mittee on Committees and elected by the conference.[1] Now known as the Policy Committee, the committee advises the Republican leadership on matters of party policy and strategy.[2]

Other committees that have been created by, and derive their authority from, the party caucus or conference include patronage committees,[3] political campaign committees,[4] and research committees.[5]

§ 9. —Assigning Members to House Committees

The House rules provide for election by the House of the standing committees,[6] their chairmen,[7] and election by the House of Members to fill vacancies in standing committees.[8]

In practice, the political parties decide as to assignments of their respective party members to House committees, and resolutions providing for such elections are presented in the House by the majority and minority parties as soon as they are able to perfect their lists. The practice is indicated in the following exchange from the Record of the 92d Congress:[9]

> MR. GERALD R. FORD [of Michigan]: Is it correct that the resolution presently before the House is a resolution offered on behalf of the Democratic caucus? The resolution is the recommendations for committee assignment on the Democratic side.
>
> THE SPEAKER:[10] The gentleman is correct.
>
> MR. FORD: Is it the procedure to be followed that subsequently a com-

1. See 8 Cannon's Precedents § 3621.
2. See Congressional Quarterly's *Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), pp. 142, 604.
3. § 14, infra.
4. § 16, infra.
5. § 12, infra.
6. Rule X clause 1, *House Rules and Manual* § 669 (1973). A former version of Rule X provided that unless otherwise specially ordered by the House the Speaker should appoint the standing committees (see 4 Hinds' Precedents § 4448); the Speaker in practice usually, but not always, accepted the Minority Leader's recommendations with respect to minority party members' committee assignments (see discussion in 8 Cannon's Precedents § 2172 [quoted remarks of Joseph G. Cannon]). For further discussion comparing the former with the present practice, see Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), pp. 35, 36.
7. Rule X clause 4, *House Rules and Manual* § 672 (1973).
8. Rule X clause 5, *House Rules and Manual* § 673 (1973).
9. 117 CONG. REC. 1710, 1711, 92d Cong. 1st Sess., Feb. 4, 1971.
10. John W. McCormack (Mass.).

parable resolution will be offered representing the views of the Republican conference?

THE SPEAKER: The gentleman is correct.

The lists presented by the parties indicate not only the membership but also the ranking of the Members on the House committees.[11]

The caucus and conference thus play a major role in determining assignments to House committees. Each party has created[12] a committee on committees,[13] which is charged with the responsibility of nominating party members for positions on House committees. The caucus or conference elects or approves[14] the membership of the party's committee on committees.

In addition to having created the committee on committees and selecting or approving the membership thereof, the caucus or conference may formulate rules or guidelines affecting the composition of House committees. For example, in an addendum to the caucus rules of 1971,[15] it was stated to be the sense of the Democratic Caucus that no Member should be a member of more than two committees with legislative jurisdiction. Another provision in the addendum[16] stated that recommendations by the Committee on Committees as to nominees for chairmen and membership of the committees "need not necessarily follow seniority." In similar fashion, the ratio between the majority and minority parties on the standing committees, which varies with the respective membership of the parties in the House, may be in large measure determined by the caucus. An addendum to the caucus rules of 1971[17] stated the following to be the sense of the caucus:

> Committee ratios should be established to create firm working majorities on each committee. In determining the ratio on the respective standing committees, the Speaker should provide for a minimum of three Democrats for each two Republicans. On those committees on which the Resident Commissioner of Puerto Rico serves, said Commissioner shall be considered, in the 92nd Congress, as a Member of the minority and the Democratic mem-

11. For further discussion of procedures for electing House committees, see Ch. 17, infra.

12. See § 8, supra.

13. For a general description of the committee on committees, see § 11, infra.

14. See § 9.1, infra.

15. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 3. For discussion of later versions of the caucus rules, see supplements to this edition as they appear.

16. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 5.

17. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 10.

bership should be increased accordingly.[18]

Finally, the assignments made by the party Committee on Committees are subject to caucus or conference approval.[19]

An addendum to the caucus rules of 1971[20] stated that, "The Committee on Committees shall recommend to the caucus nominees for chairmen and membership of each committee and such recommendation need not necessarily follow seniority." It was stated further:[1]

> The Committee on Committees shall make recommendations to the caucus, one committee at a time. Upon a demand supported by 10 or more Members, a separate vote shall be had on any committee chairman or any member of the committee. If any such motion prevails, the committee list of that particular committee shall be considered recommitted to the Committee on Committees. Further, such demand, if made and properly supported, shall be debated for no more than 40 minutes with the time equally divided between proponents and opponents. If the caucus and the Committee on Committees be in disagreement after completion of the procedure herein provided, the caucus may make final and complete disposition of the matter.

