



Articles from 2013 and after
are now only accessible on
the Chicago Journals website at
JOURNALS.UCHICAGO.EDU



Joseph G. Cannon and Howard W. Smith: An Essay on the Limits of Leadership in the House of Representatives

Author(s): Charles O. Jones

Source: *The Journal of Politics*, Vol. 30, No. 3 (Aug., 1968), pp. 617-646

Published by: University of Chicago Press on behalf of the Southern Political Science Association

Stable URL: <http://www.jstor.org/stable/2128798>

Accessed: 11-02-2016 22:16 UTC

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



University of Chicago Press and Southern Political Science Association are collaborating with JSTOR to digitize, preserve and extend access to *The Journal of Politics*.

<http://www.jstor.org>

JOSEPH G. CANNON AND HOWARD W. SMITH: AN ESSAY ON THE LIMITS OF LEADERSHIP IN THE HOUSE OF REPRESENTATIVES*

CHARLES O. JONES
University of Arizona

THAT THE HOUSE of Representatives is characterized by bargaining has been well established by many scholars of that institution¹ and suggests that leaders of that body must be skilled negotiators. Ultimately each representative, even the freshman, has some bargaining power (at minimum—his vote). It is on this basis of bargaining that the “middle-man” thesis of congressional leadership has been developed.² Rightly or wrongly House leaders must attend to their majorities.

Two types of majorities in the House are of interest here—procedural and substantive. Procedural majorities are those necessary to organize the House for business and maintain that organization.³ They are formed at the beginning of the session. Leaders are selected and provided with a number of bargaining advantages so that the House may perform its functions in the political system.

* Financial support for this study was provided by the American Political Science Association's Study of Congress, Professor Ralph K. Huitt, Director, and the Institute of Government Research, University of Arizona. I wish to acknowledge the comments of Richard Cortner, Conrad Joyner, John Crow, Phillip Chapman, and Clifford Lytle.

¹For a sample of this literature see: David B. Truman, *The Governmental Process* (New York: Knopf, 1951); Bertram M. Gross, *The Legislative Struggle* (New York: McGraw-Hill, 1953); Robert L. Peabody and Nelson W. Polsby, eds., *New Perspectives on the House of Representatives* (Chicago: Rand-McNally, 1963); and particularly Robert L. Peabody, “Organization Theory and Legislative Behavior: Bargaining, Hierarchy and Change in the U. S. House of Representatives,” unpublished paper delivered at the Annual Meeting of the American Political Science Association, New York, 1963.

²The “middle-man” thesis of congressional leadership is discussed in David B. Truman, *The Congressional Party: A Case Study* (New York: Wiley, 1959). See also Samuel C. Patterson, “Legislative Leadership and Political Ideology,” *Public Opinion Quarterly*, Vol. 27 (Fall, 1963), 399-410.

³Richard F. Fenno, Jr., has eloquently discussed the organizational problems of the House in his essay in David B. Truman, ed., *The Congress and America's Future* (Englewood Cliffs, N. J.: Prentice-Hall, 1965).

Normally, membership of procedural majorities and minorities coincides with that of the two political parties.⁴

Substantive majorities are those necessary to pass legislation in the House. Whereas procedural majorities are relatively stable in membership, the make-up of substantive majorities may well differ issue to issue, since many substantive measures cut across party lines. Leaders are expected to build substantive majorities—employing the many bargaining advantages provided by their procedural majorities. They are not expected, nor do they normally have the power, to force members into substantive majorities.

House leaders must take care not to lose touch with any sizeable segment of their procedural majorities. On most issues they will find the basis for substantive majorities in their own party. Obviously, party members have views on the substantive matters before the House. If he wishes to remain in office, a leader must hold himself accountable to his procedural majority when building substantive majorities and accommodate important substantive changes among segments of his procedural majority. House leaders have latitude in their behavior, to be sure, and the process of defeat and/or reform is often painfully slow, but the leader who maintains himself in a responsible position of authority over a long period of time must be adaptive, communicative, accommodating, and accountable.

What if a House leader fails to behave in this way? In the short run, it probably will not make much difference. In the long run, however aberrant behavior is bound to cause trouble for the leader with segments of his procedural majority. If it is a case of a leader exceeding the authority given to him, or failing to meet the expectations of his followers, he may simply be removed. But what if he has developed sources of power which make him independent of his procedural majority? That is, he is exercising authority which is real—it is incorporated into the position he holds—but is contextually inappropriate because it violates the bargaining condition in the House. Under these circumstances removing the leader is not the whole solution. One may expect some House

⁴Lewis A. Froman, Jr., and Randall B. Ripley note that the two parties maintain the highest level of cohesion on procedural questions. See "Conditions for Party Leadership: The Case of the House Democrats," *American Political Science Review*, Vol. 59 (March, 1965), 52-63. Much of this essay tends to support their general argument.

members to be concerned enough about the potential of divorce between the procedural majority and its leader to press for reform. One may further expect that in these situations the House will define the limits of leadership in that body as it debates reform.

There are two spectacular cases of "excessive leadership" in the House in this century. Joseph G. Cannon, as Speaker, had become an exceptionally powerful figure in American politics. He had a wide variety of sanctions available and he used them all. Nearly 50 years later, Howard W. Smith, as Chairman of the Committee on Rules, also had an impressive array of prerogatives—all of which he used to his advantage. The purposes of this essay are to examine the authority of these two men, how they exercised this authority in relationship to their procedural majorities, and the reaction and ultimate loss of their majorities. The findings not only tend to support the "middle-man" hypothesis but provide a clearer indication of its meaning as defined by the members themselves.

The Case of Uncle Joe Cannon

The House leadership situation in 1910 should have satisfied many of the responsible party scholars. There was no question that the Speaker was responsible for leading the House. Since his election in 1903, Speaker Joseph G. Cannon had enjoyed rather substantial procedural majorities and due to the growth of the speakership and Cannon's interpretation and use of his powers, a procedural majority carried with it awesome authority. He could appoint committees—including the chairmen, determine the schedule of business, recognize members on the floor, appoint members to conference committees, dispense favors of various kinds.

Cannon's Exercise of Power

Particularly significant was Speaker Cannon's power as chairman of the Committee on Rules. The Committee was small—never over five 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.⁵ Champ Clark's view of the Committee was widely shared: "I violate no secret when I tell you the committee is made up of three very distinguished Republicans and two ornamental Democrats. [Laughter] . . . there never would be a rule reported out of that committee that the Speaker and his two Republican colleagues do not want reported."⁶

During Speaker Cannon's reign, four Republicans served on the Committee on Rules in addition to the Speaker himself—John Dalzell, Pennsylvania; Charles Grosvenor, Ohio; James S. Sherman, New York; and Walter I. Smith, Iowa. These members had considerable seniority (overall the average number of terms served by Committee members was approximately three times that of other House Republicans) and therefore also were high ranking on other important standing committees.

