

Chapter CIV.

APPOINTMENT OF COMMITTEES.

1. The rule as to standing committees. Section 4448.
 2. The Speaker the appointing agent. Sections 1149–4457.¹
 3. Filling vacancies. Sections 4458–4460.
 4. Privilege of a resolution relating to. Sections 4461, 4462.
 5. General decisions. Sections 4463–4469.²
 6. Rules as to select and conference committees. Section 4470.³
 7. Instances of appointment by House. Sections 4471–4476.
 8. Members appointed before taking the oath. Sections 4477–4483.
 9. As to absent Members. Sections 4484–4487.
 10. Members whose seats are contested. Section 4488.⁴
 11. Rank on committee designated by Speaker. Section 4489.
 12. Members relieved of service by consent of House. Sections 4490–4512.
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4448. Unless otherwise specially ordered by the House the Speaker appoints the standing committees at the commencement of each Congress. Under the modern practice the Speaker appoints the standing committees at his convenience, without specific direction by the House.

Form and history of section 1 of Rule X.

Section 1 of Rule X provides for the appointment of the standing committees, enumerates them, and fixes the number of Members composing each. The first clause of the rule, introductory to the enumeration,⁵ provides as follows:

Unless otherwise specially ordered by the House the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz:

This form dates from the revision of 1880. When the first rules were adopted, on April 7, 1789,⁶ it was provided that the Speaker should appoint all the com-

¹When the Speaker's seat is contested he does not appoint the Committee on Elections. Section 809 of Vol. I.

²As to minority representation. Section 2342 of Vol. III.

Appointment of Delegates. Sections 1297–1301 of Vol. II.

³As to former practice of appointing the mover of a select committee its chairman. Sections 1827, 2342 of Vol. III.

⁴See also section 1018 of Vol. II.

⁵The enumeration is not given here, as the committees are again enumerated for definition of their powers and duties. See Chaps. XCIX–CI, sec. 4019, etc., of this work.

⁶First session First Congress, Journal, p. 9. (Gales & Seaton ed.)

mittees except such as consisted of more than three Members, which were to be chosen by ballot. On January 13, 1790,¹ this form was adopted:

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot.

As the number of standing committees began to increase, another rule provided that “the standing committees shall be appointed at the commencement of each session.”² In addition to this it was customary to adopt a resolution directing the Speaker to appoint the committees pursuant to the rules; and sometimes the resolution presented was so urgent as to embarrass the Speaker.³ At the time of the revision of 1860 Mr. Israel Washburn, jr., of Maine, reported from the Committee on Rules and the House adopted an amendment providing that the committees should be appointed at the first of each Congress instead of the first of each session.⁴ The resolution or order authorizing or directing the Speaker to appoint the standing committees was proposed as usual at the organization of the House on July 5, 1861, by Mr. Schuyler Colfax, of Indiana, but Mr. Speaker Grow declared that under the rules which the House had just adopted the Speaker was already authorized to appoint the standing committees.⁵ So the resolution was not passed, and since then has been omitted.

When the rules were revised in 1880,⁶ the two old rules were united in the present form of the first clause. Of course, the other clauses of the section have been modified to conform to increases in the number and membership of the committees.

On June 14, 1813,⁷ Mr. Cyrus King, of Massachusetts, presented a proposition for the choice of the Committee on Elections by lot, the Speaker to draw the names from a box prepared by the Clerk. On December 7, 1813,⁸ at the beginning of the next session, the House considered the proposition. Mr. William Findley, of Pennsylvania, having questioned the Constitutional power of the House to adopt such a rule, consideration was postponed until December 9, when the proposition was defeated.⁹

¹ First session First Congress, Journal, p. 140.

² See Rule 76, Appendix to Journal of second session Thirty-fifth Congress.

³ See Debates, second session Twenty-first Congress, pp. 347–350.

⁴ First session Thirty-sixth Congress, Globe, pp. 1181, 1209.

⁵ First session Thirty-seventh Congress, Globe, p. 11; also first session Thirty-sixth Congress Globe, p. 176. On February 27, 1880 (second session Forty-sixth Congress, Record, pp. 1207–), during the revision of the rules, Mr. Edward H. Gillette, of Iowa, proposed to amend the then existing rules, providing that the rules should be the rules of the succeeding Congress, so it should provide that “no Speaker shall be authorized to construct the committee of any future Congress without direct authority by vote of the House of Representatives.” This amendment was disagreed to by the House without division. The theory that one House could impose rules on the succeeding House did not, however, survive long after this time. (See secs. 6743–6755 of Vol. V of this work.)

⁶ Second session Forty-sixth Congress, Record, p. 200.

⁷ First session Thirteenth Congress, Journal, p. 32 (Gales & Seaton ed.); Annals, p. 155.

⁸ Second session, Journal, pp. 162, 168; Annals, pp. 783, 786.

⁹ In the Senate, for a time about 1833, the committees were appointed by the President pro tempore. (First session Twenty-third Congress, Debates, pp. 27–29.)

The present practice of the Senate in appointing committees is shown by the following resolutions, agreed to December 18, 1905 (first session Fifty-ninth Congress, Senate Journal, p. 61):

Ordered, That so much of Rule XXIV of the Senate as provides for appointment of the standing and other committees of the Senate by ballot be suspended.

Resolved, That the following shall constitute the standing and select committees of the Senate of the Fifty-ninth Congress: [Here follows list of the committee assignments.]

4449. The motion directing the Speaker to appoint the committees has been the subject of an amendment proposing their appointment by the House.—On December 27, 1849,¹ Mr. Armistead Burt, of South Carolina, offered this resolution:

Resolved, That the Speaker do now appoint the standing committees of the House.

The Speaker² stated that, while the rules of the House required the appointment of standing committees by the Speaker, the invariable practice had been that the Speaker did not appoint them until a resolution to that effect had been adopted by the House.³

Mr. William A. Sackett, of New York, proposed an amendment, striking out all after the word "*Resolved*," and inserting the following: "That the committees of this House be appointed by the House, under the provisions of the seventh rule."⁴

* * *

After debate, involving the slavery question, the amendment was rejected, and the original resolution was agreed to.⁵

4450. Although the rules permit the House to direct the appointment of the standing committees otherwise than by the Speaker, the House has always declined to exercise its power in this respect. The phrase of Rule X, which provides that the Speaker shall appoint the standing committees "unless otherwise specially ordered⁶ by the House," has been construed as contemplating a motion at the time of organization of the House to order another method of selection.

On December 1, 1806,⁷ an issue was made as to whether or not the committees should be appointed by the Speaker. Mr. Willis Alston, jr., of North Carolina, moved that they be appointed by ballot. This proposition was defeated, 44 votes to 42; and the committees were appointed pursuant to the standing rules and orders of the House. On October 28, 1807,⁸ the motion that the standing committees be appointed by ballot was again offered, on the ground that it would relieve the Speaker of an unpleasant duty and be more pleasing to the House. On the other hand it was urged that in selection by ballot there was no responsibility, such as the Speaker felt, that a House with many new Members could not ballot intelligently, that the balloting would consume much time, etc. Finally the motion to appoint by ballot was negatived, yeas 24, nays 87, and the House ordered the appointment of the committees in accordance with the rules.

¹ First session Thirty-first Congress, Journal, pp. 185, 186; Globe, pp. 79–85.

² Howell Cobb, of Georgia, Speaker.

³ On January 17, 1882 (first session Forty-seventh Congress, Record, pp. 463–467, 492) the House, after full debate, voted down a proposition that the committees be appointed by a board of eleven Members, to be chosen by viva voce vote of the House. The vote came on a question of order, deciding that the proposition was not in order as an amendment to the pending subject. The vote was yeas 162, nays 74, sustaining the point of order that the amendment was not in order.

⁴ This was the rule providing for election of committees by ballot by the House. See section 6003 of Vol. V of this work.

⁵ Also, for further statement on this point, see Globe, p. 75.

⁶ The old form of the rule used the word "directed," and provided that if not appointed by the Speaker the election should be by ballot. The present form of rule does not restrict the House to ballot.

⁷ Second session Ninth Congress, Annals, pp. 110, 111.