[Note: For discussion of the current version of this provision, see supplements to this edition as they appear.]

The Republican Conference has similarly adopted procedures whereby certain recommendations of the Republican Committee on Committees are submitted to a vote in the conference.[2]

The list of committee assignments presented by each party to the House in the form of a resolution has generally been routinely approved by the whole House. But in the 92d Congress, a challenge was made to the tradition whereby each party, rather than the whole House, assumes primary responsibility for determining assignments of members of that party to House committees. Dissatisfied with one committee chairmanship as determined by the majority caucus, certain members of the majority party attempted to present the issue of that chairmanship for determina-

18. For further discussion of the determination of the ratio between the majority and minority parties on standing committees, see 8 Cannon's Precedents §§ 2186, 2187. Rule X clause 1, of the House Rules indicates the total number of Members to be elected to each standing committee.

19. For more detailed discussion of such approval, see § 9.2, infra.

20. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 5.

1. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 6.

2. See § 9.2, infra.

tion by both majority and minority party members. The House declined to depart from tradition, however, and the resolution naming members of the majority party to positions on House committees was adopted without change.[3]

The presence of third parties in the House may complicate procedures for determining committee ratios and making committee assignments. In the 75th Congress,[4] for example, members of the Farmer-Labor and Progressive parties sparked a debate in the House over procedures by which committee assignments should be allotted to third parties. The Farmer-Labor-Progressive group were critical of the procedure whereby members of that group had been given their committee assignments from the quota for the Democratic majority and had been nominated for committee membership in the resolution naming Democratic Members to committees. Members of the Farmer-Labor-Progressive group contended that their committee assignments should either have been taken out of the quota set aside for minority Members of the House, or awarded from a bloc of assignments specifically reserved for their group. The arguments of the Farmer-Labor-Progressive group did not prevail, and the House adopted the resolution assigning Democrats and the third party members to committees.[5]

It is worth noting here that the power of each party to determine committee assignments and rank of Members on committees is sometimes the instrument by which party discipline is maintained and party members "punished" for actions considered disloyal to the party.[6] Factors other than party loyalty, however, enter more frequently into the determination of Members' committee assignments; such factors include length of service in the House, geographical considerations, and the desires of the individual Member himself.[7]

Election by Caucus of Committee on Committees

§ 9.1 Democratic members of the Committee on Ways and Means, who serve as their party's Committee on Com-

3. See § 9.3, infra.
4. For a detailed discussion of the proceedings described here, see § 9.4, infra.
5. See § 9.4, infra.
6. See § 9.5, infra.
7. For further discussion of committees and committee assignments, see Ch. 17, infra.

mittees[8] are elected in the party caucus by secret ballot.

[Note: The following is descriptive of the practice that has been in effect in some Congresses. For discussion of current practice in which the function of determining committee assignments has been delegated to a different committee, see supplements to this edition as they appear.]

On Mar. 2, 1956,[9] a Member addressed remarks to the House concerning a newspaper article that had charged Speaker Sam Rayburn, of Texas, with exercising influence over the selection of members of the Committee on Ways and Means for the purpose of excluding from that committee any Member who might be opposed to certain tax benefits enjoyed by the oil industry. At the conclusion of the Member's remarks, the Speaker pro tempore, John W. McCormack, of Massachusetts, observed:

> The Chair may make the personal observation that members of the Ways and Means Committee on the Democratic side are elected in caucus by secret ballot.

Parliamentarian's Note: Announcements made in the House have referred to caucus meetings to be held for purposes of electing members of the Committee on Ways and Means. See § 5.3, supra.

Approval of Committee Assignments

§ 9.2 Nominations for assignments to standing committees of the House are made by the party Committee on Committees and reported to the caucus or conference for approval.

This practice is of long standing.[10] Thus, on Jan. 14, 1965,[11] Majority Leader Carl Albert, of Oklahoma, announced a caucus meeting "for the purpose of agreeing to recommendations of the Democratic Committee on Committees in designating Democratic Members of the several committees and their assignment thereon."

The excerpts below, from a debate[12] in the House over the procedures for making certain committee assignments, indicate that the practice as now followed reflects reforms recently adopted by

8. The Republican Committee on Committees is constituted somewhat differently. See § 8, supra.

9. 102 CONG. REC. 3839, 84th Cong. 2d Sess.

10. See 8 Cannon's Precedents § 3617, discussing the practice of the Democratic party.

11. 111 CONG. REC. 660, 89th Cong. 1st Sess.