A second center of power which the Speaker dominated was the Committee on Ways and Means. It was the custom to have the Chairman of Ways and Means serve as the majority floor leader. Sereno Payne, New York, served Cannon in these two important posts during his speakership. There was considerable overlapping membership between Rules and Ways and Means. Between 1903 and 1907, Dalzell and Grosvenor were second- and third-ranking Republicans on Ways and Means. Dalzell remained in both positions throughout Cannon's speakership.⁷

The list of grievances against Cannon and his lieutenants on Rules and Ways and Means lengthened with each year of his speakership. A frequent complaint was that Speaker Cannon abused House Rule X, which gave him the power to appoint the standing committees. He had made some spectacular appointments and adjustments prior to 1909—selecting Tawney, Minnesota, as Chairman of Appropriations in 1905, even though Tawney had never served on that committee; Overstreet, Indiana, as Chairman

⁵Cannon allowed the Democrats to select their members, though he did not have to make this concession. He did so because he thought that by giving the minority leader this power, the Democrats would fight over committee assignments. See William R. Gwinn, *Uncle Joe Cannon: Archfoe of Insurgency* (New York: Bookman Associates, 1957), p. 97.

⁶*Congressional Record*, 61st Cong., 2d sess., March 17, 1910, p. 3294.

⁷Cannon also preferred to have his whip on Ways and Means. James Tawney (Minnesota), James Watson (Indiana), and John Dwight (New York), all were on that Committee while serving as Whip under Cannon.

of Post Office and Post Roads in 1903, even though Overstreet had never served on that committee; and Scott, Kansas, as Chairman of Agriculture in 1907 over Henry, Connecticut (whom Cannon removed completely from the Committee) and Haugen, Iowa. In 1909, however, Speaker Cannon appeared to shift assignments about at will. Though seniority was not an inviolable rule at this time, it was relied on as a significant factor in committee assignments.⁸ Twelve Republicans had not voted for Cannon for Speaker in 1909 and seniority was certainly no protection for them. Table 1 provides some examples of actions taken by the Speaker in the 61st Congress.

Speaker Cannon was not above delaying the appointment of committees until his wishes on legislation had been met. In the famous 61st Congress, he appointed the important Rules and Ways and Means Committees on March 16, the second day of the session. Most of the remaining appointments had to wait until the Payne-Aldrich tariff bill was in the conference committee—nearly five months after the session began.⁹

Joe Cannon did not limit himself to managing committee appointments. He also managed the output of the House. George Norris describes one of his early experiences on the House Committee on Public Buildings and Grounds. The Committee discussed drafting a public building bill and Norris soon learned that the Speaker would ultimately decide whether the Committee should proceed or not. "The senior Democratic member of the committee, Representative Bankhead of Alabama . . . actually made a motion that the chairman of the committee should seek a conference with the Speaker and ascertain whether or not we should be allowed to have a public building bill at that session."¹⁰

There were many examples of the frustrations of the insurgents in dealing with Speaker Cannon's Committee on Rules during the debate in 1910 to remove the Speaker from that Committee.

⁸For discussions of seniority and its development, see George Goodwin, "The Seniority System in Congress," *American Political Science Review*, Vol. 53 (June, 1959), 596-604; George B. Galloway, *History of the House of Representatives* (New York: Crowell, 1961); and particularly Nelson W. Polsby, "The Institutionalization of the U. S. House of Representatives," *American Political Science Review*, vol. 62 (March, 1968), 144-168.

⁹See Paul D. Hasbrouck, *Party Government in the House of Representatives* (New York: Macmillan, 1927), p. 37.

¹⁰George Norris, *Fighting Liberal* (New York: Macmillan, 1945), p. 109.

One involved a first-term congressman from New York, Hamilton Fish. He had unsuccessfully sought to get a hearing before the Committee on a resolution which called on the Committee on Post Office and Post Roads to inquire into the feasibility and the desirability of establishing a parcel-post system. The colloquy between Fish and Walter I. Smith, Iowa, a member of the Committee on Rules, is worth recording here as an example of how various senior members would treat a freshman.

Mr. SMITH. I deny that a hearing has ever been refused.

Mr. FISH. Mr. Speaker, I have the evidence in writing that I asked a hearing and none has been granted me.

Mr. SMITH. Well—

Mr. FISH. I will ask the gentleman, in the six weeks that the resolution has been before the Committee on Rules why he has not answered my request and given me the privilege of a hearing?

Mr. SMITH. Does the gentleman ask that question?

Mr. FISH. Yes; why have you not given me a hearing?

Mr. SMITH. I wrote the gentleman in person that while I did not approve of a parcel post myself I was opposed to suppressing any measure, and that I was willing to give him a hearing and report the bill adversely.

Mr. FISH. I would ask the gentleman, then, why he did not give me a hearing?

Mr. SMITH. The gentleman never appeared and asked for a hearing.

Mr. FISH. But I have written time and time again asking for it.

Mr. SMITH, Oh, written—¹¹ Fish's subsequent question to John Dalzell, also a member of the Rules Committee, regarding how a member extracted a bill from a committee which did not wish to report it, went unanswered.

Managing the work assignments of congressmen, managing their work, and managing the rules by which their work would be done—such were the powers of the Speaker. Yet still other sanctions were available to him. Speakers have always had a number of temporary and honorary appointments which they can make. In some cases these are much sought after—for publicity, prestige, or for some other special purpose. Norris reports one

¹¹*Congressional Record*, 61st Cong., 2d sess., March 17, 1910, p. 3300.

EXAMPLES OF VIOLATIONS OF SENIORITY PRINCIPLE IN COMMITTEE ASSIGNMENTS, 61ST CONGRESS

MEMBER	COMMITTEE AND RANK, 60TH CONGRESS	COMMITTEE AND RANK, 61ST CONGRESS	COMMENTS
Cooper, Wisc.	Insular Affairs, Chmn.	Elections #3, 2nd Foreign Affairs, 10th	Cooper had been Chairman since 56th Congress.
Fowler, N. J.	Banking & Currency, Chmn. Reform of Civil Service, 2nd	Insular Affairs, 11th Reform of Civil Service, 2nd	Fowler had been Chairman since 57th Congress. Vreeland, N. Y., made Chairman. Not on Banking & Currency before. Was lowest on Appropriations in 60th.
Haugen, Iowa	Agriculture, 2nd War Claims, 2nd Expenditures in Interior Dept., Chmn.	Agriculture, 4th War Claims, 3rd	Haugen had been passed over in 60th in Agriculture. In 61st two lower-ranking members moved ahead of him. Same on War Claims—thus denying him Chairmanship.
Lovering, Mass.	Coinage, Weights & Measures, 4th Interstate & Foreign Commerce, 5th	Coinage, Weights & Measures, 4th Manufacturers, 4th	Lovering had previously been removed from Bank- ing & Currency (59th).
Morse, Wisc.	Indian Affairs, 10th War Claims, 9th	War Claims, 4th Manufacturers, 6th Private Land Claims, 4th	
Murdock, Kans.	Post Office and Post Roads, 9th	Post Office and Post Roads, 12th	
Norris, Nebr.	Election of Pres., V. Pres. & Repres., 3rd. Public Bldgs. & Grounds, 6th Labor, 7th	Coinage, Weights & Measures, 7th Private Land Claims, 2nd Revision of the Laws, 6th	Six new members plus one who was below Mur- dock in 60th, were placed ahead of him.

