan would instead increase the size of the committee by three, enlarging the number of Democratic Rules members from eight to ten, and Republicans from four to five, breaking the conservative coalition's traditional six-six deadlock on the panel.

In the weeks leading up to the opening of the 87th Congress, the Kennedy administration, lobbyists from labor unions and progressive groups, and the Speaker and his loyalists, including Rayburn's close ally on the committee (and later Rules Committee chair) Representative Richard Bolling (D–MO), lined up votes for the plan to enlarge Rules. The scramble for votes between the Rayburn camp and the allies of the conservative coalition was intense, for the vote was to be an extremely close one. One historian later illustrated this situation by relating the see-sawing battle waged by the Rayburn and Smith forces to secure the vote of one southern Member, Representative Frank W. Boykin (D–AL):

Boykin was a friend of Rayburn and a conservative; he was pulled emotionally to vote both ways. He committed himself to Rayburn; then under pressure from Smith's camp, he changed his mind and committed himself to Smith. Rayburn's lieutenants applied new pressure to Boykin and again he switched. Smith's lieutenants fought back hard for Boykin's vote, and once more he switched. Again Rayburn's people won Boykin back, only to lose him again . . . At this point, Boykin had been on both sides three separate times

... [but] the fight for Boykin's vote . . . illustrated the desperation of the struggle. It was so close that every single vote was of crucial importance.⁶³

In seeking support for his plan, the Speaker utilized all of the powers of his office. Initially, Rayburn intended to employ caucus rules to bind Democrats to support for the enlargement plan, repeating the tactic he used successfully in his earlier campaign to enact the 21-day rule. Rayburn abandoned the strategy, however, after many southern Democrats bristled at the arm twisting and threatened to bolt.⁶⁴ Speaker Rayburn also reportedly utilized the Kennedy administration's control of local public works projects to help convince Members to vote with him. Secretary of the Interior Stewart Udall personally made a number of calls to Members during the days immediately preceding the vote to discuss "water projects of vital interest to members in many sections of the country, particularly in the West and South."⁶⁵

The resolution to enlarge the panel was reported by the Rules Committee by a vote of six to two on January 14, 1961, after "Judge" Smith promised Rayburn he would do so. Smith and Representative William M. Colmer (D–MS) were the only Democrats to oppose the resolution; no Republicans attended the committee markup. Following a spirited debate on the resolution on January 31, 1961, which included a passionate floor speech from Speaker Rayburn, the House adopted the enlargement plan by a vote of 217 to 212.⁶⁶

Speaker Rayburn's victory was a significant step in restoring control of the Rules Committee as an arm of the Speaker and his majority leadership. This win alone, however, did not defeat the conservative coalition. Just 2 years later, under House Speaker John W. McCormack (D–MA), majority party Members had to turn back a spirited attempt by the coalition and its allies to return the panel to its pre-1961 size of 12 members. Despite some slight improvement in the enlarged Rules Committee's record of cooperation with

⁶³ Neil MacNeil, *Forge of Democracy: The House of Representatives*, (New York: David McKay, Co., 1963), p. 432.

⁶⁴ John D. Morris, "Rayburn Shifts in Rules Battle," *New York Times*, Jan. 18, 1961, p. 17.

⁶⁵ John D. Morris, "Rayburn Rejects All Compromise on Rules Battle," *New York Times*, Jan. 29, 1961, p. 1.

⁶⁶ *Congressional Record*, vol. 107, Jan. 31, 1961, pp. 1589–1590.

⁶² *Ibid.*, p. 143.

the leadership, it continued to obstruct floor consideration of certain education, labor and civil rights bills for the duration of the Kennedy administration.