12. For more detailed discussion of the debate, see § 9.3, infra.

both parties[13] with respect to the effect of seniority on committee assignments.

During the debate, which centered upon a certain committee chairmanship,[14] the following remarks were made by the Republican floor leader, Gerald R. Ford, of Michigan:

> . . . Let me make another observation, Mr. Speaker. In 1970, the Republican Party took the initiative to make some changes in the election of our ranking Republican member, or the chairman, if we were in the majority. Under the Conable task force, a great deal of time and study resulted in a procedure which we followed yesterday. Each of our ranking Members was voted on separately and secretly. The net result was that we chose responsible members for each committee to be the ranking minority member. We have made that decision on our side, and we do not think you should come over and upset those decisions on our side. And I do not think . . . that we should make any decision as far as your party caucus is concerned.[15]

In response, the Majority Leader, Hale Boggs, of Louisiana, made the following remarks:[16]

> First, I wish to commend the minority leader for the statement he has made . . .
>
> I would also point out that we, too, had a task force, known as the Hansen Committee. That committee worked hard and diligently . . . [t]hey came to a unanimous resolution on their recommendations, and those recommendations in turn were adopted by the caucus.
>
> Just as the gentleman from Michigan said that they had the right to vote on each of their ranking Members separately, so we had the same right and did so on yesterday.

At a later point in the debate, Mr. Ford again stated:[17]

> Mr. Speaker, if the gentleman will yield further, our Members will have voted for our nominees for ranking members on each of the committees and we did it in our caucus or conference by a secret ballot with a separate vote in each case.

Parliamentarian's Note: As previously noted in this section, the Democratic Committee on Committees has traditionally nominated Democratic party members for assignment to House committees and reported such nominations to the caucus for approval.[18] Pursuant to recommendations of the Hansen Committee mentioned above in the remarks of Mr. Boggs, the

13. See the Parliamentarian's note at the end of this section.

14. In the caucus, "a majority decision [had been made] to [accept] the committee chairman as recommended by the committee on committees." (Remarks of Mr. Boggs, 117 CONG. REC. 1709, 92d Cong. 1st Sess., Feb. 4, 1971.)

15. 117 CONG. REC. 1711, 92d Cong. 1st Sess., Feb. 4, 1971.

16. *Id.*

17. 117 CONG. REC. 1712, 92d Cong. 1st Sess., Feb. 4, 1971.

18. 8 Cannon's Precedents § 3617.

Democrats provided in an addendum to the caucus rules that, "The Committee on Committees shall recommend to the caucus nominees for chairman and membership of each committee and such recommendation need not necessarily follow seniority,"[19] and that the Committee on Committees should make its recommendations "one committee at a time."[20] Provision was also made for a separate vote, in certain circumstances, on any committee chairman or member of a committee."[1]

The history of Republican procedures for making committee assignments has been similar in many respects to that of the Democratic party's procedures. In 1919,[2] the Republican Conference defined the duties of the Committee on Committees to include the selection of the Republican members of the standing committees of the House, the selection of members for specified party positions, and the duty to report its action to a Republican Conference. Pursuant to recommendations of a task force, the Republican Committee on Committees now names its choice, not necessarily on the basis of seniority, for the ranking Republican Member on each House committee; the Republican Conference then votes, by secret ballot, on each such nomination separately.[3]

Refusal by House to Overrule Caucus

§ 9.3 In the 92d Congress, the House declined to depart from the procedure whereby each party determines the assignments and rank of its

19. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 5. For discussion of a more recent version of this provision, including special procedures for nominating members of the Committee on Rules, see supplements to this edition as they appear.

20. Democratic Caucus Rules (July 20, 1971), addendum, paragraph 6.

1. See Democratic Caucus Rules (July 20, 1971), addendum, paragraph 6.

2. See 8 Cannon's Precedents § 3621.

3. See the remarks of Mr. Gerald R. Ford, of Michigan, quoted in this section, supra. See also Congressional Quarterly's *Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971) p. 171, discussing the changes noted above in the use of seniority as a basis for determining committee assignments.

For general discussion of procedures by which party members are assigned to House committees, see Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), DD. 35–37.

members on standing committees of the House.