Source: Various volumes of the *Congressional Directory* and Paul D. Hasbrouck, *Party Government in the House of Representatives* (New York: Macmillan, 1927)

such appointment which he sought. William C. Lovering, Massachusetts, a close friend of Norris and an early insurgent congressman, died February 4, 1910. Norris wished to be appointed to the committee representing the House at the funeral.

I hoped the Speaker, recognizing my close ties with Mr. Lovering, would accord me the privilege of paying my respects to a very dear friend, as a member of the House committee. Without seeing the Speaker about it personally, I had one or two friends approach him; and they reported he refused absolutely to approve my selection. It was a long time before the deep resentment which this aroused in me disappeared.¹²

This awesome list of powers exceeded that exercised by any previous Speaker. It was exceedingly difficult for the insurgent members to "force" the Speaker to accommodate their views because (1) he had so many sanctions available and could discipline not only them but any members who might otherwise be enticed to join them, and (2) the insurgent Republicans did not want to defeat Cannon so as to elect a Democratic Speaker, who would likely be no more accommodating to their views. Thus, Cannon had a considerable advantage and could ignore the changes occurring within his own procedural majority—he had developed a certain amount of independence from that majority.

The Warning Signals

Speaker Cannon and the regular Republicans had ample warning of the unrest among their more progressive brethren during the 60th and 61st Congresses. In fact, members made no effort to hide their dissatisfaction in speeches on the House floor. 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 the motion to adopt the rules of the preceding Congress. Minority Leader Champ Clark followed this victory with 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. With insurgent support, the stage was set for revolution at that moment, but John J. Fitzgerald (D-New York) and

¹²Norris, p. 144.

22 bolting Democrats voted with the majority of Republicans to defeat Clark's move and Cannon was saved. Fitzgerald then offered a compromise motion of his own which established a unanimous consent calendar, a motion of recommittal (for use by the minority), and increased the majority necessary to set aside Calendar Wednesday.¹³

Calendar Wednesday itself had been adopted at the close of the 60th Congress and though it did not meet the reform standards of the insurgents, there were strong hopes that it would limit Cannon's power. These hopes were dashed rather soon and rather decisively. A call of standing committees every Wednesday allowed committee chairmen to take bills which had been reported off the calendar for House consideration. With the changes as a result of the Fitzgerald compromise, the procedure could be dispensed with only by a two-thirds majority. A variety of devices was used to neutralize the procedure—adjournment required only a simple majority and was used to avoid Calendar Wednesday; bills of great length and complexity were called up and debated on successive Calendar Wednesdays (all nine Calendar Wednesdays were devoted to one bill in the third session of the 61st Congress).¹⁴

The Consent Calendar was more of a victory for the rank-and-file. There was a unanimous consent procedure in existence wherein any member could move consideration of a bill. The Speaker, theoretically, had no greater power of objection than any other member. In practice, however, the Speaker required advance notice of a unanimous consent request before he would recognize it. Thus, members had to clear such requests with Cannon before they could even be recognized on the floor.¹⁵ The rules change created a Calendar for Unanimous Consent. The Speaker's consent was no longer required for a unanimous consent motion.

It was unlikely that these reforms would satisfy those members who were increasingly alienated from their own party. The 1908

¹³Hasbrouck, pp. 4-6.

¹⁴The principal student of these changes is Joseph Cooper. See "Congress and its Committees," unpublished Ph.D. dissertation, Harvard University, 1961. See also Chang-wei Chiu, *The Speaker of the House of Representatives Since 1896* (New York: Columbia University Press, 1928), Chapter VI. Actually, for rather complicated reasons, the insurgents hadn't voted for Calendar Wednesday, see Cooper, Ch. II.

¹⁵Hasbrouck, p. 126.

elections resulted in a further reduction of the size of the House Republican majority. Cannon had a slim 29-vote majority in his first term as Speaker. Roosevelt's election in 1904 brought with it a 114-vote majority for Republicans in the House. This was reduced to 58 in 1906 and to 47 in 1908. Many of the new Republicans elected in 1906 and 1908 were from states in the Middle West and were soon to join veteran insurgents like Henry Cooper, Wisconsin; Gilbert Haugen, Iowa; and George Norris, Nebraska. Thus, not only was Cannon's majority being reduced but regular Republicans were being replaced by members who were potential threats to Cannon's leadership. The result was that if enough members absented themselves on crucial votes, the insurgents would hold the balance of power. For the insurgents the time had come. Speaker Cannon would be taught some fundamental lessons about leadership in the House of Representatives. Though he had developed impressive power as Speaker and found that he didn't have to make accommodations to a changing procedural majority in the short run, there were other alternatives available to the insurgents. They could always take their one bargaining advantage—the vote—and join the Democrats to curb the powers of the Speaker.

The Revolt

The full-scale revolt against Cannon began on March 16, 1910. Though the details of the revolt are adequately recorded in a number of sources,¹⁶ a brief resumé of pertinent facts is necessary. March 16 was Calendar Wednesday. Mr. Crumpacker (R-Indiana) called for the consideration of House Joint Resolution 172 on the 1910 census.¹⁷ Mr. Fitzgerald (D-New York) made the point of order that a call of the committees was in order, under the Cal-

¹⁶One can consult any number of sources on the 1910 revolt. Those highly recommended include: Hasbrouck; Chiu; Gwinn; Norris; Kenneth Hechler, *Insurgency* (New York: Columbia University Press, 1941); George R. Brown, *The Leadership of Congress* (Indianapolis: Bobbs-Merrill, 1922); Charles R. Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon* (New York: Columbia University Press, 1911), plus the several biographies and autobiographies of those who participated. For a listing of the latter see Charles O. Jones and Randall B. Ripley, *The Role of Political Parties in Congress: A Bibliography and Research Guide* (Tucson: University of Arizona Press, 1966).

¹⁷Gwinn suggests that this move was prearranged between Crumpacker and Cannon. See p. 206.

endar Wednesday procedure. Speaker Cannon overruled the point of order, noting that "a certain class of business, like election cases, like matters arising in impeachment, and like legislation relating to apportionment or the taking of the census as to the population, have invariably been admitted as involving *constitutional privilege*, presenting a privilege higher than any rule of the House would give."¹⁸ (Emphasis added.) Fitzgerald appealed the ruling of the chair to the House. Crumpacker moved that the matter be postponed until Thursday—thus postponing the appeal to the chair as well. Fitzgerald objected. Cannon overruled his objection but the House supported Fitzgerald and refused to allow the matter to be postponed. After some debate, the appeal to the House was voted on and Cannon was defeated, 112 to 163, as 42 Republicans voted with the Democrats. Cannon then made the dramatic announcement: "The decision of the Chair does not stand as the decision of the House."¹⁹

On March 17, Crumpacker again attempted to bring his resolution before the House. Cannon refused to rule. He put the question to the House: "Is the bill called up by the gentleman from Indiana in order as a question of constitutional privilege, the rule prescribing the order of business to the contrary notwithstanding?"²⁰ The House, in no mood to let the Speaker snatch victory from defeat, responded negatively. The House then passed the following revised version of the question, as put by Oscar W. Underwood (D-Alabama): "Is the House joint resolution called up by the gentleman from Indiana in order now?"²¹ Note that no mention was made of the Constitution in the Underwood resolution. It simply asked if the Crumpacker resolution were in order "now." William R. Gwinn, in his account of the overthrow, observes that the House had "endorsed the proposition that his [Crumpacker's] resolution was privileged under the Constitution . . ."²² and, as is discussed below, George Norris later so argued. Technically, however, the House never did rule that the Crumpacker resolution was privileged.