⁸ First session Tenth Congress, Journal, p. 10; Annals, pp. 790, 794.

4451. On May 23, 1809,¹ Mr. Willis Alston, jr., of North Carolina, moved that the standing committees of the House be now appointed.

Mr. Matthew Lyon, of Kentucky, moved to amend by specifying that they should be appointed by ballot. This motion was supported by Mr. Barent Gardenier, of New York, on the ground that such proceeding was more in harmony with republican institutions than the more monarchical method of appointment by the Speaker.

The amendment was disagreed to, 67 nays to 41 yeas. The original motion of Mr. Alston was then agreed to.

4452. The delay of the Speaker in appointing the standing committees having occasioned criticism, a resolution directing the appointment was offered, but was disagreed to by the House.

Mr. Speaker Reed in a ruling referred to the power of the Speaker in relation to the House itself.

Dates at which the standing committees have been appointed in the last fifty years. (Footnote.)

On April 7, 1897,² Mr. Jerry Simpson, of Kansas, claiming the floor for a question of privilege, called attention to the fact that the committees of the House had not been appointed, and demanded that this should be done.

The Speaker³ said:

The House will perceive that the gentleman from Kansas [Mr. Simpson] has made no proposition whatever upon the subject. He has simply stated his own views, and the Chair has thought perhaps it was best the matter should be stated and that the House should consider it.

So far as the power of the Speaker is concerned, everyone who has made the subject a matter of consideration understands that his power is solely the power of the House, and the House can at any moment change the action which its representatives sees fit to indulge in. The House has the power at all times. And while the rules of the House require certain committees to be appointed, there has always been allowed to the Chair a reasonable amount of discretion as to the time when they should be appointed. Opportunity is always allowed the Chair to find out something about Members, so that he may do the duties which are imposed upon him in the most intelligent way of which he is capable. It is not a rare case that the Speaker has not appointed committees at once.

A Congress which was called together under circumstances something like the present, the Forty-second, was presided over by a very eminent man, Mr. Blaine, and he declined—not declined, but did not see fit to appoint committees. The matter was brought up in the House, and he gave his reasons therefor; and those reasons were approved by the House; at least no action was taken by the House on the subject. There are about 150 new Members in the House. Under ordinary circumstances the occupant of the chair has time from the 4th day of March until the first Monday in December to obtain information in regard to his fellow-Members; but under the present circumstances there has been no opportunity. We have been called together in extraordinary session, and the question was, What was the best course for us to pursue, whether we should wait in appointing the committees until such times as would make the appointments more suitable or whether the public service was in such a condition that that ought to be done?

Now, the Chair has had full consultation with the various Members, as he has met them, upon the subject, and until this morning he supposed that it was the unanimous feeling of the House that it was not necessary to appoint the committees in haste, because the public service did not require it. The Chair is sorry to see that any gentleman in the House has lent himself to the suggestions which are sometimes made outside of the House with regard to the power of the occupant of the Chair. It is a power that

¹First session Eleventh Congress, Journal, p. 9 (Gales and Seaton ed.); Annals, pp. 58, 59.

²First session Fifty-fifth Congress, Record, p. 651.

³Thomas B. Reed, of Maine, Speaker.

is given to him by the House for its purposes, and its purposes alone; not for any selfish purposes; not for him to carry out any personal desires or designs of his own, but to carry out the wishes of the House as he understands them after a faithful and conscientious examination of the subject. If the House thinks that any occupant of the chair is not carrying out its wishes, is not acting as its representative, the remedy is in the hands of the House at any time. And the Chair cheerfully welcomes any action on the part of the House, whose representative he is.

4453. On May 3, 1897,¹ the Speaker not having appointed the committees, Messrs. James Hamilton Lewis, of Washington, and William H. Fleming, of Georgia, proposed action by the House declaratory of the duty of the Speaker to appoint the committees withiil a reasonable time after the commencement of the Congress.

For the purpose of testing the will of the House more definitely, Mr. Nelson Dingley, of Maine, presented this resolution as a substitute:

Resolved, That the Speaker be directed to immediately appoint the committees of the House.

On a yea-and-nay vote this proposition was rejected by 125 yeas to 50 nays, 13 answering "present."²

4454. In the Fortieth Congress the Speaker did not appoint the committees, except a few, until the closing days of the first session.—The first session of the Fortieth Congress met on March 4, 1867, and adjourned November 30, 1867, there being two recesses in the meanwhile. The committees were not appointed by the Speaker³ until November 25,⁴ but in the early portion of the session the Speaker, by special direction of the House, appointed the Judiciary Committee in order that it might pursue the investigations of the conduct of the President,⁵ also the Committee on Foreign Affairs,⁶ to deal with the northern boundary question, the Committee on Rules,⁷ on Enrolled Bills,⁸ and a few other committees especially called for.

¹ First session Fifty-fifth Congress, Record, p. 874.

² The committees were appointed on July 24, the last day of the session. The dates of the appointment of the committees by Speakers in the last fifty years have been as follows:

Congresses.	Sessions begin.	Committees appointed.	Days of elapsed time.	Congresses.	Sessions begin.	Committees appointed.	Days of elapsed time.
Thirty-fifth	Dec. 7, 1857	Dec. 14, 1857	7	Forty-eighth	Dec. 3, 1883	Dec. 24, 1883	21
Thirty-sixth	Dec. 5, 1859	Feb. 9, 1860	66	Forty-ninth	Dec. 7, 1885	Jan. 7, 1886	31
Thirty-seventh	July 4, 1861	July 8, 1861	4	Fiftieth	Dec. 5, 1887	Jan. 5, 1888	31
Thirty-eighth	Dec. 7, 1863	Dec. 14, 1863	7	Fifty-first	Dec. 2, 1889	Dec. 21, 1889	19
Thirty-ninth	Dec. 4, 1865	Dec. 11, 1865	7	Fifty-second	Dec. 7, 1891	Dec. 23, 1891	16
Fortieth ^a	Mar. 4, 1867 ^a	Nov. 25, 1867	266	Fifty-third	Aug. 7, 1893	Aug. 21, 1893	14
Forty-first	Mar. 4, 1869	Mar. 15, 1869	11	Fifty-fourth	Dec. 2, 1895	Dec. 21, 1895	19
Forty-second ^a	Mar. 4, 1871 ^c	Dec. 4, 1871	275	Fifty-fifth	Mar. 15, 1897 ^d	July 24, 1897	131
Forty-third	Dec. 1, 1873	Dec. 5, 1873	4	Fifty-sixth	Dec. 4, 1899	Dec. 18, 1899	14
Forty-fourth	Dec. 6, 1875	Dec. 20, 1875	16	Fifty-seventh	Dec. 2, 1901	Dec. 10, 1901	8
Forty-fifth	Oct. 15, 1877	Oct. 29, 1877	14	Fifty-eighth	Nov. 9, 1903	Dec. 5, 1903	26
Forty-sixth	Mar. 18, 1879	Apr. 11, 1879	24	Fifty-ninth	Dec. 4, 1905	Dec. 11, 1905	7
Forty-seventh	Dec. 5, 1881	Dec. 21, 1881	16				

^a Held in pursuance of the act of Jan. 22, 1867; Mr. Colfax, Speaker.

^b This session was in adjournment from July 20 to Nov. 21 and from Mar. 30 to July 3. Recesses are counted in the elapsed time.

^c This session lasted from Mar. 4 to Apr. 20. The recess is counted in the elapsed time.

^d The duration of this session was from Mar. 15 to July 24. See also Record, p. 1387, first session Fifty-flifli Congress.

³ Schuyler Colfax, of Indiana, Speaker.

⁴ Journal, p. 260.

⁵ Journal, pp. 19, 20.

⁶ Journal, p. 28.

⁷ Journal, p. 21.

⁸ Journal, p. 34.

4455. Before the adoption of rules the House sometimes authorizes the Speaker to appoint certain necessary committees.—In 1889,¹ before the adoption of rules, the House by resolution authorized the Speaker to appoint committees on Rules, Accounts, Enrolled Bills and Mileage.

4456. On December 6, 1887,² before the adoption of rules, the House agreed to a resolution authorizing the Speaker to appoint certain committees—Enrolled Bills, Mileage, Rules, and Accounts, of which the numbers should be the same as in the last Congress.