In the 92d Congress,[4] a few Democratic Members opposed their party's selection of Mr. John L. McMillan, of South Carolina, as Chairman of the Committee on the District of Columbia. One of the Democratic Members, Mr. Jerome R. Waldie, of California, announced his intention to submit the issue of such committee assignment to the whole House, thereby challenging the custom that committee assignments as determined by the respective parties will not be challenged in the House. The announcement was as follows:[5]

> MR. WALDIE: Mr. Speaker, at the appropriate time in today's proceedings a resolution that encompasses the decisions of the majority caucus with relationship to chairmen of standing committees and members thereof will be presented to the House for approval. It is my understanding that customarily the decision of the majority caucus in these matters has been traditionally accepted without any objection from any Member of the House of Representatives. It will be my intention at this particular moment, however, to subject that tradition to a test today, and I will ask the House to vote down the previous question when the previous question is sought in order to permit that resolution to be open to amendment.
>
> If the previous question is voted down, and the resolution is thereupon open for amendment, it would be my intention to offer an amendment to the resolution appointing standing committee chairmen to delete the standing committee chairman of the House District of Columbia Committee.

After the introduction of the resolution assigning Democratic Members to House committees, a debate took place in the House on the issues raised by Mr. Waldie's action, as follows:

> MR. WALDIE: . . . [It is] my intention to request the entire House to consider this proposal. I recognize that is a departure not from the rules of the House, which are explicit that the entire House of Representatives participate in this decision, but from the custom of the House, which is that the majority party in the enclaves of their caucus make the determinations and the minority party accepts those decisions. It is my own personal conviction that this issue is of national importance and all of the legislative representatives of the Nation, of the minority and of the majority, should participate. . . .
>
> It has been usually the case that the minority party has been outspoken in their concern and condemnation of the seniority system because their opportunity of implementing any change in that system would not be existent. Today, that opportunity will be afforded you and I hope you will join with those who believe that the deci-

4. See 117 CONG. REC. 1708–1714, 92d Cong. 1st Sess., Feb. 4, 1971.

5. 117 CONG. REC. 1707 92d Cong. 1st Sess., Feb. 4, 1971.

sion to continue this committee as it has been in the past was a wrong decision which was made in the majority caucus.[6]

In opposition to Mr. Waldie's proposal, Majority Leader Hale Boggs, of Louisiana, spoke as follows:[7]

MR. BOGGS: Would the gentleman not agree that we would be establishing a precedent here that could be carried to any length and in truth and in fact, if the majority party voted unanimously, we could displace any committee member or every committee member nominated by the minority.

In response to the Majority Leader's question, Mr. Waldie stated as follows:[8]

MR. WADE: . . . I would say that in those instances where the national interest is not being properly cared for, that comity, custom, and courtesy of the House should be reconsidered and the rules of the House followed in those instances where comity, courtesy, and custom are contrary to the rules and to the interest of the American people.

The following discussion then took place:[9]

MR. BOGGS: . . . [I]s it not accurate that if a minority on the Democratic side and a majority on the minority side get together they could take over control of the entire committee system in the House? . . .

MR. WALDIE: That is true, but if by so doing the national interest were advanced I would not find that objectionable.

MR. BOGGS: As to the question of whether or not the national interests are involved, again I defer to the distinguished chairman, but the gentleman was here on yesterday when this matter was debated and the gentleman knows that this matter was debated fully, without any effort to limit debate, and that a vote was taken, and that a majority decision was made to adopt the committee chairman as recommended by the committee on committees.

MR. WALDIE: I recognize . . . that the debate was fair and proper, and that the decision represented the vote of the majority, but the national interests, however, are not represented per se by the majority of the Democratic caucus . . . and I would like to again accord under our rule the opportunity of the minority to participate in the determination as to whether the national interests have been served.

Mr. Phillip Burton, of California, in expressing his objections to Mr. Waldie's proposal, stated in part as follows:

MR. BURTON: . . . It is a most dangerous precedent, I would think, without regard to the political point of view that any of us might hold, to in effect give the minority caucus veto power over the majority caucus deliberations as to whom they select to lead the various committees of the Congress.[10]

6. 117 CONG. REC. 1709, 92d Cong. 1st Sess., Feb. 4, 1971.

7. *Id.*

8. *Id.*

9. *Id.*

10. 117 CONG. REC. 1710, 92d Cong. 1st Sess., Feb. 4. 1971.