¹⁸*Congressional Record*, 61st Cong., 2d sess., March 16, 1910, p. 3241.

¹⁹*Ibid.*, p. 3251.

²⁰*Congressional Record*, 61st Cong., 2d sess., March 17, 1910, p. 3287.

²¹*Ibid.*, p. 3289.

²²Gwinn, p. 207.

Following the debate on House Joint Resolution 172, Norris pulled from his pocket a resolution to change the rules of the House. In his autobiography, Norris observes:

. . . 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.²³

Norris announced: "Mr. Speaker, I present a resolution made privileged by the Constitution." In Crumpacker's effort to have his census resolution considered on Calendar Wednesday, Norris found a way to circumvent the House Committee on Rules for effecting a rules change. His "privileged" resolution would reorganize the Rules Committee by increasing its size, having members selected by groups of state delegations, and removing the Speaker from the Committee. Norris argued that his resolution was privileged under the Constitution because in Article I, Section 5, paragraph 2, it stated "Each House may determine the rules of its proceedings." The Speaker ordered the clerk to read the resolution. "The moment the reading clerk saw it he smiled, for he recognized the fact that the great fight on the rules of the House was on."²⁴

The turnabout was a strange one indeed. Speaker Cannon had ruled that Crumpacker's resolution was privileged but was overruled by the House. Norris had voted against the Speaker. On March 17, the House *voted against* Cannon's question which explicitly stated that the resolution was in order *under constitutional privilege* but voted in favor of the more ambiguous motion which simply stated that the Crumpacker resolution was in order. Norris waltzed through all of this with the head-spinning logic that his resolution was privileged because the Crumpacker resolution was in order. And there was no difference between the two resolutions resulting from the fact that Crumpacker's had been in committee and Norris' had not (a critical fact if his resolution was to survive).

If it [Crumpacker's] was privileged it was privileged because the Constitution made it so, and having decided that it was privileged, because the Constitution made it privileged, its privileged character was not added to by the fact that it had been referred to a committee and a report made by the committee.²⁵

²³Norris, p. 126.

²⁴New York Times, March 18, 1910, p. 1.

²⁵Congressional Record, 61st Cong., 2d sess., March 17, 1910, p. 3292.

As indicated here, there is considerable doubt that Crumpacker's resolution *was* ruled by the House to be privileged. If it was not, then Norris and Cannon might well be faced with a complete reversal of positions—Cannon denying Norris' request because the House had not allowed the Crumpacker resolution to be privileged matter, and Norris arguing that the Crumpacker resolution had been ruled as privileged, even though Norris had not agreed that it should be.

Cannon, in his book written by L. White Busbey, argues that Norris was right. Not because Norris' resolution was as privileged as Crumpacker's but rather because:

The House having made itself ridiculous in the space of two days and publicly declared that it was bound by no rules and had no regard for logic or consistency, why should it not continue to maintain the record?²⁶

The Cannon forces stayed with their original position, however—that the Crumpacker resolution was privileged. They then proceeded to argue that the Norris resolution was not. The difference was in the wording of the two relevant sections of the Constitution. "The actual enumeration *shall be made*. . ." (Article I, Section 2, Clause 3) but "Each House *may* determine the rules . . ." One was interpreted to be compelling, and thus privileged; the other was a right, could be accomplished at any time, and was not privileged.

Thus began the debate which was to terminate on March 19 with important rules changes that would have a serious impact on party government in the House of Representatives. There were six unsuccessful attempts to recess throughout the evening, on into the night, and the next morning. At 2:02 p.m. on March 18, a motion to recess until 4:00 p.m. was finally approved. The House had been in session over 26 hours. The House again recessed at 4:00 p.m. until March 19 at noon. Speaker Cannon then ruled that "the [Norris] resolution is not in order." Norris appealed the decision of the chair and the Speaker was overruled (162 Republicans supporting Cannon and 34 Republicans voting with 148 Democrats against him). An amended version of the Norris resolution then passed the House 193 to 153. A total of 43 insurgent

²⁶L. White Busbey, *Uncle Joe Cannon: The Story of a Pioneer American* (New York: Holt, 1927), p. 254.

Republicans crossed over on this key vote to defeat the Speaker. Speaker Cannon then invited a resolution which would declare the Speakership vacant and call for an election. Such a resolution was introduced by Burleson (D-Texas) and was overwhelmingly defeated. Only eight insurgents voted against Cannon.

Defining the Limits of Leadership

In debate the Cannon forces set forth the following argument—basically a party responsibility position with important modifications. The people had elected a majority of Republicans to the House of Representatives. That majority had selected a leadership group which acted for the party and therefore for the country. There is a necessary coincidence between electoral majorities, procedural majorities, and substantive majorities which must not break down. That is, no member may leave the majority without severe penalty. Those members who reject the party leadership are rejecting the Republican party and its mandate from the people to manage the House and its work. The leadership would provide mechanisms whereby individual members could make their opinions known. Mr. Fassett of New York spoke for the Cannon forces:

We are robust partisans, every one of us. . . . I take it that no Democrat was elected to cooperate with our party nor was any Republican elected to hand over the Republican control of this House to our political opponents. . . . A man ought to have opinions and convictions. He ought not to be a political chocolate eclair. . . . In my judgment, the place to adjust differences of opinion on unimportant questions, and on important questions of public policy and party policy is not in public, where one minority uniting with another minority may make a temporary majority; but in the family caucus . . .²⁷

Mr. Gardner of Michigan noted the importance of two parties which put the issues before the people in debate and the threat caused by actions of the sort contemplated by Norris.²⁸ Mr. Nye of Minnesota observed that "Parties are a necessity, and the great power and effectiveness of the Republican party has been largely its cohesiveness. Its followers have stood shoulder to shoulder and fought the battle against a political foe."²⁹

²⁷*Congressional Record*, 61st Cong., 2d sess., March 17, 1910, p. 3302.

²⁸*Ibid.*, p. 3305.

²⁹*Congressional Record*, 61st Cong., 2d sess., March 19, 1910, p. 3430.

But it was left to Speaker Cannon, following his defeat, to summarize the position most eloquently.