4457. Although the rules required the Speaker to appoint the standing committees, yet it was the invariable practice in former years for him not to appoint until directed by order of the House.—On December 9, 1829,³ Mr. Lewis Condict, of New Jersey, offered this resolution:

Resolved, That the standing committees be now appointed, pursuant to the rules and orders of the House.

Mr. James Buchanan, of Pennsylvania, objected that the adoption of such a resolution would not give the Speaker proper time to make up his committees. It was the third day of the session, and if the resolution could go over and be adopted on the following day, the House might then adjourn over and give the Speaker until the first of the next week.

This course was adopted. The resolution was agreed to on December 10, but the Speaker immediately announced the committees before the House adjourned.⁴

4458. In the earlier but not in the later practice the Speaker filled vacancies on committees only by the special direction of the House.—On January 24, 1833,⁵ the House ordered a member of the Committee on Commerce to be appointed in place of Mr. John Davis, of Massachusetts, who had resigned his seat.

4459. On September 26, 1850,⁶ the Speaker was authorized by order of the House to fill the vacancies on the Committees on Ways and Means, three in number.

4460. On January 7, 1858,⁷ Mr. Speaker Orr filled several vacancies on standing committees without special action of the House authorizing him so to do.⁸

¹First session Fifty-first Congress, Journal, p. 6.

²First session Fiftieth Congress, Journal, p. 17; Record, p. 12.

³First session Twenty-first Congress, Journal, pp. 28, 29; Debates, p. 472.

⁴On January 29, 1853, Mr. Speaker Boyd said that he did not feel authorized to appoint certain special committees which had existed at the preceding session, and which by implication seemed to have been continued by the House, without the action of the House authorizing him. (Second session Thirty-second Congress, Journal, pp. 206, 207; Globe, p. 444.)

⁵First session Twenty-third Congress, Journal, p. 236.

⁶First session Thirty-first Congress, Journal, p. 1541.

⁷First session Thirty-fifth Congress, Journal, p. 145; Globe, p. 226.

⁸In the year 1900, during the recess between the first and second sessions of the fifty-sixth Congress, Mr. Speaker Henderson asked of the clerk at the Speaker's table (Asher C. Hinds) an opinion as to whether or not the Speaker might fill an existing vacancy on the Ways and Means Committee before the assembling of Congress. Following is the opinion, to the reasoning of which the Speaker agreed: "It seems that the appointment of a Member on a committee is an act of the Speaker which is in order only as a part of the business of the House. It is, to use the technical term, the 'transaction of business.' The Speaker would not think of appointing a Member on a committee at a time when the House was without a quorum. It is one of those acts that are always recorded in the Journal, and if an appointment

4461. A question as to the privilege of resolutions directing the Speaker as to the appointment of committees in a certain way or for certain purposes.—In 1867, at the extraordinary session convened by law, the Speaker did not appoint the committees of the House until the end of the session, except in certain cases where he was directed by the House to appoint particular committees.

On March 15, 1867,¹ a resolution was presented requesting the Speaker to appoint the Committee on Public Expenditures, in order that it might proceed with the investigation of the administration of the New York custom-house.

The resolution having been presented as privileged, the Speaker² said:

The Chair rules that a resolution directing the Speaker to appoint one of the standing committees of the House is a question of privilege, and the resolution is in order and before the House.

4462. On March 7, 1871,³ on the second legislative day of the session, Mr. William E. Niblack, of Indiana, as a question of privilege, offered the following:

Resolved, That the Speaker be, and he is hereby, requested to proceed at once to appoint the standing committees of this House, reserving such vacancies as in his judgment may be proper for Representatives not yet elected.

Mr. Luke P. Poland, of Vermont, raised a question of order as to whether or not the resolution was privileged.

The Speaker⁴ said:

It is not.

The resolution was received by unanimous consent, and after debate was laid on the table.

4463. An order providing for the appointment on a committee of two Members of the House "by that body," the Speaker declined to appoint

should be made in recess there would be no Journal record, unless the fact should be announced after the meeting of the House. The appointment of a Member on a committee is an act of the same class as the administering of the oath to a Member. The Speaker may not do it away from the House, even at a time when Congress is in session, except by permission of the House. It seems by a fair analogy that the Speaker should not appoint a Member of a committee at a time when he is away from the House and the House is not in session, unless the House has previously given permission. Suppose the House were in session and the Speaker were away from it. The appointment of Members on committees (as conference committee, for instance) would be a function of the Speaker pro tempore in the chair and not of the real Speaker out of the chair. Moreover, the parliamentary system of the House presupposes that there shall ordinarily be no occasion for such an act. Committees become moribund so soon as the session finally adjourns, even when there is to be another session of the same Congress, and they may exercise life only when the House votes special permission, as it did to Ways and Means at the recent session. It might seem at first that on a committee so endowed with power to act in recess a vacancy might be filled, for it is conceivable that enough vacancies might occur to destroy a quorum and thus defeat the wish of the House that the committee act. But further reflection makes it plain that such a contingency would be something for the House to foresee and guard against by voting to the Speaker the power to act during recess as it did vote the power to the committee. In such matters as are involved here the rules of the House are the law for Speaker as well as for the committees, and if a committee may not exercise its functions in recess, why should the Speaker be able to?"

¹ First session Fortieth Congress, Globe, p. 120.

² Schuyler Colfax, of Indiana, Speaker.

³ First session Forty-second Congress, Journal, p. 15; Globe, pp. 16–18.

⁴ James G. Blaine, of Maine, Speaker.

unless specially directed by the House.—On February 9, 1853,¹ the House agreed to a resolution providing that “two Members of the House be appointed by that body” to join a committee on the part of the Senate to notify the President-elect of his election.

The Speaker² held that from the language of the resolution he could not appoint the committee unless directed by the House.

This direction was thereupon given by motion made and carried.

4464. In 1877, in accordance with a provision of law, the House elected, by viva voce vote, five members of the electoral commission.—On January 30, 1877,³ Mr. Henry B. Payne, of Ohio, as a question of privilege, submitted the following resolution, which was agreed to:

Resolved, That the House do now proceed by viva voce vote to appoint five members of the commission provided for in the act approved January 29, 1877, entitled “An act to provide for and regulate the counting of votes for President and Vice-President and the decisions of questions arising thereon, for the term commencing March 4, A. D. 1877.”

Mr. Lucius Q. C. Lamar, of Mississippi, nominated Messrs. Payne, Hunton, J. G. Abbott, of Massachusetts, James A. Garfield, of Ohio, and George F. Hoar, of Massachusetts.

The aforesaid were elected. the Journal recording the names of the Members voting for each.

Then, on motion of Mr. Payne,

Ordered, That the Speaker appoint two tellers on the part of the House of Representatives, as provided for in the aforesaid act.

4465. The law providing that a committee of the House be “chosen,” the Speaker never appointed without special sanction of the House.—On December 22, 1847,⁴ the following resolution was offered by unanimous consent, and agreed to:

Resolved, That the Speaker be authorized to appoint a committee on public printing, according to the provisions of the joint resolution entitled “A joint resolution directing the manner of procuring the printing for the two Houses of Congress, approved August 3, 1846.”

The Speaker,⁵ explained, when this resolution was adopted, that the joint resolution used the word ‘chosen’ in regard to this committee, and he was therefore in some doubt as to whether he was authorized to appoint without the sanction of the House.

4466. On April 13, 1852,⁶ during consideration of a report from the Committee on Printing, Mr. Thaddeus Stevens, of Pennsylvania, called attention to the following provision of law, which also was the provision of a joint rule of the two Houses at that time:

A committee, consisting of three Members of the Senate and three Members of the House of Representatives, shall be chosen by their respective Houses, which shall constitute a committee on printing.

¹ Second session Thirty-second Congress, Journal, p. 265; Globe, p. 550.

² Linn Boyd, of Kentucky, Speaker.

³ Second session Forty-fourth Congress, Journal, pp. 331–338; Record, p. 1113–1114.

⁴ First session Thirtieth Congress, Journal, p. 144; Globe, p. 64.