TRUCE: THE RETURN OF THE SPEAKER'S POWER

By the late sixties, the Speaker's relationship with the House Rules Committee had improved somewhat, as "Judge" Smith was defeated for reelection in 1966 and the committee chair was assumed by Representative William M. Colmer (D-MS). "Although of similar ideological bent to Smith, Colmer viewed the role of the [Rules] Committee in a different way, in part reflecting his own threatened ouster from the committee and the adoption of committee rules in 1967 permitting a committee majority to circumvent a recalcitrant chairman."⁶⁷

Passage of the Legislative Reform Act of 1970⁶⁸ coupled with numerous institutional reforms made in the House Democratic Caucus in the post-Watergate era, returned to the Speaker the authority to nominate majority members of the Rules Committee. These reforms made the Rules Committee a reliable arm of the House leadership for the first time since the 1910 revolt against Speaker Cannon, and gave the Speaker true de facto control of the panel.

The willingness to return considerable power to the Speaker was undertaken in response to a larger decentralization of the House that led many Members to turn to the Speaker to provide order in the coordination of business: to make a busy and complicated legislative body work. Rank and file Members were particularly willing to return power to the Speaker after observing periods during the tenures of Speaker McCormack and Speaker Carl Albert (D-OK) when there was "paralysis in moving Democratic legislation even though there were heavy Democratic majorities" in the body.⁶⁹

"In the House, the decentralizing reforms of the 1960s and 1970s were," according to congressional scholar Roger Davidson, "paradoxically,

accompanied with innovations that enlarged the power of the Speaker."⁷⁰ Davidson goes on to observe, "The fruits of these innovations were not immediately realized. Speaker John McCormack resisted most of the changes . . . his successor, Carl Albert . . . was a transitional figure who hesitated to use the tools granted to him by the rules changes."⁷¹

The main beneficiary of these grants of additional power was House Speaker Thomas P. O'Neill (D-MA), himself a longtime member of the House Rules Committee. O'Neill was given more control over the Rules Committee and the orchestration of the details of legislative business. As Speaker, O'Neill "used control on important issues to restrict the freedom of House Members in offering amendments—in making changes in important pieces of legislation that he wanted kept intact."⁷²

Speaker O'Neill utilized the power of the Rules Committee not only as a tool of his majority power, but also as a buffer to Member demands, and as a hedge against minority party attacks. During the Carter administration, for example, O'Neill was often less concerned with losing votes on the House floor—an unlikely event given the large Democratic majority in the body—than with minority Members forcing Democrats "on the record" with politically difficult votes.

Speaker O'Neill responded to this challenge by increasingly using his control of the Rules Committee to manage floor votes during the eighties with "complex" and "restrictive" rules on major pieces of legislation that barred votes on minority amendments. Whereas restrictive rules constituted only 15 percent of all rules in the midseventies, by the end of the eighties they made up 55 percent, according to a Rules Committee minority staff study.⁷³

An additional challenge emerged for the Speaker when Republicans and "Boll Weevil" Democrats formed a de facto majority coalition on some issues following the election of President Ronald Reagan in 1980. The shifting electoral

⁶⁷ U.S. House of Representatives, Committee on Rules, Official Web site, www.house.gov/rules, accessed on Aug. 12, 2003.

⁶⁸ Public Law 91-510.

⁶⁹ Mary Russell, "Speaker Scooping Up Power in the House," *Washington Post*, Aug. 7, 1977, p. A1.

⁷⁰ Roger H. Davidson, "The New Centralization on Capitol Hill," *Review of Politics*, vol. 50, 1988, p. 357.

⁷¹ *Ibid.*

⁷² Russell, "Speaker Scooping Up Power in the House," p. A5.

⁷³ U.S. House of Representatives, Committee on Rules, Official Web site, www.house.gov/rules, accessed on Aug. 12, 2003.

terrain meant that a Democratic Speaker, for the first time in many years, had to worry about losing important votes on the House floor. In response, Speaker O'Neill had the Rules Committee manage legislative business in increasingly creative ways, including the more frequent use of closed rules. An important innovation was the so-called "King of the Hill" rule, where the last measure voted upon in a series of alternatives would prevail, enabling Members to take "free" votes on controversial issues that provided political cover. The leadership would naturally place its preferred version last in the sequence.