The SPEAKER. Gentlemen of the House of Representatives: Actions, not words, determine the conduct and the sincerity of men in the affairs of life. This is a government by the people acting through the representatives of a majority of the people. Results cannot be had except by a majority, and in the House of Representatives a majority, being responsible, should have full power and should exercise that power; otherwise the majority is inefficient and does not perform its function. The office of the minority is to put the majority on its good behavior, advocating, in good faith, the policies which it professes, ever ready to take advantage of the mistakes of the majority party, and appeal to the country for its vindication.³⁰

After his defeat, Cannon surprised both his friends and his enemies by entertaining a motion to declare the office of Speaker vacant so that the new majority could proceed to elect a new Speaker. It was a perfectly consistent maneuver on his part—consistent with his notion of party leadership in the House of Representatives. If a new majority had formed, and the recent vote indicated to him that such was the case, then that new majority “ought to have the courage of its convictions, and logically meet the situation that confronts it.” Though Cannon’s action was consistent with his notions of party leadership, it is likely that this move was less honest consistency than it was impressive strategy. If he felt strongly about the logic of his theory of party leadership, he could have easily resigned. He did not resign, however, because, in his words, he declined “to precipitate a contest upon the House . . . a contest that might greatly endanger the final passage of all legislation necessary to redeem Republican pledges . . .” and because resignation would be “a confession of weakness or mistake or an apology for past actions.”³¹ Neither reason is convincing. A lengthy and divisive contest could as easily ensue as a result of declaring the office vacant. Cannon himself noted that he was entertaining the motion so that the new majority could proceed to elect another Speaker. There was no reason to think that Cannon would be the only nominee. Further, if Cannon was consistent with the party responsibility theory, he would have resigned, not because of his analysis of his personal

³⁰*Ibid.*, p. 3436.

³¹*Ibid.*, p. 3437.

weakness or strength or because of his view of whether he had made mistakes or not, but due to the simple fact that on a paramount issue, *he had been defeated*. Other considerations were irrelevant.

In short, Cannon, and probably his cohorts, believed more in strong, personal party leadership with limited accountability to party membership, let alone the nation as whole, than they did in the classic party responsibility position. There is abundant evidence for this interpretation in their behavior before 1910, in the actions of the cabal before the debate in 1910, and in the Cannon maneuver following his defeat. He chose the strategy of entertaining the motion to declare the office vacant so that he might regain control of the situation. At the time, it looked very much as though he might succeed. As he proudly notes in his autobiography: "I was given more votes than at the beginning of Congress and when I went back to resume the Chair I received a demonstration from both sides such as the House has seldom witnessed."³²

It was precisely this "limited accountability" interpretation of party leadership in the House which defeated Cannon. It was not, and is not, consistent either with the structure of the House as noted above or the "middle-man" concept of leadership which is fostered by this structure. The insurgents articulated an interpretation much more consistent with the structure of the House. Whether theirs was a good or bad theory; whether it was well articulated or not; these are not relevant to the present argument. Though their position was much less tidy, and required considerable painful unraveling in the 1910 debate, it was more in the mainstream of the traditions of party leadership in Congress.

The insurgents argued that Cannon and his supporters had simply gone too far. Each congressman is an individual who is potentially part of a majority—procedural or substantive. On substantive issues, the insurgents argued, the Republican leadership was not attuned to new attitudes among Republicans. Leaders were using sanctions provided by procedural majorities to force—rather than build—substantive majorities. Leaders who do not attend to new opinions, and recognize their force, must face the consequences of losing their procedural majorities. Mr. Lindbergh of Minnesota argued the case for the insurgents as follows:

³²Busbey, p. 266.

. . . when I look back over the proceedings of this House, and when I know, and the entire country knows, that by indirection the will of this House has been thwarted time and time again, then I say, when we have a resolution before us, which proposes to do by direction the will of the House, it is time now and here on this occasion to manifest our power, to enforce the rule of the majority, in the language that has frequently been expressed by the able Speaker of this House. I say now and here, in the light of what has occurred over and over again, in defeating, in holding back, in preventing bills that have been introduced in this House, which were in accord with the wish of the entire country at large—I say, when those bills have time and time again been pigeonholed by select committees, that now . . . the House can by a direct vote do directly the will of the House . . .³³

John Nelson of Wisconsin also stated the insurgents' case vigorously. He observed that their duty was unpleasant—but that theirs had been an unpleasant experience in the House for some time. They had foregone the many privileges of the "regulars"—e.g., patronage and power—for the sake of principle. Their punishment was severe for failing to "cringe or crawl before the arbitrary power of the Speaker and his House machine." Nelson then discussed the problems of majorities, rules, leadership, and representation.

The eloquent gentleman from New York [Mr. Fassett] says the majority must control, but what is the majority? Speaker Reed emphatically said:

There is no greater fallacy than this idea that majority and minority are predicated on political parties only.

Why should the subject of the rules be a party matter? At what convention did the Republican party adopt the present rules of the House? The Speaker says he represents the majority. But how? He and his chief lieutenants—favorites or personal friends, a small minority within the majority—call themselves the party and then pass the word on to the rank and file of the Republican membership to line up or be punished. What is the controlling force? Party principles? No. The Speaker's power under the rules. . . . We are no less Republicans because we would be free Members of Congress. We do not need to be kept on leading strings. We are free representatives of the people, and we want freedom here for every Member of every party.³⁴

It seems quite clear that Nelson's remarks may be interpreted in line with the analysis suggested here. Cannon's exercise of power was inconsistent with the bargaining condition in the House and

³³*Congressional Record*, 61st Cong., 2d sess., March 17, 1910, p. 3300.

³⁴*Ibid.*, p. 3304.

therefore "free representatives" would form a new majority which would change the sanctions available to the Speaker.

The argument of the Democrats was very much like that of the insurgents. Oscar W. Underwood was led to conclude that leadership in the House should not be centered in the speakership—at least as it was exercised by Cannon. The Cannon "system" had to be overthrown.

We are fighting a system, and that system is the system that enables the Speaker, by the power vested in him, to thwart and overthrow the will of the majority membership of this House. We recognize to-day that there has to be leadership; that some man must be the leader of the majority and some man must be the leader of the minority, but we say the place for that leadership is *not in the Chair*.³⁵ (Emphasis added.)

In summary, the insurgent Republican members were led to take the drastic action of leaving their party to join the Democrats on a major procedural change because they were convinced that the Speaker's authority had allowed him to ignore segments of his procedural majority. They were unable to reach him directly in pressing for representation of their views. As their numbers grew, they merely waited for the right moment—primed to take action sometime to make the Speaker more accountable. Mr. Norris' resolution served as the catalyst for action.

The Case of Judge Smith

In 1961, the House voted 217 to 212 to enlarge the Committee on Rules from 12 to 15 members. By this action, the House took the first of a series of steps to curb the power of the Committee and its chairman, Howard W. Smith of Virginia. The Committee had, since 1937, developed an anti-administration nature. Southern Democrats and Republicans joined to defeat presidential proposals.

³⁵*Congressional Record*, 61st Cong., 2d sess., March 19, 1910, p. 3433. Interestingly, Underwood later became the principal leader of the House during the 62nd Congress as majority leader. The Democrats were in a ticklish spot. They wanted to emphasize the internal divisions in the Republican Party so as to win the 1910 elections, but did not want the Republicans either to get credit for reform or to reunite after reform. One news story suggested that the Democrats wanted Cannon to win, so as not to lose an issue in 1910 (*New York Times*, March 19, 1910). The Democrats also had to consider the problems for themselves of a drastic change in the Speaker's power, should they gain control of the House in 1910.