⁵ Robert C. Winthrop, of Massachusetts, Speaker.

⁶ First session Thirty-second Congress, Globe, p. 1059.

Mr. Stevens made the point of order that a committee appointed by the Speaker did not satisfy the requirement of this provision.

The Speaker¹ said:

The joint resolution authorizes the two Houses to choose this committee. The House of Representatives passed a resolution authorizing their organ, the Speaker, to appoint the committee on their part. Even if that had not been done, the seventh rule of the House authorizes the Speaker to appoint the committee. But to remove all doubt about it, the House of Representatives, at the beginning of this session, ordered the Speaker to appoint the committee on their part. Such has been the practice of this body in every Congress since the joint resolution has been adopted. The Chair hopes that every gentleman will understand the course of the Speaker, and that the Committee on Printing of this body is duly authorized to act under the joint resolution.

4467. Certain committees were increased in size in the Fifty-ninth Congress.

Creation of the Committee on Expenditures in the Department of Commerce and Labor.

As to proper ratio of majority and minority representation on committees.

On December 11, 1905,² the House agreed to the following:

Resolved, That section 1 of Rule X be, and hereby is, amended as follows:

By increasing by one member each of the following-named committees: Ways and Means, Judiciary, Banking and Currency, Interstate and Foreign Commerce, Rivers and Harbors, Merchant Marine and Fisheries, Agriculture, Foreign Affairs, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Public Lands, Indian Affairs, Territories, Insular Affairs, Railways and Canals, Mines and Mining, Public Buildings and Grounds, Militia, Patents, Invalid Pensions, Pensions, District of Columbia, Irrigation of Arid Lands, Census, Industrial Arts and Expositions.

By increasing by two members the Committee on Manufactures and by three members the Committee on Immigration and Naturalization.

By inserting after the designation of the Committee on Expenditures in the Department of Agriculture the following:

“On Expenditures in the Department of Commerce and Labor, to consist of seven members.”

Resolved, That Rule XI be amended as follows:

By inserting after paragraph 50 a new paragraph, as follows:

“51. In the Department of Commerce and Labor; to the Committee on Expenditures in the Department of Commerce and Labor.”

And by renumbering the succeeding paragraphs of Rule XI, and by amending in accordance with such renumbering the reference to clause 60 of Rule XI contained in paragraph 2 of Rule XIII.

Mr. John S. Williams, of Mississippi, leader of the minority, stated that his party would acquiesce in the arrangement, which would permit the Speaker, in adjusting majority and minority representation on the committees, to approximate the ratio to that of the respective sizes of the two parties in the House.³

4468. Instances wherein Members have not been appointed on committees.—On March 4, 1867,⁴ at the organization of the House, Mr. John Morrissey, of New York, appeared and answered on the call of the roll by States, and continued a Member during the Congress.

¹ Linn Boyd, of Kentucky, Speaker.

² First session Fifty-ninth Congress, Record, p. 296.

³ On January 17, 1882 (First session Forty-seventh Congress, Record, p. 457 et seq.), the general subject of the size of the committees and an increase thereof was discussed.

⁴ First session Fortieth Congress, Journal, p. 3.

On November 25, 1867,¹ the Speaker² announced his committees, but the name of Mr. Morrissey does not appear as receiving an appointment.³

On December 11, 1905,⁴ at the announcement of the committees, Mr. Claude A. Swanson, of Virginia, who had been elected governor of that State and was soon to retire from the House, was not appointed to any committee by the Speaker.⁵

In rare instances Members have been left off of committees by inadvertence.⁶

4469. On March 3, 1843,⁷ Mr. Charles Brown, of Pennsylvania, in giving his reason for opposing a motion thanking Mr. Speaker White for his impartial administration of the office, said that at the previous session he had been assigned to an obscure committee place, from which he had resigned. When the committees were made up for the present session his name did not appear. He considered this an injustice to his constituents.⁸

4470. Since 1880 the appointment of select committees has by rule rested solely with the Speaker.

Since 1890 the rule has provided that conference committees be appointed by the Speaker, although such has been the practice since the earliest days of the House.

Form and history of section 2 of Rule X.

Section 2 of Rule X, in further specifying the powers of the Speaker in the appointment of committees, provides:

He shall also appoint all select and conference committees which shall be ordered by the House from time to time.

This, so far as it applies to select committees, was reported as a new rule in the revision of 1880, and was apparently the result solely of an effort to improve the rearrangement of the old rules by including the enumeration of the standing committees with the clause authorizing the Speaker to appoint unless otherwise ordered.⁹ After the enumeration it was necessary to add a new clause:

He shall also appoint all select committees which shall be ordered by the House from time to time.

As the words "unless otherwise specially ordered by the House" were not included, the apparent effect is to deprive the House of the authority which the rule gives it as to standing committees. While the House has not cared to exercise the authority as to standing committees, it did formerly exercise it on important occasions as to select committees; and on other occasions the exercise has been attempted.¹⁰

¹Journal, pp. 261–265.

²Schuyler Colfax, of Indiana, Speaker.

³Mr. Morrissey, according to report, had requested that he be given no committee assignment.

⁴First session Fifty-ninth Congress, Journal, p. 120.

⁵Joseph G. Cannon, of Illinois, Speaker.

⁶Case of Mr. Robert L. Henry, of Texas, in the first session of the Fifty-fifth Congress.

⁷Third session Twenty-seventh Congress, Globe p. 397.

⁸In the Senate May 21, 1880 (second session Forty-sixth Congress, Record, p. 3601), Mr. George F. Hoar, of Massachusetts, recalled how early Republicans in the Senate were denied committee places as being "outside of any healthy political organization." Of course such instances are extremely rare.

⁹See first session Forty-sixth Congress, Journal, p. 624, and Journal of second session, p. 1541.

¹⁰See sections 4471–4476 for instances.

The provision as to conference committees was added in the revision of 1890,¹ the Committee on Rules deeming the provision necessary and proper, as a conference committee was neither a standing nor a select committee. Conference committees were omitted from the rule in the Fifty-second and Fifty-third Congresses, but restored in the Fifty-fourth and Fifty-fifth Congresses.²

4471. In 1821 the House ordered that its members of the select committee on the admission of Missouri be elected by ballot.

A joint committee was chosen in 1821 to consider and report to the two Houses whether or not it was expedient to make provision to admit Missouri to the Union.

During the second session of the Sixteenth Congress there was a prolonged parliamentary struggle over the passage of a joint resolution admitting Missouri into the Union. A resolution originating in the House for that purpose had, after long debate, been disagreed to by the House, and the same fate had befallen a joint resolution passed by the Senate and sent to the House. After the House had finally rejected the resolution sent from the Senate, Mr. Henry Clay, of Kentucky, on February 22, 1821,³ proposed in the House this resolution:

Resolved, That a committee be appointed on the part of this House, jointly with such committee as may be appointed on the part of the Senate, to consider and report to the Senate and to the House, respectively, whether it be expedient or not to make provisions for the admission of Missouri into the Union, on the same footing as the original States, and for the due execution of the laws of the United States within Missouri; and if not, whether any other, and what, provision adapted to her actual condition ought to be made by law.

This resolution having been agreed to, on motion of Mr. Clay it was—

Ordered, That the said committee consist of twenty-three members; and that they be elected by ballot, pursuant to the rules and orders of the House.

On motion of Mr. Samuel C. Allen, of Massachusetts, the House voted to proceed to the election on the succeeding day at 12 o'clock.

On February 23 the ballot was taken, a committee of three being appointed to count the ballots and report the result to the House. This committee retired by leave of the House as soon as the ballot had been taken, and the House proceeded with business, resolving itself into Committee of the Whole.

The Committee of the Whole having risen, the committee made report of the result of the ballot. Seventeen members had received a majority of the whole number of votes cast, and there remained six members to be chosen. Mr. Clay, in order to avoid the delay of another ballot, asked unanimous consent that the remaining six be selected from those standing next highest of the ballot already taken. It was suggested that the Speaker appoint the remaining six, and the

¹ See House Report No. 23, first session Fifty-first Congress.