These efforts met with mixed success. During this period, the Rules Committee "crafted rules to enhance the Speaker's power, although they have been only sporadically successful during the Reagan Presidency when conservative Democrats have bolted to the White House side." For example, the committee "fashioned an extraordinary rule allowing separate votes on seven different budget proposals, with successful amendments being applied to all seven. Eventually, all seven budgets were defeated on the floor."⁷⁴

As if these challenges were not enough, changing demands on Members of Congress offered Speaker O'Neill still more challenges in the management of the Rules Committee. For example, in 1983, the Speaker reluctantly reduced the membership of the committee from 16 members to 13 members because he was "unable to persuade any senior Members to take vacant seats on Rules."⁷⁵ While Members recognized the continued power of the panel, the growing need for rank and file Members to generate media attention, raise campaign funds, and become legislative entrepreneurs had simply made the "inside baseball" Rules Committee "powerful but unfashionable."⁷⁶

During this season of closed and structured rules, it is important to note that not all of the rules granted by the committee were exercises in partisanship; many structured rules were adopted by large bipartisan margins in the House. Increasingly, however, the minority party viewed

the more frequent use of this type of resolution with concern and resentment.

"As the House became more politicized and polarized during the 1980s," a congressional scholar has written, "the Rules Committee played a critical role in assisting the Democratic Leadership in structuring House floor debates on bills to ensure greater efficiency and predictability in outcomes." Predictably, the more restrictive the amendment process became, the "more the Rules Committee was blamed by Republicans for violating the rights of minority party members to fully participate in the legislative process and represent their constituents."⁷⁷

Speaker James C. Wright, Jr. of Texas further centralized and focused the use of the Speaker's Rules Committee power, continuing and building on this trend of issuing closed rules. In 1987, the *Washington Post* reported, "The Democrat's use of 'restrictive rules' which . . . limited debate and amendments on 43 percent of the bills sent to the floor," was "a continuation of a practice begun under O'Neill. During O'Neill's last two years as Speaker, the leadership obtained restrictive rules on 36 percent of the bills sent to the floor."⁷⁸

Roger Davidson stressed at the time that Wright "exploited his extraordinary scheduling power . . . using {his} tight control over scheduling, including aggressive use of the Rules Committee to shape alternatives during floor deliberations."⁷⁹ While critics expressed concern about these tactics, supporters pointed to their success. "When he took office, Wright unveiled an ambitious list of legislative goals . . . Two years later, nearly all the bills had passed the House and many had been signed into law."⁸⁰

By the end of the 103d Congress, during the speakership of Thomas S. Foley of Washington, the final tally of open versus restrictive rules revealed "the largest number of restrictive rules of any Congress (73), comprising the highest per-

⁷⁴ William Chapman, "Bolling, Near Retirement, Muses About a Battle That Never Was," *Washington Post*, Aug. 24, 1982, p. A7.

⁷⁵ Alan Ehrenhalt, "The Unfashionable House Rules Committee," *Congressional Quarterly Weekly Report*, Jan. 15, 1983, p. 151.

⁷⁶ *Ibid.*

⁷⁷ Donald R. Wolfensberger, "The House Rules Committee Under Republican Majorities: Continuity and Change," Paper prepared for delivery at the 34th Annual Meeting of the Northeastern Political Science Association, Oct. 25, 2002.

⁷⁸ Eric Pianin, "House GOP's Frustrations Intensify," *Washington Post*, Dec. 21, 1987, p. A1.

⁷⁹ Roger H. Davidson, "The New Centralization on Capitol Hill," p. 357.

⁸⁰ *Ibid.*

centage of total rules ever reported in a Congress (70 percent).”