There was considerable evidence to suggest that these actions more often than not had the tacit support of a bipartisan majority in the House. As Lewis J. Lapham concluded:

. . . it is perfectly true that a very good case can be developed for supporting the proposition that the Rules Committee, though out of sympathy with the majority party program as defined by the President and his supporters, did in fact faithfully represent majority sentiment in the House.³⁶

Adolph Sabath (D-Illinois) chaired the Committee every Congress, except the 80th, between 1939 and 1952. Though he personally supported Democratic presidents and their programs, he was extremely weak and ineffective as Chairman. Lapham observed that "the *Congressional Record*, since 1939, is replete with candid admissions by Mr. Sabath that he was 'helpless' in the face of an obstinate majority on the Committee which he could not control."³⁷

In 1953, conservative Republican Leo Allen (Illinois) again chaired the Committee, as he had in the 80th Congress. And in 1955, after the Democrats recaptured control of Congress in the 1954 elections, Howard W. Smith became chairman. Smith had been influential on the Committee before his accession to the chairmanship. He and Eugene E. Cox of Georgia were the principal leaders of the Southern Democratic-Republican coalition during Sabath's long tenure as chairman. Smith was first appointed to the Committee in 1933—over the objections of the then-Speaker, Henry T. Rainey of Illinois. As chairman, Smith was free to exercise his considerable powers to stifle legislation which he and his southern Democratic and Republican colleagues opposed. In some cases the legislation was part of President Eisenhower's program—in other cases attempts by the Democratic majority in the House to enact their own legislation.

Smith's procedural majority was of a different sort than that provided Speaker Cannon. Whereas Cannon was elected to office, Smith achieved his position of leadership through seniority. Thus, in accepting seniority as a procedure for committee chairmanships, the Democrats had to accept Howard W. Smith as chairman of the Committee on Rules. To "defeat" Smith, the Democrats would

³⁶Lewis J. Lapham, "Party Leadership and the House Committee on Rules," unpublished Ph.D. dissertation, Harvard University, 1954, p. 137.

³⁷*Ibid.*, p. 123.

have to strike a blow against the whole seniority system. Thus, Smith, like Cannon, had a considerable advantage. He had a certain amount of independence from his procedural majority. Up to a point, he could afford to ignore it in exercising the considerable reservoir of power in the Committee on Rules. He proceeded to do just that.

Chairman Smith's Exercise of Power

How did Smith develop and use his powers? Two careful students of the House Committee on Rules, James A. Robinson and Walter Kravitz, have examined the influence of the Committee on legislation during this period.⁸⁸ Both indicated the wide variety of powers available to the Committee at the height of its influence. The more overt actions were to refuse to grant a hearing for a rule and to refuse to grant the rule. During the 84th Congress, Robinson found that only four requests for hearings were refused and 11 rules were denied. During the 85th Congress, 20 requests for hearings were refused and 9 requests for rules were denied. In addition to these more obvious exercises of power, the Committee could force changes in the legislation as a condition for granting a rule, they could delay granting a rule until the mood of the House changed for some reason, they could grant a rule with conditions for debate which the authors did not want, they could threaten to refuse a rule. All of these tactics were relied on during the 84th and 85th Congresses. And, as is indicated by both Robinson and Kravitz, the legislation which was affected was often important legislation—the doctors' draft, housing, statehood for Alaska and Hawaii, aid to education, civil rights, depressed areas aid, presidential disability, absentee voting, appropriations measures, federal judgeships.

⁸⁸See James A. Robinson, *The House Rules Committee* (Indianapolis: Bobbs-Merrill, 1963); and the several useful unpublished research papers on the House Committee on Rules produced by Walter Kravitz of the Legislative Reference Service, Library of Congress. See also, Christopher Van Hollen, "The House Committee on Rules (1933-1951): Agent of Party and Agent of Opposition," unpublished Ph.D. dissertation, Johns Hopkins University, 1951.

Warning Signals Again

In 1958, the Democrats won a sweeping victory throughout the nation. They increased their margin in the House by 49 seats and their margin in the Senate by 17 seats. A number of Democratic liberals in the House went to the Speaker and proposed that the party ratio on the Committee on Rules be changed from eight Democrats and four Republicans to nine and three. They further pressed for the return of the 21-day rule. Speaker Rayburn convinced them that they should not press for the changes. He assured them that legislation would be brought out of the Committee.³⁹

The 1958 elections were of considerable importance to Chairman Smith and his power base. It was at this time that his procedural majority began to change drastically. There were 48 congressional districts in which Democrats replaced Republicans. What was the significance of this trade for Chairman Smith? The *Congressional Quarterly* provides economy support and opposition scores for the 85th Congress and for the first session of the 86th Congress.⁴⁰ The 48 House Republicans who were replaced by Democrats in 1958 had an average economy score of 42.9 and an average economy opposition score of 42.0 in the 85th Congress. Their Democratic replacements in the 86th Congress, 1st session, had an average economy score of 9.3 and an average economy opposition score of 86.3. Obviously this new group of congressmen was considerably more liberal than the Republicans who left Congress in 1958, and markedly less dependable for Chairman Smith.

If Chairman Smith wished to retain his position of power in the long run, several developments made it evident that he would have to make some accommodations during the 86th Congress. Speaker Rayburn had given the reformers his assurance that important legislation would not be delayed and thus had put his prestige on the line. The new Democrats were anxious to develop a legislative record for the 1960 presidential elections. Criticism of the Chairman and his committee had continued to mount during

³⁹See *Congressional Quarterly, Inc., Congress and the Nation*, p. 1425. See also William MacKaye, *A New Coalition Takes Control: The House Rules Committee Fight 1961* (New York: McGraw-Hill, 1963).

⁴⁰*Congressional Quarterly Almanacs*, Vols. 14 and 15.

the 85th Congress. And, the new Democrats had served notice of their intentions with their reform suggestions during the early days of the 86th Congress (much as the progressive Republicans had placed Speaker Cannon on notice 50 years earlier).

The record shows, however, that Chairman Smith continued to block legislation. He relied on the same techniques as before, despite the fact that a new, restive majority was emerging in the House—a majority which ultimately could deprive Chairman Smith of much of his influence through procedural changes. During the 86th Congress, the Committee on Rules denied 31 requests for hearings and 11 requests for rules. As before, the Committee was a major factor in practically all significant legislation to come before the House—either by preventing its consideration on the floor or by influencing the substance of the legislation. But the most controversial action of the Committee was that taken in 1960 to defeat the first broad scale federal aid to education bill since the Morrill Act of 1862. Following the passage of the bill in both houses, the Committee on Rules invoked its power to deny the request for a rule allowing the House of Representatives to agree to a conference so as to resolve the differences between the House and Senate versions of the bill. The result, of course, was to kill the bill. By this action, the Committee on Rules seemed to place itself above majority action by *both* the House and the Senate. It became obvious to the liberal and moderate Democrats that Chairman Smith was not going to make accommodations. They concluded that their only alternative was to curb the power of Chairman Smith and his Committee on Rules.

The Limits of Leadership Reemphasized

The 1960 elections brought to the White House an energetic young President of the twentieth century. He had campaigned on a platform of "action." Though his majority in the House was 20 less than the Democratic majority of the 86th Congress, it was still sizeable and it was made up of many members who were extremely critical of the Committee on Rules. If the President's program was to receive favorable consideration in Congress, it would have to receive favorable consideration in the Committee

on Rules. Unless changes were made, it was unlikely that the Committee would be so cooperative.