² Conference committees have been appointed by the Speaker from the earliest years. Thus, in 1798 Mr. Speaker Dayton said that the managers of conferences were appointed like other committees, i. e., by the Speaker (second session Fifth Congress, *Annals*, Vol. I, p. 952), and this seems to have been the unbroken practice from that time, whether the rule existed or not. The omission of the rule in the Fifty-second and Fifty-third Congresses resulted in no change in the practice.

³ Second session Sixteenth Congress, *Journal*, pp. 70, 227, 262–264, 266, 267 (Gales & Seaton ed.); *Annals*, pp. 1219, 1223

Speaker having intimated that he should, were the duty to devolve on him, select the six from those standing highest among the names of those balloted for but not elected, it was so arranged, and the Speaker made the appointment.

The resolution of the House was taken up in the Senate on February 24,¹ and some question was raised as to the course of procedure. Mr. William Smith, of South Carolina, said that if the House had sent back the resolution of the Senate with an amendment on which the two Houses could not agree, a committee of conference would be proper on the disagreeing votes; but a conference on an original proposition seemed to him a novelty. Mr. James Barbour, of Virginia, denied that the course proposed by the other House was a novelty, either in the proceedings of Congress or of the English Parliament. It was proper that when the two Houses could not agree on the principles of a public act there should be a joint committee to devise a course in which the two Houses would probably meet.

The Senate then agreed to the proposition—yeas 29, nays 7. A committee of seven were then appointed on the part of the Senate to join the committee of twenty-three on the part of the House.

On February 26² Mr. Clay, chairman of the joint committee, reported a joint resolution providing for the admission of Missouri into the Union. Mr. Clay said the committee on the part of the Senate was unanimous on the subject and that on the part of the House nearly so.³ The resolution was considered by the House and on its final passage received 87 yeas, 81 nays.

The bill being carried to the Senate, was considered there, and passed on February 28,⁴—yeas 28, nays 14.

4472. In 1839 and 1840 committees of investigation were elected by ballot.—On January 17, 1839,⁵ the House agreed to the following resolution:

Resolved, That the communication from the President of the United States of December 8, 1838, relating to the defalcation of the late collector of the port of New York, except so much as relates to the modification of the revenue laws, be referred to a select committee of nine members, to be appointed by the House by ballot, whose duty it shall be to inquire into the causes and extent of the late defalcations, etc.

As originally presented this resolution provided for the appointment of this committee by a viva voce vote, but an amendment striking out that provision and providing for the appointment of the committee by ballot was agreed to—yeas 113, nays 106.

The House having agreed to a motion to proceed to ballot for the committee, the committee were elected in accordance with the provisions of the rule relating to balloting. Several who had been chosen were, at their own request, excused from serving, and their successors were elected by additional ballotings.

4473. On January 30, 1840,⁶ the House agreed to the following resolution:

¹ Annals, p. 382.

² Journal, pp. 270, 277; Annals, pp. 1228, 1236–1238.

³ This indicates what must have been the fact, that the two portions of the joint committee voted separately.

⁴ Annals, pp. 388, 390.

⁵ Third session Twenty-fifth Congress, Journal, pp. 312–320; Globe, pp. 123, 126.

⁶ First session Twenty-sixth Congress, Journal, pp. 260, 266, 268; Globe, pp. 158, 160.

Resolved, That the House proceed instantler to the election of a printer, and that as soon as the election shall have taken place a committee of five members be elected viva voce by the House to consider and investigate the subject of public printing, etc.

On January 31 and February 3 the election of the committee took place, a majority of the whole number of votes being required for the choice of members. Three members were elected on the first vote and two on the second.

4474. In 1832 a motion that the committee to investigate the Bank of the United States be chosen by ballot was defeated by a tie vote.

The report of the select committee on the Bank of the United States, submitted to the House in 1832, was accompanied by minority views and individual views.

On February 23, 1832,¹ Mr. Augustin S. Clayton, of Georgia, presented this resolution:

Resolved, That a select committee be appointed to examine into the affairs of the Bank of the United States, with power to send for persons and papers, and to report the result of their inquiries to this House.

On March 7² Mr. Erastus Root, of New York, moved to amend the resolution so that the committee therein proposed to be appointed should be chosen by ballot³ and consist of seven members.

Mr. Root explained that he intended to express no distrust of the Speaker, but he thought the resolution ought to go to a committee the majority of whom were friendly to the institution of some national bank. It was argued, on the other hand, that the investigation should be in the hands of those favoring the inquiry. Some argued that the attitude of the majority of the committee was not material, since, under the custom that had pertained of late on important matters, it had been usual to have reports both from the committee and the minority of the committee. The rule of Jefferson's Manual was quoted as to the constitution of committees, and it was alleged that the intention of the amendment proposed by Mr. Root was to violate the parliamentary usage by electing a committee friendly to the bank, and therefore not in sympathy with the purposes of the resolution.⁴

On March 8 Mr. Root's amendment was decided in the negative—yeas 88, nays 92. But on March 9 the House reconsidered this vote, 98 yeas to 93 nays, and on March 13⁵ the question was taken again on the proposition to appoint the committee by ballot and limit it to seven members. And there were, yeas 100, nays 100. Thereupon the Speaker voted with the nays.⁶

On March 14,⁷ after the resolution had been amended, it was agreed to, and the Speaker appointed a committee of seven. Mr. Clayton was made chairman, and Mr. John Quincy Adams, of Massachusetts, who had proposed an essential amendment (which had been agreed to) was named second.

¹ First session Twenty-first Congress, Journal, p. 402; Debates, p. 1846.

² Journal, p. 449; Debates, p. 2042.

³ On May 14, 1832, on another question, a motion was made that a committee be chosen by ballot, but the House decided adversely. Journal, p. 740, first session Thirty-second Congress.

⁴ For this debate see pages 2098, 2101, 2103, 2113.

⁵ Journal, p. 479; Debates, p. 2128.

⁶ This was unnecessary.

⁷ Journal, p. 494; Debates, p. 2163.

On May 1¹ Mr. Clayton presented the report of the committee; and Mr. Adams, in the course of debate, announced his intention of submitting his observations in the form of a report.

On May 11,² Mr. George McDuffie, of South Carolina, from the minority, presented a statement of their grounds of dissent.

A motion to print an extra number of the report and the views of the minority was withheld until Mr. Adams should present his views.

On May 14,³ Mr. Adams presented his views, and the whole matter⁴ was ordered printed.

Mr. Adams, besides presenting his own views, signed the minority views with Messrs. McDuffie and Watmough. Mr. Watmough also signed a note of concurrence in the individual views presented by Mr. Adams.

The majority of the committee presented a report not friendly to the bank.

4475. Instances wherein the House declined to take from the Speaker the appointment of select committees.—On March 31, 1808,⁵ the House having authorized a select committee to inquire into the conduct of Judge Inness, Mr. Richard Stanford, of North Carolina, moved that the committee be appointed by ballot. After discussion as to former practice, the motion was disagreed to.

On April 4, 1810,⁶ the House having authorized a select committee to inquire into the conduct of Gen. James Wilkinson, Mr. Timothy Pitkin, jr., of Connecticut, moved that the committee be appointed by ballot. This motion was decided in the negative, yeas 52, nays 64.

On April 19, 1824,⁷ a motion that a committee be appointed by ballot and not by the Speaker was negatived.

4476. On February 9, 1827,⁸ the House had voted to refer to a select committee the message of the President communicating a letter of the Governor of Georgia in relation to the Creek treaties, when Mr. Wiley Thompson, of Georgia, moved that the committee be appointed by ballot. He declared that the motion proceeded from a sense of the importance of the subject and not from lack of confidence in the Speaker.

Mr. Joseph Vance, of Ohio, opposed the motion, as tending to unnecessary delay.

The question being taken by yeas and nays, the motion was disagreed to, yeas 90, nays 104.

The Speaker⁹ thereupon appointed the committee.

On September 19, 1837,¹⁰ a proposition was made that an investigating committee be appointed by ballot, Mr. Henry A. Wise, of Virginia, the mover, saying that the rules provided that the Speaker should appoint only when not otherwise specially directed by the House. The motion was not carried.

¹ Journal, p. 676; Debates, pp. 2651, 2663.

² Journal, p. 720; Debates, p. 2940.

