

of the House until otherwise provided by law.<sup>(6)</sup>

**§ 16.8 A Chaplain was elected following resignation of the incumbent.**

On Jan. 30, 1950,<sup>(7)</sup> Mr. Francis E. Walter, of Pennsylvania, offered and the House agreed to the following House resolution (H. Res. 454):

*Resolved*, That Rev. Bernard Braskamp, of the District of Columbia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Rev. Braskamp succeeded Rev. Montgomery.

**§ 16.9 A temporary appointee as Chaplain during one Congress was elected Chaplain at the commencement of the next Congress.**

On Jan. 10, 1967,<sup>(8)</sup> at the commencement of the 90th Congress,

6. After the House agreed to the above resolution, the Speaker laid before the House a letter of resignation from Rev. Montgomery which indicated that the reason for his action was illness. The resignation was accepted without objection.

See also 6 Cannon's Precedents §31, for letter of resignation of Rev. Henry N. Couden as Chaplain and House resolution electing him Chaplain emeritus. Rev. Montgomery succeeded Rev. Couden.

7. 96 CONG. REC. 1097, 81st Cong. 2d Sess.
8. 113 CONG. REC. 27, 90th Cong. 1st Sess.

Rev. Edward Gardiner Latch, D.D., L.H.D., who had served as acting Chaplain since his appointment on Mar. 14, 1966,<sup>(9)</sup> was elected Chaplain of the House in an uncontested vote.

**§ 17. Oath; Compensation**

Rule II of the *House Rules and Manual* provides that each person who is elected to the office of Clerk,<sup>(10)</sup> Sergeant at Arms, Doorkeeper, Postmaster, or Chaplain, ". . . shall take an oath to support the Constitution of the United States, and for the true and faithful discharge of the duties of his office to the best of his knowledge and ability, and to keep the secrets of the House . . ." <sup>(11)</sup>

The officers of the House take the following oath:

I, AB, do solemnly swear (or affirm) that I will support and defend the Con-

9. See §22.4, *infra*, for appointment of Rev. Latch.
10. Administration of the oath to the Clerk by the Speaker is required by statute, 2 USC §25. Although the Speaker is not required to administer the oath to any other officer, he does so in practice (see 1 Hinds' Precedents §81).
11. See 1 Hinds' Precedents §187, indicating that the requirement that the officers be sworn to keep the secrets of the House is obsolete.

stitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God. (5 USCA §3331.)

The compensation of House officers is determined by statute, and adjustments thereto are sometimes effected by resolution. Statutes establish the compensation for the Clerk,<sup>(12)</sup> Sergeant at Arms,<sup>(13)</sup> Doorkeeper,<sup>(14)</sup> Postmaster,<sup>(1)</sup> and Chaplain.<sup>(2)</sup>

The House by resolution has established,<sup>(3)</sup> increased,<sup>(4)</sup> and ad-

12. See 2 USCA §60e-13, which provides that compensation of the Clerk of the House of Representatives shall equal that of the Secretary of the Senate and Sergeant at Arms of the Senate.

13. See 2 USCA §60e-13, which provides that compensation of the Sergeant at Arms of the House shall equal that of the Secretary of the Senate and Sergeant at Arms of the Senate.

2 USCA §77 provides that the Sergeant at Arms shall receive no compensation in addition to the salary prescribed by law.

14. See 2 USCA §76-1, which provides that the compensation of the House Doorkeeper shall equal that of the Clerk and Sergeant at Arms of the House.

1. 2 USCA §84-1.

2. 2 USCA §84-2.

3. See §17.4, *infra*.

4. See §17.5, *infra*.

justed the amount of an officer's compensation;<sup>(5)</sup> and it has by the same method suspended statutory salaries and replaced them with an administrative schedule.<sup>(6)</sup> Resolutions have also been passed to prevent payment of dual compensation to one person who held two offices concurrently.<sup>(7)</sup>

### *Oath*

#### **§ 17.1 An officer elected to hold an additional office concurrently takes a separate oath for the additional office.**

When he was chosen to serve concurrently as Sergeant at Arms on July 8, 1953,<sup>(8)</sup> Lyle O. Snader, of Illinois, appeared at the bar of the House to take the oath as Sergeant at Arms notwithstanding the fact that he had taken an oath when he was elected Clerk.