The results of the power struggle between the young President, his Speaker, and Chairman Smith have been well chronicled and thus only the sequence of events needs repeating here.⁴¹ Our interest is not in the details of what happened but rather in the arguments which were made, since these arguments should provide clues in defining the limits of power for leaders in the House. A brief sequence of events is provided in Table 2.

TABLE 2
**SEQUENCE OF EVENTS IN DECLINE OF POWER OF HOUSE COMMITTEE
 ON RULES, 1961-1965**

<u>EVENT</u>	<u>DATE</u>	<u>VOTE</u>
Enlargement of Committee from 12 to 15 for 87th Congress	January 31, 1961	217-212 GOP-22-148 Dem-195-64
Permanent Enlargement of Committee from 12 to 15	January 9, 1963	235-196 GOP-28-148 Dem-207-48
Reinstitution of the 21-day rule and transfer of power regarding sending bills to conference.*	January 4, 1965	224-201 ^b GOP-16-123 Dem-208-78

*The second change permitted the Speaker to recognize a member to offer a motion to send a bill to conference.

^bOn a motion to close debate. Rules changes actually passed by voice vote.

As might be expected there are parallels between the debate in 1910 and the debates during the 1961-1965 period (of which the 1961 debate was the most crucial). As in 1910, those who pressed for change in 1961 argued in favor of leadership accountability to the majority. The Committee on Rules was a roadblock to the majority. It was not allowing the House to vote on measures which a majority in the House wished to vote on. Despite the fact that the majority party had a 2 to 1 majority on the Committee, Chairman Smith and second-ranking Democrat, William Colmer (Mississippi), would frequently vote with the four Republicans on important legislation to prevent it from coming to

the floor. John A. Blatnik (D-Minnesota), head of the Democratic Study Group, and therefore a principal leader in adopting the rules changes, stated the case as follows:

My constituents did not cast a free ballot for the office of U. S. Representative to Congress to have the functions of that Office limited by one or two or even six other Members. They understand that in a body as large as this the majority shall be established in caucus and put forward in the form of legislation by the leadership chosen by the majority. It is difficult to explain to them how 2 members of the majority [Smith and Colmer] can desert the majority's program, join with 4 members of the minority and among them determine the course of action of 431 other Members of this House. . . . Does their judgment supersede the cumulative judgment of the legislative committees? Do they have some inherent right . . . to determine the course of legislation . . . ? It would appear that they at least think so.⁴²

Thus, though Blatnik, and others who pressed for change, agreed that any leader or any leadership committee had latitude in exercising power, they also agreed that there should be limits beyond which leaders are not permitted to go. To the reformers, the Committee on Rules ultimately should be a part of the majority leadership. That meant something very specific. For example, to Paul J. Kilday (D-Texas), it meant that:

. . . the Committee on Rules is an arm of the leadership of the majority party. . . . one who assumes membership on the Committee on Rules must be prepared to exercise a function of leadership. His personal objection to the proposal is not always sufficient reason for him to vote to deny the membership of the whole House the opportunity to express its approval or, equally important, the opportunity to express its disapproval.⁴³

Speaker Rayburn expressed much the same sentiment:

I think that the Committee on Rules should grant that rule whether its membership is for the bill or not. I think this House should be allowed on great measures to work its will, and it cannot work its will if the Committee on Rules is so constituted as not to allow the House to pass on those things.⁴⁴

⁴¹Note in particular, in addition to Robinson and MacKaye, the two articles in Peabody and Polksby—one by Peabody and one by Peabody and Milton C. Cummings, Jr.; and Neil MacNeil, *Forge of Democracy: The House of Representatives* (New York: MacKay, 1963), Ch. 15.

⁴²*Congressional Record*, 87th Cong., 1st sess., January 31, 1961, pp. 1582-1583.

⁴³*Ibid.*, p. 1574.

⁴⁴*Ibid.*, p. 1579.

Frequent references to 1910 were made. At the time "too much control was centered in the Speaker. . . ." "Today . . . we fight a system which has deposited too much power in the Committee on Rules . . ."⁴⁵ according to Sidney R. Yates (D-Illinois). What is the definition of "too much power?" It is that situation when leaders have been permitted to exercise greater authority than was intended by the procedural majority in the House.

The Limited Accountability Theory Restated

The arguments of Smith and his supporters also bore the characteristics of the 1910 debate. Speaker Cannon believed in limited accountability and so did Smith. Though their positions of leadership were different, and therefore one would not expect exact parallels between the two situations, the two had similar views of leadership and accountability. To Chairman Smith, the whole effort to enlarge the Committee was both unnecessary and premature. In a series of circumlocutions (some of which were contradictory), Smith and his cohorts argued as follows:

1. The Committee has been wrongly charged—it does not block important legislation which requires "emergency action." As Clarence Brown (R-Ohio), ranking Republican on the Committee on Rules, and close colleague of Chairman Smith, noted: "In my nearly a quarter of a century of service here, I have never known of a single instance, when the House leadership desired a bill to be brought to a House vote, that such measure was not voted upon."⁴⁶
2. The Committee will delay on measures which are not "emergency" measures but "nothing is lost and much is gained by delay. . . . 'haste make waste' . . . John Nance Garner . . . once was reported to have said, 'The country never suffers from the things that Congress fails to do.'"⁴⁷
3. The majority can always work its will—it can go around the Committee on Rules by relying on Calendar Wednesday, discharge petition, and suspension of the rules.

⁴⁵*Ibid.*, p. 1581.

⁴⁶*Ibid.*, p. 1575.

⁴⁷*Ibid.*, p. 1577.

4. Much more legislation is killed in other standing committees than in the Committee on Rules.
5. How can the president know that his program will not be enacted? He has just arrived on the scene. It would be better to leave the "packing" resolution on the calendar for two years and then assess the situation when the evidence is in.
6. The Chairman is willing now to insure that "no obstacles" would be interposed "to the five major bills that the President has publicly announced as his program for this session."

This example of a Smith accommodation is very revealing and brings us to an analysis of his broader view of his position of leadership. He did not consider it necessary generally to work with his party leaders and membership in passing legislation but he was willing to allow five major bills to reach the floor. This offer was considered "audacious" by the reformers. Blatnik expressed their views:

Who else would have the audacity and arrogance to even suggest that in exchange for our agreeing to the status quo they would permit us to consider five pieces of legislation said to be the cornerstone of the new administration's domestic program? This offer was an insult to the House and its Members. The fact that it was a bona fide and sincere attempt only heightens the frightening picture of two men telling a nation that they will permit five bills to pass if they can reserve their right to kill off any others that do not meet with their approval.⁴⁸

How could this type of proposal be offered by Smith? Clearly, he saw it as a definite concession. "All of the five bills which the President has announced as his program for this session . . . are five bills that I am very much opposed to. . . ."⁴⁹ Smith did not consider that he had an obligation to support his party's legislation just because he chaired the committee which scheduled that legislation.

When I made this pledge to the Speaker and to the Members of this House, it is a pledge I made when I first became chairman of the Rules Committee. That is, *I will cooperate with the Democratic leadership of the House of Representatives just as long and just as far as my conscience will permit me to go.*⁵⁰ (Emphasis added).