In a series of exchanges with other Members, Minority Leader Gerald R. Ford, of Michigan, made clear his opposition to Mr. Waldie's proposal. The following excerpts[11] reveal the Minority Leader's position:

> MR. FORD: Is it correct that the resolution presently before the House is a resolution offered on behalf of the Democratic Caucus? The resolution is the recommendations for committee assignment on the Democratic side.
>
> THE SPEAKER: [Carl Albert, of Oklahoma]: The gentleman is correct.
>
> MR. FORD: Is it the procedure to be followed that subsequently a comparable resolution will be offered representing the views of the Republican Conference?
>
> THE SPEAKER: The gentleman is correct.
>
> MR. FORD: Mr. Speaker, I think this factual situation clearly sets forth the issue that is before us. The Democratic Caucus made a decision on committee chairman. Whether we on our side agree with it or not, by precedent that is a matter within the ranks and prerogatives of the majority party.
>
> . . . [Mr. Waldie] was unable to persuade a majority of the Democrats to his view. I do not think that we on the Republican side ought to succumb to his arguments of this occasion. Therefore, Mr. Speaker, I would certainly hope and trust that the Republicans on this issue, on a Democratic resolution expressing the views of the Democratic Party, should not under any circumstances vote "nay" on the motion to order the previous question. As Republicans we should exercise our option to vote "yea" or "present" on the previous question, because the matter is one for the Democrats to decide and not for us.

Mr. Wilbur D. Mills, of Arkansas, who had introduced the resolution naming Democratic Members to committees, moved the previous question on the resolution.[12] By vote of the House, the previous question was ordered, and the Speaker announced that the question was on the resolution. The resolution was agreed to.[13]

Parliamentarian's Note: It has been stated[14] that, "motions for the election of Members to committees are debatable and are subject to amendment." Although the House in the above proceedings declined to allow an amendment to the Democratic resolution, it is worth noting the procedure employed in challenging the resolution, comprising a request for a "no" vote on the previous question, which would have opened the resolution to amendment.[15] If the House had permitted an amendment deleting

11. See 117 CONG. REC. 1710–1712, 92d Cong. 1st Sess., Feb. 4, 1971.

12. 117 CONG. REC. 1714, 92d Cong., 1st Sess., Feb. 4, 1971.

13. *Id.*

14. 8 Cannon's Precedents § 2172.

15. 117 CONG. REC. 1709, 92d Cong., 1st Sess., Feb. 4, 1971.

the portion relating to the chairmanship of the Committee on the District of Columbia and adopted the resolution as amended, another chairman of that committee would have had to be recommended by the Committee on Committees for caucus approval.[16]

Committee Assignments of Third-Party Members

§ 9.4 The role of third party caucuses in obtaining committee assignments for their members has been minimal. In the most recent practice, committee assignments for members of third parties have been determined by the majority party, and such assignments have been included in the resolution naming majority party members to committees.

In the 75th Congress, the resolution naming Democratic Members to House committees included as well the names of members of the Farmer-Labor and Progressive parties. Members of the Farmer-Labor Progressive group, as they were referred to, objected to the method by which their committee assignments were determined, and the issues raised by their objections were debated on the floor of the House.

Following the introduction of the majority party's resolution pertaining to committee assignments, the following proceedings took place:[17]

> MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, I ask unanimous consent that the reading of the names in the resolution be dispensed with and that the names be printed in the Record. It is simply a list of the majority members of the various committees.
>
> MR. [GERALD J.] BOILEAU [of Wisconsin]: Will the gentleman yield?
>
> MR. RAYBURN: I yield to the gentleman. . . .
>
> MR. BOILEAU: Does the gentleman state to the House these are merely the names of the majority members?
>
> MR. RAYBURN: There are also assigned the so-called Progressive Members.
>
> MR. BOILEAU: The Members of the Farmer-Labor and Progressive Parties are included in there?
>
> MR. RAYBURN: YES.

Mr. Boileau, after making certain parliamentary inquiries, addressed the House on the subject of the committee assignments for the Farmer-Labor and Progressive Members of the House. The de-

16. See 117 CONG. REC. 1707, 92d Cong., 1st Sess., Feb. 4, 1971 (remarks of Mr. Waldie).

17. 81 CONG. REC. 203, 75th Cong. 1st Sess., Jan. 13, 1937.