³ Journal, p. 744; Debates, p. 3036.

⁴ For these reports, see Appendix of Debates, pp. 33, 46, 54.

⁵ First session Tenth Congress, Annals, p. 1886.

⁶ Second session Eleventh Congress, Journal, p. 347 (Gales & Seaton ed.); Annals, p. 1756.

⁷ First session Eighteenth Congress, Annals, p. 2455.

⁸ Second session Nineteenth Congress, Journal, p. 273; Debates, pp. 1052, 1053.

⁹ John W. Taylor, of New York, Speaker.

¹⁰ First session Twenty-fifth Congress, Journal, p. 76; Globe, p. 46.

4477. A Member may be named of a committee before he is sworn.

The old rule of Parliament that none but those friendly to a bill should be of the committee and the practice of party representation on the standing committees of the House. (Footnote.)

The ratios of majority and minority representation on the committees is determined by the Speaker. (Footnote.)

Jefferson's Manual has the following provisions as to the appointment of committees:

Section. III. Before a return be made a Member elected may be named of a committee, and is to every extent a Member, except that he can not vote until he is sworn.¹

Section XXVI. Those who take exceptions to some particulars in the bill are to be of the committee, but none who speak directly against the body of the bill, for he that would totally destroy will not amend it (Hakew., 146; Town., col. 208; D'Ewes, 634, col. 2; Scob., 47); or, as is said (5 Gray, 145), the child is not to be put to a nurse that cares not for it (6 Gray, 373). It is therefore a constant rule "that no man is to be employed in any matter who has declared himself against it." And when any Member who is against the bill hears himself named of its committee he ought to ask to be excused.²

¹It is the general practice for the Speakers in appointing the standing committees to name the Members who have been returned, without inquiry as to whether or not they have yet taken the oath.

²This is not the practice of the House at present, nor has it been for many years. The standing committees are made up on party lines, the majority party in the House having a majority of the membership of each committee, and the minority representation being arranged in proportion to the relative size of the minority. In recent Congresses the ratio of majority and minority representation on the Ways and Means Committee as related to party majorities on the floor of the House shows in a general way the usage in this matter:

Congress.	Party majority on floor.	Proportion on committee.	Congress.	Party majority on floor.	Proportion on committee.
Fifty-first	6	8 to 5	Fifty-sixth	13	10 to 7
Fifty-second	129	10 to 5	Fifty-seventh	34	11 to 6
Fifty-third	84	11 to 6	Fifty-eighth	30	11 to 6
Fifty-fourth	133	11 to 6	Fifty-ninth	116	12 to 6
Fifty-fifth	50	11 to 6			

The same ratios have not been followed exactly in other committees; but the ratios on the Ways and Means Committee are a fair example of the divisions.

In select and conference committees the party divisions are not considered so strictly, but the principle that the opposition, whether of party or principle, should be represented, is always followed in making up the committees.

The arrangement of the proportion of majority and minority members on committees is made by the Speaker, and party considerations have entered into the exercise of this duty for many years. As early as January 28, 1828 (first session Twentieth Congress, Debates, p. 1222): the debates contain intimations that the Speaker had in constituting the principal committees considered somewhat the lines of difference between those who favored and those who opposed the Administration. On April 8, 1836 (first session Twenty-fourth Congress, Journal, p. 653; Debates, p. 3226), a rule was proposed that it should be the duty of the Speaker to appoint a majority, at least, of the members of each standing committee, without respect to party, and of competent individuals. This rule was not adopted. At this time (Debates, p. 3228) a brief debate indicates that the drawing of party lines in making up the committees was at that time recognized as a long-established usage. On March 3, 1843 (third session Twenty-seventh Congress, Globe, p. 398), Mr. Charles J. Ingersoll, of Pennsylvania, said that the committees had been selected on party and political grounds during the thirty years in which he had had experience of the House. On March 3, 1839 (third session Twenty-fifth Congress, Globe, p. 236), Mr. Sargent S. Prentiss, of Mississippi, criticised Mr. Speaker Polk, not for making up partisan committees, for that was admitted to have been the custom; but for having given too small minority representation.

Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself. (Scob., 46.)

4478. On January 14, 1902,¹ in the Senate, while discussing a resolution proposing a committee to investigate the condition of affairs in the Philippines, Mr. George F. Hoar, of Massachusetts, said:

I do not expect, and I do not think it would be reasonable to desire, that a committee of that kind should be appointed by the Senate which did not represent in its formation the prevalent opinion on the subject with which it has to deal of the majority of the Senate, let that opinion be right or wrong. It is of course proper that in all legislative bodies great public questions should be committed to instrumentalities composed of persons in accord with the prevalent policy, and I do not expect anything else.

4479. Instance wherein Members-elect were appointed on committees before taking the oath.

Members-elect unofficially known to be under indictment or actually convicted after indictment were yet appointed on committees.

Instance wherein a Senator accused of crime was omitted from committees at his own request.

A Senator having died while under conviction of crime no announcement of his death was made to the Senate.

Instance wherein a Senator's name was dropped from the roll on unofficial information of his death.

At the beginning of the fifty-ninth Congress, when the House assembled on December 4, 1905,² two Members-elect of the House from Oregon—Messrs. Binger Hermann and John N. Williamson—did not appear. It was generally known, through the public prints, that Mr. Hermann was under indictment in Oregon and that Mr. Williamson had been convicted, after indictment, and was awaiting the result of an appeal.

When the Speaker³ announced his committees on December 11⁴ it appeared that he had named Mr. Hermann as a member of the Committee on Election of President, Vice-President, and Representatives in Congress, and Indian Affairs, and Mr. Williamson on Mines and Mining and Irrigation of Arid Lands.⁵

Mr. John H. Mitchell, a Senator from Oregon, had been indicted and convicted of an offense similar to that alleged against Messrs. Hermann and Williamson, but had died pending an appeal and after the assembling of the Senate. Also Mr. Joseph R. Burton, a Senator from Kansas, had been tried and convicted and was awaiting the result of an appeal when, on December 18,⁶ certain proceedings took place in the Senate.

Mr. Eugene Hale, of Maine, had reported the assignment of Senators to committees, saving:

Mr: President, every Senator upon the roll has been assigned upon different committees by the committees from both sides to make up the committees, with the exception of the Senator from Kansas

¹ First session Fifty-seventh Congress, Record, p. 649.

² First session Fifty-ninth Congress, Record, p. 40.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ Record, p. 297.

⁵ Of course these Members had not taken the oath. Mr. Hermann appeared and took the oath January 15, 1906. (First session Fifty-ninth Congress, Record, p. 1110.) Mr. Williamson did not appear during the session.

⁶ Record, pp. 538–544.

[Mr. Burton], who himself desired—and made his wish known to the committee having the matter in charge—that during the pendency of examination into the case against him no assignment be made him upon any committee; and upon that no assignment was made in his case. That is the only exception.

Mr. Joseph W. Bailey, of Texas, announced that he was opposed to the English practice of allowing the courts to dispose of such a matter before the taking of it up by the legislative body. Mr. Bailey said also:

Mr. President, it is an exceedingly disagreeable duty to raise a question as to the rights of any Senator in this body, but I am not able to see how the Senate can leave a Senator upon the roll of the Senate and still not assign him to a committee. So long as a man is a Senator he ought to be permitted to exercise his privileges as a Senator and he ought to be required to perform the duties of a Senator.

I sympathize with the delicacy of the task which the committee had before it. I also appreciate the force of the argument that when a question affecting the character and conduct of a Senator is under investigation by the courts it might be well for the Senate to withhold any judgment or proceeding until the final disposition of the criminal charge in the courts of the country. But, sir, there is another side of that question. Whenever a Senator can not come to his seat in this Chamber, can not attend the meetings of our committees, and can not answer to his name on the roll call, the effect of it is to deprive the State which he represents of at least a part of its representation in this body.

I believe the rule ought to be that when a charge affecting the fitness of a Senator to continue in this body is made in such a way as to challenge the attention of the Senate, a committee ought to be appointed, or the matter ought to be referred to some standing committee of the Senate, and they ought to report without delay upon the right of that Senator to continue as a Member of this body. If he is found unfit, the Senate owes it to the State which he represents, the Senate owes it to the country which it represents, and the Senate, most of all, owes it to itself to dispose of that question without the least delay.