#### **§ 17.2 A person elected as a permanent officer appears at**

5. See §17.6, *infra*.

6. See §17.7, *infra*.

7. See §17.3, *infra*, for joint resolution and §16.3, *supra*, for simple resolution disallowing dual compensation to the clerk during the period he served concurrently as Sergeant at Arms.

8. 99 CONG. REC. 8242, 83d Cong. 1st Sess.

See §16.3, *supra*, for a discussion of election of the clerk as Sergeant at Arms.

**the bar of the House to take the oath administered by the Speaker.<sup>(9)</sup>**

*Parliamentarian's Note:* As a general rule, a person designated by the Speaker to act as a temporary officer pursuant to 2 USCA §75a-1 does not appear at the bar of the House to take the oath but subscribes to it in writing when he accepts the appointment.<sup>(10)</sup>

***Compensation***

**§ 17.3 The House and Senate by joint resolution have prevented payment of dual compensation to a person who held two offices.**

On July 8, 1953, the House<sup>(11)</sup> and Senate<sup>(12)</sup> passed the following joint resolution (H.J. Res. 292:<sup>(13)</sup>

9. See for example 96 CONG. REC. 1311, 81st Cong. 2d Sess., Feb. 1, 1950, administration of oath to Rev. Bernard Braskamp after election as Chaplain of the House.
10. But see §22.3, *infra*, for a discussion of appointment of Zeake W. Johnson, Jr., as temporary Sergeant at Arms following his resignation as Sergeant at Arms. On that occasion, Mr. Johnson appeared at the bar of the House to take the oath as acting Sergeant at Arms from Speaker Carl Albert (Okla.).
11. 99 CONG. REC. 8242, 83d Cong. 1st Sess.
12. *Id.* at p. 8203.
13. Pub. L. No. 83-106, 83d Congress, approved July 9, 1953, 67 Stat. 141.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Lyle O. Snader, of the State of Illinois, be, and he is hereby, authorized, notwithstanding the provisions of any other law, to serve concurrently as Clerk and Sergeant-at-Arms of the House of Representatives until another person is chosen by the House of Representatives to be and duly qualifies as Sergeant-at-Arms; and while the said Lyle O. Snader is so serving the compensation received by him as Clerk of the House of Representatives shall be in full discharge for any services rendered by him to the House of Representatives during such period of concurrent service.

*Parliamentarian's Note:* Because a statute (5 USCA §58) prohibited anyone from receiving dual compensation from the government, the joint resolution was enacted to remove all doubt of the necessity to pay dual compensation, which if paid or required to be paid, might have made it illegal for one person to occupy two offices. A House resolution was also passed on this occasion.<sup>(14)</sup>

**§ 17.4 The House has established a base rate of compensation for an officer to be paid as long as the office is held by the present incumbent.**

14. See §16.3, *supra*, for a discussion of the clerk's election as Sergeant at Arms and the House resolution offered on this occasion.

On Feb. 2, 1961,<sup>(15)</sup> a Member, John W. McCormack, of Massachusetts, offered and the House agreed to the following resolution (H. Res. 138):

*Resolved*, That effective February 1, 1961, the basic compensation of the Deputy Sergeant at Arms (charge of pairs), Office of the Sergeant at Arms, shall be at the rate of \$7,000 per annum so long as held by the present incumbent. The additional amounts necessary to carry out this resolution shall be paid out of the contingent fund until otherwise provided by law.

**§ 17.5 The House has provided additional compensation for an officer to be paid as long as the office is held by the present incumbent.**

On July 31, 1953,<sup>(16)</sup> a Member, Karl M. LeCompte, of Iowa, offered and the House agreed to the following resolution (H. Res. 355):

*Resolved*, That effective August 1, 1953, there shall be paid out of the contingent fund of the House until otherwise provided by law additional compensation at the gross rate of \$1,254 per annum to the Chaplain of the House of Representatives so long as the position is held by the present incumbent.