For references relating to third parties generally, see § 2 supra.

bate that ensued[18] centered on the contention of the Farmer-Labor Progressive Members that either their group should have been given a definite bloc of committee assignments to be apportioned among their Members as the group itself should decide, or that the assignments of the Farmer-Labor-Progressive Members should have been taken out of the quota of committee assignments set aside for minority Members of the House. The remarks of Mr. Boileau and other Members were as follows:[19]

> MR. BOILEAU: . . . I had received word, entirely unofficially, that the majority committee on committees, consisting of the Democratic members of the Ways and Means Committee, had made the assignments to the various committees covering the majority Members of the House, and that the question had been decided by the Democratic committee on committees as to the number and importance of committees to which the Farmer-Labor and Progressive Members of the House were to be assigned. After I had received that notice I thought it was the proper thing to notify the Democratic chairman of the Committee on Ways and Means, who is also chairman of the Democratic committee on committees, that I intended to address the House on this particular subject. I felt that he and other members of the committee should know that we, the Farmer-Labor and Progressive Members, were entirely dissatisfied with the treatment accorded us, not only in the matter of committee assignments but also in a slight degree we were dissatisfied because we had not had adequate opportunity to present our request to the committee on committees with reference to individual assignments. . . .
>
> We of the Farmer-Labor Progressive group . . . demand that we be considered for all intents and purposes as a minority group. In no sense of the word can we ever be considered as a majority group. The precedents of the House are clear on that subject. It has been established over a long period of years that those Members with political designations other than the two dominant parties—in our instance the third party or fourth party, the Farmer-Labor-Progressive Members, or the so-called third party Members of the House—have received their appointments from the Members of the majority party.
>
> This is probably as it should be. We prefer to have a definite bloc of committees assigned to us, but we are not pressing that issue now. We are asking for proper recognition on the committees, and it has been the traditional policy of the Congress . . . that the dominant or the majority party . . . should make assignments to the third party men in the resolution electing the majority Members. . . .
>
> It is good parliamentary procedure that the Democrats in this instance should give us our assignments, but we do maintain that our assignments should come out of the assignments set aside for minority Members.

18. See 81 CONG. REC. 203–212, 75th Cong. 1st Sess., Jan. 13, 1937.

19. See 81 CONG. REC. 203, 204, 75th Cong. 1st Sess., Jan. 13, 1937.

. . . [O]ur assignments as committee members of the House should be taken out of the quota that the precedents and the rules set aside for minority Members.

There is nothing in the rules of the House that provides that such assignments should be divided between Democrats and Republicans. All the rules and all the precedents are that the assignments should be made as among the majority on the one hand and among the minority Members on the other, and I submit to you that as minority Members of the House—and this is the crux of our entire argument and I hope you will get this point—we are entitled to be given just the same consideration as is given to other minority Members of the House. In other words, we should be given as much consideration, in proportion to our percentage of the minority Members of the House, as the Republicans or any other group of minority Members in this body. . . .

During the Seventy-fourth Congress there were 82 major committee assignments made to minority members. The Republicans, the Farmer-Laborites, and Progressives altogether had 82 assignments on the 11 major committees of the House.

There are 102 minority Members over on this side of the House in this Congress. There are 89 Republicans, 8 Progressives, and 5 Farmer-Laborites, a total of 102 minority Members. The fair proportion of this group of 13 Progressives and Farmer-Laborites is 12¾ percent of the major committee assignments. That is fair. If we are to have our share of minority assignments on major committees, that is what we are entitled to. If we are to be given 12¾ percent of the minority committee assignments on major committees, we would be entitled to 10.45. . . . We are willing to have 10.

Gardener R. Withrow, of Wisconsin, Chairman of the Farmer-Labor-Progressive party's Conference, stated the reasons underlying his party's contentions. Stating that his group had not been treated fairly, he continued as follows: [20]

MR. WITHROW: . . . I do want to say that in my opinion the crux of this question is that some time ago an agreement was made between the Republicans and the Democrats, who at that time were the only parties in the House of Representatives. That unwritten agreement was to the effect that a certain ratio would be maintained between the majority and the minority parties regardless of how few Members the minority party had. In accordance with said agreement the ratio is being maintained at the present time. But what has happened? There has come to the House of Representatives another group, a truly minority group. The Republicans demand in this particular case that the ratio shall be maintained, and the result is that we the Progressive and Farmer-Labor groups are being sacrificed.

If we were treated on a par with the Republican membership of this House, we should have 10 major committee assignments, whereas we have only 3 major committee assignments. This is the unfairness of it all, and, my friends on the Democratic side of the aisle, you are being penalized as well as we, because our committee assignments at

20. 81 CONG. REC. 208, 75th Cong. 1st Sess., Jan. 13, 1937.

> the present time really belong to you as a majority. We should not be forced to take our committee assignments from the majority or from the committee on committees of the Republicans; they should be assigned to us in a block for us to do with as we please, because, Mr. Speaker, we are in every sense a part of the minority group of this House.