RULE REFORM AND THE REPUBLICAN
MAJORITY

At no period in the history of the House of Representatives has the Rules Committee been more central to the power of, and legislative agenda pursued by, a Speaker than in the days immediately following the change in control of the House to Republicans in 1994. “To best understand the extent of continuity and change on the Rules Committee under House Republicans,” Roger Davidson emphasizes, “it is important to first understand how the Republican minority viewed the House under Democratic control and how it envisioned the institution should be run, both in terms of changes in the standing rules of the House and the way in which special rules were framed for considering legislation.”⁸¹

In orchestrating the Republican Party’s rise to power in the House, Speaker Newt Gingrich (R-GA) had long focused public attention on the behavior of the Democratic majority through the Rules Committee. “One of the central themes of the Conservative Opportunity Society (COS), which Gingrich and others formed in 1982,” Donald R. Wolfensberger, chief of staff of the House Rules Committee during the 104th Congress, stresses, “was its portrayal of a corrupt House in which the majority’s arrogance was regularly reflected in procedural abuses of deliberative process, not to mention of a beleaguered minority.”⁸²

Just as perceived abuses of power by the Rules Committee had angered rank and file Members and engendered calls for reform since the days of Speaker Reed, as Republicans pushed to become the majority party in the House, their public arguments about why they should be in power focused increasingly on the actions of the Rules Committee.

At a press conference in the months before the 1994 election, Representative Gingrich and members of the House Republican Conference began

an effort that was intended to call public attention to what they claimed were abuses by the Rules Committee and the Democratic leadership of the regular democratic process. “Among the props was a poster used on the House floor of a gagged Statue of Liberty over a running scorecard of open versus restrictive rules (e.g., “Democracy-o; Tyranny-6).”⁸³

Given this approach of centering their public appeal on reform of the institution itself, it is not surprising that many of the Republicans’ legislative efforts once they assumed the majority in 1995 were centered around reforming the House through the use of the Rules Committee.

After his election as Speaker, Gingrich “instigated many . . . changes in House rules and practices, which all had the common theme of undermining the independent power of committees and their chairs and enhancing the power of the majority leadership.” At Speaker Gingrich’s behest, “Three full committees were eliminated, and 106 (12 percent) of the previous Congress’s subcommittee slots were eliminated . . . Gingrich personally designed a new committee assignment system for the GOP in which the party leader was given a dominant formal role.”⁸⁴

As with Speaker Reed before him, Speaker Gingrich’s reforms were largely accomplished through amendments to the standing rules of the House. Speaker Gingrich took an active hand in crafting the rules package adopted at the beginning of the 104th Congress. As one scholar has noted, this rules reform package was “considered under a special rule {Rules Committee chair Gerald B.H.} Solomon (R-NY) had devised on Gingrich’s instructions”⁸⁵

Like many powerful Speakers before him, Speaker Gingrich also proved willing to use his control of the Rules Committee for purposes other than the scheduling and shaping of legislative business, for example, to help enforce party discipline. In one instance in 1996, in a move reminiscent of actions taken by strong Speakers such as Cannon and Rayburn, Speaker Gingrich reportedly employed the power of the panel to

⁸¹ Ibid., p. 358.

⁸² Donald R. Wolfensberger, “The Institutional Legacy of Speaker Newt Gingrich: The Politics of House Reform and Realities of Governing,” *Extensions, A Journal of the Carl Albert Congressional Research and Studies Center*, Fall 2000.

⁸³ Ibid.

⁸⁴ David W. Rohde, “The Gingrich Speakership in Context: Majority Leadership in the House in the Late Twentieth Century,” *Extensions, A Journal of the Carl Albert Congressional Research and Studies Center*, Fall 2000.