**§ 17.6 The House by simple resolution has adjusted a salary established by statute.**

15. 107 CONG. REC. 1682, 87th Cong. 1st Sess.

16. 99 CONG. REC. 10671, 83d Cong. 1st Sess.

On Mar. 31, 1965,<sup>(17)</sup> a Member, Carl Albert, of Oklahoma, offered and the House agreed to the following resolution (H. Res. 313):

*Resolved*, That, effective April 1, 1965, the compensation of the Chaplain of the House of Representatives shall be at a gross per annum rate which is equal to the gross per annum rate of compensation of the Chaplain of the Senate. The additional sums necessary to carry out this resolution shall be paid out of the contingent fund of the House until otherwise provided by law.

*Parliamentarian's Note:* This resolution was intended to remove the inequity in the Federal Employee's Salary Act of 1964 which increased the salary of the House Chaplain from \$10,000 to \$12,500 (2 USCA § 84-2) while at the same time raising the salary of the Chaplain of the Senate to \$15,000 (2 USCA § 61d).

**§ 17.7 The House by simple resolution has suspended fixed salaries for certain officers and substituted an administrative compensation schedule.**

On Oct. 4, 1972,<sup>(18)</sup> a Member, Wayne L. Hays, of Ohio, on behalf of the Committee on House Administration, offered and the

17. 111 CONG. REC. 6412, 89th Cong. 1st Sess.

18. 118 CONG. REC. 33744, 92d Cong. 2d Sess.

House passed the following resolution (H. Res. 890):

*Resolved*, That, (a) until otherwise provided by law, the per annum gross rate of compensation of the Clerk, the Doorkeeper, the Sergeant at Arms, and the Chief of Staff of the Joint Committee on Internal Revenue Taxation of the House of Representatives, shall be equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) Until otherwise provided by law, such amounts as may be necessary to carry out subsection (a) of this resolution shall be paid out of the contingent fund of the House of Representatives.

(c) This resolution shall become effective on the effective date of the first adjustment, following the effective date of this resolution, in the annual rate of basic pay of offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

In offering the resolution, the Chairman of the Committee on House Administration, Mr. Hays, explained:

. . . [T]he intent of the resolution is that if and when there is another adjustment in salaries of Members of Congress that the officers mentioned herein will be placed in a lower grade level so that there will be a wider gap between the salary of the Doorkeeper and that of a Member of Congress. At the present time the salary of a Member of Congress, as the gentleman from Missouri well knows, is \$42,500. The Doorkeeper's salary is \$40,000. There has been a lot of criticism and comment. This does not do anything to him and the others now. It does not do

anything to him and others until and unless there is an increase in the income of Members, and then it puts them at a lower level.

For example, if a Member of Congress say—and I am picking a figure out of the air—went up to \$47,500, the Office of Doorkeeper would go up to something like \$42,000 instead of \$45,000.

The provisions of this resolution relating to compensation of the Clerk, Sergeant at Arms, and Doorkeeper were enacted as Public Law No. 92-607, Oct. 31, 1972, 86 Stat. 1509.

## § 18. Duties of the Clerk

The duties of the Clerk are prescribed by statute and by the rules of the House.<sup>(19)</sup> The Clerk's responsibilities include (1) preparing for and presiding at the commencement of Congress and after the death of a Speaker;<sup>(20)</sup> (2) assisting the House in legislative and nonlegislative business;<sup>(1)</sup> (3) receiving and submit-

19. See Rule III, House Rules and Manual §§637-647 (1973) for general duties of the Clerk.

20. See Rule III clause 1, *House Rules and Manual* §§637, 638 (1973); 2 USC § 26.

1. See, for example, Rule III clause 3, House Rules and Manual §§641-646 (1973), 2 USC §109, and §§18.3-18.8, *infra*.