Members speaking in opposition to the position taken by the Farmer-Labor-Progressive party members attached importance to that party's alleged lack of status as a national party.[1] In addition, those supporting the resolution listing committee assignments relied on the alleged failure of the Farmer-Labor-Progressive Members to make timely application to the Democratic Committee on Committees for the particular committee assignments desired.[2]

Mr. Fontaine M. Maverick, of Texas, while characterizing the Progressive group as a national movement and praising their work, stated that he would vote to sustain the committee assignments as made by the Democratic members of the Committee on Ways and Means. Mr. Maverick's remarks were as Follows:[3]

> . . . I believe that we should go out of our way to be fair with this group of Progressives. I am, however, going to vote to sustain the Committee on Ways and Means, because . . . I do not believe the Progressive-Farmer-Labor group has been quite as aggressive as they should have been in asking for these committee assignments ahead of time. . . .

The resolution assigning members of the Democratic Party and the Farmer-Labor-Progressive group was adopted by the House without change.[4]

Parliamentarian's Note: A rule has been stated[5] that, in the allotment of committee assignments the party in control is termed the majority and all the other parties constitute the minority and that committee assignments of all parties other than the controlling party are charged to the minority.[6]

Committee Assignments as Instrument of Party Discipline

§ 9.5 The power to determine committee assignments has been used by the caucus as a means of disciplining Members for actions considered disloyal to the party.

1. See 81 CONG. REC. 209, 75th Cong. 1st Sess., Jan. 13, 1937 (remarks of Mr. John W. McCormack [Mass.]).
2. See 81 CONG. REC. 210, 211, 75th Cong. 1st Sess., Jan 13, 1937 (exchange between Messrs. McCormack and Boileau).
3. 81 CONG. REC. 211, 212, 75th Cong., 1st Sess., Jan. 13, 1937.
4. 81 CONG. REC. 212, 75th Cong. 1st Sess., Jan. 13, 1937.
5. 8 Cannon's Precedents § 2184.
6. Instances of the application of this rule are cited. See 8 Cannon's Precedents §§ 2184, 2185.

In the 90th Congress, the resolution assigning Democratic Members to House committees left vacancies on two committees—the Committees on the District of Columbia and on Interstate and Foreign Commerce—pending further consideration by the caucus of the committee assignments and seniority of Mr. John Bell Williams, of Mississippi.[7] Mr. Williams, who had endorsed the 1964 Republican Presidential candidate, had for that reason been reduced in rank on the two committees by action of the Democratic Caucus.[8] In the 90th Congress, following the introduction of the Democratic resolution, the following proceedings took place:[9]

> MR. WILLIAMS of Mississippi: . . . Mr. Speaker, in view of the extraordinary action which was taken in the last Congress with respect to my seniority position on the Committee on Interstate and Foreign Commerce and the Committee on the District of Columbia, it is my understanding that the Democratic Committee on Committees has felt it incumbent on them to take the matter of my committee rank to the caucus for final determination. In view of that, Mr. Speaker, I have directed a letter to the chairman of the Committee on Committees requesting that I not be assigned to any committee until such time as this matter can be determined finally by the caucus.
>
> Mr. Speaker, it is my understanding, in view of the committee assignments that have just been read, that this request was acceded to.
>
> Now, Mr. Speaker, in fairness to my Democratic colleagues . . . it would appear to me that this matter should be disposed of as soon as practicable.
>
> Mr. Speaker, this afternoon I am prepared to direct a letter to the chairman of the caucus, requesting that a caucus be called as soon as practicable for the purpose of determining my relative rank in being assigned to my two committee assignments.

The letter referred to by Mr. Williams was included in the Record,[10] and reads in part as follows:

> . . . If the Committee on Committees is unable at this time to place me other than in fifteenth position on the Committee on Interstate and Foreign Commerce, I respectfully request that I not be assigned now.
>
> This request applies to the Committee on the District of Columbia, also. . . .

Later in the first session of the 90th Congress, Mr. Thomas G.

7. See resolution assigning Democratic Members to committees in the 90th Congress in 113 CONG. REC. 1086, 90th Cong. 1st Sess., Jan. 23, 1967.

8. See the resolution assigning Democratic Members to committees in the 89th Congress, 111 CONG. REC. 809, 810, 89th Cong. 1st Sess., Jan. 18, 1965.

9. 113 CONG. REC. 1086, 1087, 90th Cong. 1st Sess., Jan. 23, 1967.

10. 113 CONG. REC. 1087, 90th Cong. 1st Sess., Jan. 23, 1967.