⁸⁵ Ibid.

punish two Republican Members who had endorsed the primary challenger to a sitting GOP colleague. *Congressional Quarterly* reported that, as punishment for this action, Speaker Gingrich had “instructed {the House Rules Committee} to reject any floor amendment the two Members might seek to offer to legislation for the rest of the session.”⁸⁶

The Republican majority came to power promising open rules as the norm, but, as they had under previous Speakers of both parties, the demands of governing in a legislative body with narrow party ratios and a full agenda of business soon contributed to the issuance of fewer purely open rules on major pieces of legislation. Scholars argue that this lesson was learned relatively early after Republicans assumed the majority in 1995. As one observer recounted, “The first major Contract {with America} bill out of the box after opening day was the Unfunded Mandate Reform Act which the Rules Committee put on the floor under an open rule. Two weeks and dozens of amendments later the bill was finally completed and its manager, Government Reform and Oversight Chairman Bill Clinger (R-PA) . . . was totally exhausted and disillusioned with open rules. From that point on, the Rules Committee took a more cautious approach, reporting “modified open” rules on bills that set an overall time limit on the amendment process.”⁸⁷

As Representative David Dreier (R-CA) “learned quickly” after becoming Rules Committee chair in the 106th Congress, the responsibility of running the House of Representatives that a majority party holds sometimes requires some of the same procedures he had expressed concern about a decade ago. “I had not known what it took to govern,” he acknowledged. Now, “our number one priority is to move our agenda . . . with one of the narrowest majorities in history.”⁸⁸

⁸⁶ Karen Foerstel, “Punished But Unrepentant,” *Congressional Quarterly Weekly Report*, July 29, 1996.

⁸⁷ Rohde, “The Gingrich Speakership in Context: Majority Leadership in the House in the Late Twentieth Century.”

⁸⁸ Jim VandeHei, “Using the Rules Committee to Block Democrats,” *Washington Post*, June 16, 2003, p. A21.

CONCLUSION

From the 1st Congress to the 108th Congress, the Committee on Rules and the Speaker of the House have been linked. Under czars and caretakers, reformers and managers, the Rules Committee has played an integral role in the Speaker’s ability to regulate the business of the House.

This link between the panel and the Speaker has been marked by ebbs and flows in the tides of power, including battles for independence, a reinforcing of mutual authority, and periods of close cooperation. Speakers have controlled the committee with an iron hand, been forced to cajole and negotiate with it, and been bent to its will. Through those ebbs and flows has been a constant search for balance, with some Members believing, as Speaker Reed did, that the rules exist “to promote the orderly conduct of the business of the House,” and others charging that the rules give the Speaker “greater power” than any man ought to possess in relation to the full House. That struggle for balance and role continues today.

The Rules Committee has helped Speakers impose order on the chaos of a young and growing legislative body. It has helped them enshrine the status quo, and, at other times, been their primary vehicle for reform and institutional change. Speakers have used the committee to centralize their power, and the House has, in turn, positioned the panel as a competing base of authority to their presiding officer. The committee’s power to write and rewrite the rules has enabled Speakers to manage the business of the House in times of razor-thin party margins, and increased partisanship, media scrutiny and electoral pressure.

While the days may have passed when an individual can dictate the actions of the House singlehandedly, the Rules Committee continues to be the most powerful arm of the Speaker and, in a large part, a centrally important governing entity of the House. In it, Congress has largely consolidated its constitutional power to decide the ground rules of its own proceedings. The panel enables the Speaker to direct the legislative business of the Chamber and press forward the agenda of the majority party. It imbues him with the power to reward and punish individual Members and can act as a shield from Member de-

mands. Most importantly, it serves as a forum in which the ever-changing and often competing interests of the House leadership, the legislative committees, and individual Members of Congress can be raised, negotiated, vetted and ultimately resolved.

If Congress in committee is Congress at work, as Woodrow Wilson famously observed, the Rules Committee is where that work is resolved and finalized. It is the last step in the House's

legislative assembly line and the "engine room," where the procedural, political and policy mechanics that make the Chamber "work" are crafted by the Speaker and his majority party allies.

For all of these reasons, the panel remains, as much as ever, the "Speaker's committee." The history of the Rules Committee is, in essence, a history of the power of the Office of the Speaker and the evolution of the modern House of Representatives.