I do not concede to any court the right to decide who is entitled to a seat in this body. The Constitution commits that to us in the first instance and in the last instance. We are to judge of their election and qualifications when they come; and, under our power of expulsion, we are to judge how long they may remain.

The rule is different here from that which prevails in the courts. There, as a safeguard for the liberty of the citizen, he must have his guilt established beyond a reasonable doubt; here the rule ought to be that he must free himself from all appearance of wrongdoing beyond reasonable doubt.

Mr. President, this is not the time to discuss this question on its merits. I simply embrace the opportunity to declare my belief that the Senate should determine this question without waiting longer on the courts.

We are already in a most awkward attitude. The death of a Member of this body has not yet been announced to it. His successor will soon appear at that bar to take upon himself the obligations of the office, and yet the credentials of that successor will be the first formal notice the Senate will have received of the death of the predecessor.

Mr. President, we can not afford to be too tender with these questions. I would be the last man here or elsewhere to stain an honorable name by even proposing an unjust inquiry; but Senators who do behave themselves ought not to rest under the shadow of a suspicion cast upon the Senate by those who do not behave themselves.

Without any formal motion, I protest against recognizing the right of a Senator to remain upon the roll and yet denying him the right of an assignment to a committee.

Mr. John C. Spooner, of Wisconsin, said:

The embarrassment and mortification arising through the indictment of Senators for violating the law of the land are of course confined to no Senator nor to one side of the Senate. It is a feeling which is shared by all of us. The subject, to my knowledge, has had much consideration on the other side of the Chamber and on this side, as to the proper course which in dignity and justice the Senate should pursue in such cases.

I agree with the Senator from Texas [Mr. Bailey] that the action of the committee and the Senate, if the report shall be adopted, in omitting the Senator from Kansas from all committees is anomalous, for he is a Member of the Senate. His name is on the roll—as legally there as that of any other Senator.

He is entitled to vote; he is entitled to act upon committees, for a State which is entitled to send a Senator into this body, as all the States are—and it can not be deprived of that right by the Senate or by any law—is entitled to have the Senator it sends here participate in the important legislative duties involved in committee action. But this is all changed by the request of the Senator not to be included in committee assignments.

So when it was suggested to this committee that the Senator from Kansas should, under the circumstances, be omitted from the list of committees, we were confronted at once by the suggestion which has been made by the Senator from Texas, and we were only relieved from the embarrassment by the request of the Senator from Kansas. The Senator from Kansas has acted with great propriety in absenting himself from the Senate under the circumstances. It has been, I am bound to assume and believe, out of a proper sense of delicacy and deference to his colleagues. No Senator is ever displaced from a committee, when once placed there by the Senate, without his consent, except, so far as I remember, Mr. Sumner; and we were relieved and gratified that the Senator from Kansas should have supplemented his absence from the Senate Chamber, pending the determination in the courts of his case, by a request that he be not assigned, until that determination, to any positions on committees.

Now, if the State of Kansas is deprived for the time of a Senator it is not by the Senate. She is deprived of a part of her representation here for a time by the position in which one of the Senators finds himself. That is embarrassing. There is only one man I know who can relieve the Senate in such a case of its embarrassment, unless we abandon the English rule on the subject, and that is the Senator who is involved. A Senator might leave his place in the Senate, if he were so minded, fight out the battle in the courts, establish his innocence, if possible, and then go to his State and ask to be returned in vindication to this body. That is a remedy we can not control.

The Senator from Texas referred to the case of Senator Dietrich, of Nebraska. Senator Dietrich asked for no investigation by the Senate while his case was *sub judice*. After the circuit court of the United States for the district of Nebraska had dismissed the indictment and discharged Senator Dietrich, holding the indictment to be bad, he came into the Senate, made a statement, and presented a resolution for the appointment of a select committee to investigate his case. * * *

Mr. President, whatever the Senate might do, whatever its determination might be, the jurisdiction of the court would remain unaffected. The officers of another branch of the Government would not deem themselves obstructed in the regular prosecution of that indictment. This indicted Senator, with his case prepared to be presented in the usual way in a court of justice, would be summoned to his defense before a committee of the Senate and called upon to give to the committee and to his prosecutors in the court all the evidence gathered for his defense. That, Mr. President, would be unjust. It would handicap him in his defense unless there were some way to bring about an acquiescence by the other department of the Government, the judicial, in the action or judgment of the Senate.

Then, too, in prosecuting this investigation the Senate would be entitled, and ought to be entitled, to the evidence possessed by the Government against the Senator. We could not very well ask the Department of Justice to send here the whole case. And the whole case ought to be before the Senate—just as it should be before a court—before judgment, either of acquittal or condemnation. We could not very well summon the Department of Justice and the district attorney of the district to bring before a Senate committee all the evidence gathered by the Government and upon which it relied for conviction. That would embarrass the judicial and executive departments of the Government in the discharge of public duty.

And, Mr. President, there is another and worse feature about such a course. Men sometimes are indicted not so much upon the truth as by way of conspiracy or in obedience to public clamor. In a criminal case, pending trial before a common-law jury in the tribunal created by the Constitution for the determination of such cases, an expulsion from the Senate and judgment arrived at upon a partial knowledge of the case would go with crushing and inexpressible weight against a possibly innocent man.

In support of the English rule, what the Senator from Texas says is absolutely true, that this body in determining who shall leave it and who may remain in it is above the courts and it is above the Congress. It is a part of the penalty denounced by the statute in cases like the one pending in Missouri that upon conviction the defendant shall be disqualified forever from holding any office of trust, honor, or profit under the United States. Of course, as to a Senator or a Member of the House of Representatives, that part of the penalty denounced by the statute is absolutely void and ineffective.

* * * This provision of the statute can not by any human possibility operate to vacate a Senator's seat or the seat of a Member of the House, because the Constitution has made each body the sole judge of the election, qualifications, and return of its Members. It requires two-thirds to expel a Member and two-thirds to expel a Senator, and a majority only to enact this law. It is impossible that it could apply or could operate to vacate the seat of a Senator.

Mr. Bailey, as to this part of the argument, said:

I thoroughly agree with the Senator from Wisconsin that it is beyond the power of the Congress to prescribe who is qualified and who is disqualified to sit in this Chamber. The Constitution fixes that, and under the Constitution the Senate is the judge of it. All that the law meant—I assume all that the lawmakers intended it to mean—is that if a Senator or Representative should be convicted under that statute he is disqualified forever after, not to sit in this body or in the House at the other end of this Capitol—because Congress had no power to determine that—but he is disqualified from holding any other office of profit or trust. If the judgment of a court were, brought to the bar of this Senate and tendered as a reason why we should unseat one Senator and seat another I would never recognize the validity of that statute to such an extent. If a Senator or a Member, having been convicted of a violation of that statute, sought an appointment under the Government to some other place then I should say the statute would operate as a bar against him. I admit the right of no court to determine who may or who may not sit in this Chamber.

Mr. Spooner in conclusion said:

So, Mr. President, if the court acquitted a Senator the Senate would be entirely at liberty, and if the circumstances seemed to justify it would be shamefully derelict if it failed to investigate the Senator acquitted by a jury and to try the case for itself, and if convinced that the man was unworthy of a seat in the body to pronounce and execute that judgment against him. That affords the remedy without at the same time prejudicing either the Government or the defendant by an abandonment of the English rule.

Of course, every Member of this body wishes there were no such questions possible to be suggested. Now, as to the failure of the Senator from Oregon [Mr. Fulton]—for it was his duty under the custom—to announce the death of the late Senator from Oregon. He consulted his colleagues about it. It is just to him to say that in this public way since the question has been raised.

No action was taken by the Senate on Senator Mitchell's death; and no announcement was made of it; but on a roll call of December 11, 1905,¹ it appears that his name had been dropped from the roll.