Abernethy, of Mississippi, made the following remarks respecting the retirement of Mr. Williams from the Congress and the disciplinary action that had been taken by the Democratic Caucus. Mr. Abernethy's remarks were in part as follows:[11]

> MR. ABERNETHY: Mr. Speaker, my friend and colleague, the gentleman from Mississippi, Mr. John Bell Williams, will shortly retire from the House of Representatives. . . .
>
> There are numerous Members of this body and literally millions around the country who feel that the treatment accorded Mr. Williams was unreasonable and unjustified. Certainly it was unprecedented. . . .
>
> . . . His would-be disciplinarians unsuspectingly and unintentionally made a great contribution toward elevating him to the high position of Governor of his home State, the State of Mississippi.

The Democratic Caucus in the 89th Congress also took similar action with respect to Mr. Albert W. Watson, of South Carolina. Mr. Watson had been elected to the 89th Congress as a Democrat, and, like Mr. Williams, had supported the Republican Presidential candidate in 1964. For that reason, the caucus directed that Mr. Watson be given a low-ranking committee position. Subsequently, Mr. Watson announced his intention to change his political affiliation. As a result, he was elected to the Committee on Interstate and Foreign Commerce as a Republican.[12] At the time he made his declaration regarding the change in his party affiliation, Mr. Watson announced his decision to resign so that his constituents could, by their votes in a special election, indicate their approval or disapproval of his action. On Jan. 18, 1965, the Speaker laid before the House a letter from Mr. Watson stating that Mr. Watson had submitted a letter of resignation to the Governor of South Carolina,[13] such resignation "to become effective upon such date as the Governor or may set for a special election to fill the vacancy." Mr. Watson actually resigned from the House on Feb. 1, 1965.[14]

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11. 113 CONG. REC. 36598, 36599, 90th Cong. 1st Sess., Dec. 14, 1967. See also the remarks of Mr. Walter B. Jones (N.C.) (113 CONG. REC. 3513, 90th Cong. 1st Sess., Feb. 16, 1967), to the effect that the Democrats had been inconsistent in the treatment accorded by different segments of the party to those party members who refused to support Democratic political candidates.

12. See resolution assigning Republican Members to committees at 111 CONG. REC. 992, 89th Cong. 1st Sess., Jan. 21, 1965.

13. Mr. Watson's letters to the Speaker and to the Governor appear at 111 CONG. REC. 805, 806, 89th Cong. 1st Sess., Jan. 18, 1965.

14. See communications laid before the House by the Speaker on Jan. 28,

In a special election, Mr. Watson was re-elected to the House as a Republican. On June 16, 1965,[15] the House, at the request of Minority Leader Gerald R. Ford, of Michigan, permitted Mr. Watson to be sworn although his certificate of election had not arrived.

More recently, the seniority of Democratic Member John R. Rarick, of Louisiana, was reduced by action of the caucus. Mr. Rarick, who had refused to support his party's Presidential candidate in 1968, was for that reason assigned a lower rank on the Committee on Agriculture than he would otherwise have had.[16]

In each of the above instances, the party's discipline was imposed on a Member for his opposition to the party's Presidential candidate. Cannon cites an instance[17] wherein Republican Members were disciplined by removal from committees or reduction in committee rank for their failure to abide by the action of their party caucus with respect to matters under consideration in the House. It should be noted, however, that the discipline in this case was imposed by the Speaker of the House at a time when the Speaker made appointments to standing committees.

§ 10. —Policy Determination; Party Decisions as Binding

[Note: The following is descriptive of the practices in some Congresses. For discussion of current

1965 (111 CONG. REC. 1452, 89th Cong. 1st Sess.); such communications, signed by Mr. Watson, stated in part that, "It now clearly appears that the Governor intends no affirmative action on this matter. Therefore . . . I have this day transmitted to him my resignation effective upon the adjournment of the House on Monday, February 1, 1965."

15. See 111 CONG. REC. 13774, 89th Cong. 1st Sess.

16. See the resolution assigning Democratic Members to standing committees of the House at 115 CONG. REC. 2083, 91st Cong. 1st Sess., Jan. 29, 1969. For discussion of departures from the seniority rule in both the House and Senate, frequently for purposes of imposing the party's discipline, see *Congressional Quarterly's Guide to the Congress of the United States,* Congressional Quarterly Service (Washington, D.C., 1971), pp. 171, 172. See also the discussion of caucus action, taken in the 90th Congress, whereby Mr. Adam Clayton Powell, Jr. (N.Y.) was divested of a committee chairmanship on various grounds (113 CONG. REC. 22, 90th Cong. 1st Sess., Jan. 10, 1967 [remarks of Mr. James C. Wright, Jr., of Texas]).

17. See 8 Cannon's Precedents § 3606.