⁴⁸*Ibid.*, p. 1583.

⁴⁹*Ibid.*, p. 1576.

⁵⁰*Loc. cit.*

The convenience of holding oneself accountable to "conscience" is that only the individual himself is involved in defining accountability. This self-interpretation was the very thing that was objected to by the reformers. It meant that the majority could not be assured of cooperation from one of their leaders. Speaker Rayburn, among others, expressed his concern.

The gentleman from Virginia says that he is not going to report anything that violates his conscience and then winds up his talk on the floor by saying you have nothing to fear from the action of the Committee on Rules.⁵¹

In 1963 the Committee on Rules was permanently expanded to 15 members. Many of the same arguments were invoked but the political situation had changed. The reformers could now defend their experiment—pointing out that the dire predictions of those opposed in 1961 had not come true. Even the Republicans seemed to accept the 15-member committee, though they tried to have the party division changed from 10 Democrats and 5 Republicans to 9 Democrats and 6 Republicans. The best the opponents of a 15-member committee could do was to reiterate their earlier arguments and note that the committee's performance in the 87th Congress was little different than before—it, too, blocked legislation.⁵² For Judge Smith's part, he focused his attention on southern Democrats, warning that:

. . . this matter of packing the Rules Committee affects more closely our area of the country than anywhere else. . . . I hope that none of my southern friends are going to be complaining around here when certain measures come up, and come up quite promptly, if the Committee on Rules is packed again. . . . I hope that at least those Members who voted against the packing before will see fit to do the same thing again, because I believe *it is vital to the interests of their States*. . . .⁵³ (Emphasis added.)

⁵¹*Ibid.*, p. 1580.

⁵²Particularly noted was the defeat of the federal aid to education bill in the Committee in 1961. Though a bargain had been struck between pro- and anti-parochial school aid members, the parochial aid proponents were not convinced that they would get what they wanted. Thus, a liberal, Democratic, Catholic member of the Committee on Rules, James Delaney of New York, voted with the conservatives to kill the bill. See H. Douglas Price, "Race, Religion, and the Rules Committee," in Alan F. Westin, ed., *The Uses of Power* (New York: Harcourt, Brace, 1962); and Robert Bendiner, *Obstacle Course on Capitol Hill* (New York: McGraw-Hill, 1964).

⁵³*Congressional Record*, 88th Cong., 1st sess., January 9, 1963, p. 18.

The Chairman also addressed the new members of the 88th Congress. He warned them that unwise fiscal legislation would soon be introduced.

Are you going to yield up every little leverage or every little weapon you may have to defeat measures so unsound? Are you going to yield some of your prerogatives and privileges here today that are going to adversely affect your people for the next 20 years? If you do, *that is your business and none of mine.*⁵⁴ (Emphasis added.)

Howard W. Smith proved himself to be an unintentioned prophet. By a margin of 39 votes (see Table 2), the House did make an attempt to clarify the distinction between its business and that of Judge Smith. Thus occurred the second important increment in the decline of the chairmanship of the Committee on Rules.

The third increment came in 1965. With very little debate, the House re-invoked the 21-day rule⁵⁵ and took away the Committee on Rules' power, when any member of the House objected, to grant rules to send a bill to conference (or to agree to the Senate version). In both instances, the powers of the Speaker were increased. To Clarence Brown (R-Ohio) this raised the spectre of the all-powerful Speaker before 1910. In a colloquy with Speaker McCormack, he observed:

You are too nice a fellow. But I am thinking about some dirty dog that might come along some other time and say here is a nice little wrinkle in the rule which we can use to block this legislation.

In other words, should we give that power to every Speaker in the future? We gave that power to "Uncle Joe" Cannon and Tom Reed as the gentleman recalls. We gave them too much power.⁵⁶

Ironically, Brown failed to perceive that his colleague, Howard W. Smith, also had been given more power than was compatible with the structure, organization, and composition of the House of Representatives. Smith had developed independence from those who ultimately had provided him with this position of authority. Smith's refusal to heed the warning signals of substantive shifts in his procedural majority resulted in changes which forced him to be more dependent on this majority or face a serious loss of influence in the process of building substantive majorities.

⁵⁴*Loc. cit.*

⁵⁵The 21-day rule had been implemented during the 81st Congress and abandoned in the 82nd Congress. It has since been abandoned in the 90th Congress.

⁵⁶*Congressional Record*, 89th Cong., 1st sess., January 4, 1965, p. 22.

CONCLUSIONS

In 1910 and 1961 the House of Representatives acted to curb the power of two generally well-loved and admired leaders—Joseph G. Cannon and Howard W. Smith. These men had realized the full potential of the authority inherent in their respective positions in the House. Though in different ways, they both had become virtually independent of their procedural majorities. Defeating them would not have solved the problems raised by their exercise of power. Thus, the House took the more drastic action of making procedural changes to guarantee the predominance of the condition of relatively free bargaining, with leaders acting as "middle-men."

Though it is not possible as a result of this inquiry to set forth a handbook for successful leadership in the House, it is possible to draw some inferences concerning the limits which must be observed by the "middle-man" type of leader. First, the procedural majority is of major significance for House leaders since the sanctions it allows determine the limits on leaders in forming or thwarting substantive majorities. In order to protect his position, the House leader must be exceptionally protective of this procedural majority—developing techniques which will inform him as to substantive changes which have occurred within various segments of the majority, and making a requisite number of adaptations.

Second, there are cases, as noted here, where leaders have developed, over a period of time, the authority of the position to the extent that they seemingly are independent of the procedural majority. Their exercise of power eventually leads some members to the conclusion that procedural changes are necessary to prevent a recurrence of such independent action. If there are enough members of the majority who perceive violations of bargaining behavior on the part of leaders over a period of time, they may take extreme action to force compliance with their expectations. These instances are of major significance for the study of the House since they provide important clues as to how that body defines leadership for itself.

Third, all House leaders have considerable latitude in using the sanctions provided by procedural majorities in building substantive majorities. In the short run, therefore, leaders thwart the emer-

gence of new majorities. Furthermore, leaders are normally given ample warning of dissatisfaction before action is taken. If the leader persists in ignoring these signs (or in simply failing to read them properly), he will be defeated. If, in addition, he has assumed so much power that he is protected from his procedural majority, the reform condition is set and changes will be made eventually.

Fourth, both cases cited here suggest that leadership positions of great, absolute authority in the House of Representatives are contextually inappropriate. Congressional political parties are coalitions of members, each of whom has some bargaining power. Thus, conditions in the House are not conducive to the exercise of power with such limited accountability to major segments of the procedural majority, as in the two cases cited here.

Fifth, one is inevitably led to inquire whether Speaker Cannon and Chairman Smith could have avoided the consequences which ultimately developed. If the analysis of this essay is accurate, the answer must be "yes." They could have avoided the reforms by accepting the conditions of leadership in the House and behaving accordingly. Had they been more flexible, they would likely have not only avoided being "reformed" but also have preserved more power for themselves in the long run. Speaker Sam Rayburn, the model "middle-man," could have counseled them both on such matters.