4480. On December 11, 1905,² the Speaker³ named Mr. Joseph C. Sibley, of Pennsylvania, as chairman of the Committee on Manufactures and a member of the Committee on Post-Office and Post-Roads; Mr. Binger Herman, of Oregon, a member of Indian Affairs and Election of President, etc.; and Mr. John N. Williamson, of Oregon, a member of Mines and Mining and Irrigation of Arid Lands. None of these gentlemen had taken the oath. Mr. Sibley took the oath on December 18.⁴ Mr. William G. Brantley, of Georgia, was appointed a member of Judiciary and Public Buildings and Grounds, although he did not appear to take the oath until December 19.⁵ Mr. Williamson did not appear during the session.

4481. On February 3, 1902,⁶ Mr. Melville Bull, of Rhode Island, appeared and took the oath of office prescribed by law.

¹ First session Fifty-ninth Congress, Senate Journal, p. 42.

² First session Fifty-ninth Congress, Record, p. 297.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ Record, p. 546.

⁵ Record, p. 591.

⁶ First session Fifty-seventh Congress, Journal, p. 298; Record, p. 1249.

Mr. Bull was on the roll of Members elect at the organization of the House, and had been appointed to committee places, including the chairmanship of the Committee on Accounts, before being sworn.

4482. On January 5, 1903,¹ Mr. De Witt C. Flanagan, of New Jersey, was sworn in. He had previously been appointed a member of the Committee on Claims.

4483. An instance wherein a Member-elect was appointed on a committee long before he took the oath.—On March 15, 1869,² Mr. Samuel S. Cox, of New York, was appointed a member of the Committee on Banking and Currency by Mr. Speaker Blaine, although he had not appeared and taken the oath or his seat. He was not on the roll during that session. At the beginning of the second session, when the roll of Members was called by States, Mr. Cox was not called, as the Clerk had not placed him on the roll, the authority of the Clerk to place names on the roll being given for the time of the organization of the House only. So, after the roll had been called, the credentials of Mr. Cox were presented, and he was sworn.³

4484. A Member-elect who had been appointed on a committee before taking the oath, not having appeared, the Speaker, with the consent of the House, appointed another Member to the vacancy.

Instance wherein a Member elect, being convicted in the courts on indictment, did not take his seat during the Congress. (Footnote.)

On January 4, 1907,⁴ the Speaker⁵ made this announcement:

The Chair appoints Mr. Englebright, of California, a member of the Committee on Mines and Mining in the place of Mr. Williamson, of Oregon, who has not appeared and taken his seat in this House.

In connection with this appointment the Chair desires to say that Mr. Williamson was appointed as a member of the Committee on Mines and Mining at the beginning of the first session of this Congress. In accordance with the parliamentary law, as laid down in Jefferson's Manual, a Member elect may be named on a committee before he has qualified. There are quite a number of early precedents in similar cases where Members had been appointed to committees before taking their seats and afterwards were removed from the committees by the Speaker because of nonappearance, and in order to make room for the appointment of other Members in their places. The Chair is inclined to the opinion on all of the precedents that this appointment is in harmony with the precedents, but prefers to say that if there be no objection the appointment will stand. [After a pause.] The Chair hears no objection.⁶

4485. In the early days the House was often particular that an absent Member should not be appointed or retained on a committee.—On February 10, 1804⁷—

Ordered, That Mr. Baldwin be appointed of the Committee of Elections, in the room of Mr. Goddard, who hath obtained leave of absence for the remainder of the session.

¹ Second session Fifty-seventh Congress, Journal, pp. 24, 75; Record, p. 501.

² First session Forty-first Congress, Journal, p. 46.

³ Second session Forty-first Congress, Journal, p. 7. Globe, p. 9.

⁴ Second session Fifty-ninth Congress, Record, p. 635.

⁵ Joseph G. Cannon, of Illinois.

⁶ Mr. J. N. Williamson, of Oregon, had been indicted in Oregon for an offense before the assembling of the Congress, and had been convicted. He had appealed, and that appeal was pending during the Congress. He had not appeared to take the oath in the House at the time the Speaker took this action; but the House had taken no action in relation to his case. Mr. Williamson did not appear during the Congress. No other action was taken by the House in his case.

⁷ First session Eighth Congress, Journal, p. 572 (Gales and Seaton ed.).

A similar instance is noted on March 10, 1804, when a vacancy on the Committee on Enrolled Bills was filled.¹

4486. On December 15, 1842,² Mr. William A. Harris, of Virginia, was appointed of the Committee on Indian Affairs, in place of Mr. William M. Gwin, of Mississippi, "who has not appeared in the House at the present session."

Mr. Gwin appeared December 17.³

4487. On December 6, 1836,⁴ the usual order was presented "that the standing committees be now appointed, according to the standing rules and orders of the House."

Thereupon a question arose as to the appointment of Members to committee places who had not yet attended.

The Speaker⁵ declared that he could not appoint an absent Member to a committee.

Thereupon Mr. Charles F. Mercer, of Virginia, moved to amend the proposed order by adding the words: "and that the absence of a Member shall not be regarded as a disqualification for an appointment upon a committee."

The consideration of the matter being postponed until the next day, Mr. Mercer did not press his amendment, as more Members had arrived, and there seemed less need of it.⁶ So the amendment was disagreed to.

4488. The fact that a Member's seat is contested is not necessarily taken into account in appointing him to committees.—On January 12, 1897,⁷ Mr. Charles J. Boatner, of Louisiana, who had been unseated at the preceding session, and whose seat was again contested because of alleged frauds and irregularities at the second election, was appointed a member of the Committee on Ways and Means.

4489. The Speaker in filling vacancies on a committee sometimes designates the rank of the appointee on the committee list.—On December 2, 1902,⁸ the Speaker⁹ announced the following committee appointments:

Mr. Ebenezer J. Hill, of Connecticut, as a member of the Committee on Ways and Means, to be numbered 11 on the list, and the majority members below the vacancy caused by the death of Mr. Russell to be advanced one number each.

Mr. Henry W. Palmer, of Pennsylvania, as a member of the Committee on the Judiciary, to be numbered 11 on the list, and the other majority members to be advanced one number each.

4490. A Member may decline to serve on a committee only with permission of the House.—On August 11, 1842,¹⁰ Mr. W. W. Irwin, of Pennsylvania, asked to be excused from serving on the select committee appointed on the message

¹ Journal, p. 632.

² Third session Twenty-seventh Congress., Journal, p. 65.

³ Journal, p. 67.

⁴ Second session Twenty-fourth Congress, Journal, pp. 8, 9, 32; Debates, pp. 1043, 1046, 1047.

⁵ James K. Polk, of Tennessee, Speaker.

⁶ At this time it was the usage to appoint the committees at each session of Congress.

⁷ Second session Fifty-fourth Congress, Journal, pp. 20, 78, 86.

⁸ Second session Fifty-seventh Congress, Journal, p. 8; Record, p. 19.

⁹ David B. Henderson, of Iowa, Speaker.

¹⁰ Second session Twenty-seventh Congress, Globe, p. 882.

of the President returning with his objections the bill (H. R. 472) to provide revenue from imports, etc. Mr. Irwin asked if he was not at liberty to decline serving on the committee.

The Speaker¹ replied that he was not, and that it was for the House to say whether or not the gentleman was to be excused from serving.

4491. On July 15, 1870² Mr. Noah Davis, of New York, resigned his position as a member of the Judiciary Committee, and the Speaker³ appointed another Member in his place without putting any question on allowing Mr. Davis to decline.

Mr. Davis resigned from the House before the next session.⁴

4492. On March 24, 1864,⁵ Mr. William H. Wadsworth, of Kentucky, resigned his position on the Committee on Public Lands under the then existing rule,⁶ that "any Member may excuse himself from serving on any committee at the time of his appointment, if he is then a Member of two other committees."

4493. On June 8, 1860,⁷ Mr. George S. Houston, of Alabama, offered his resignation as a member of the Committee on the Judiciary.

The Speaker⁸ said:

In the opinion of the Chair no member can withdraw from a committee without the consent of the House, unless he is at the same time a member of two other committees.⁹

Mr. Miles Taylor, of Louisiana, moved that Mr. Houston and himself be excused from further service on the Committee on the Judiciary.

On June 9 the House laid this motion on the table, ayes 62, noes 57, thus in effect denying to the two Members their requests that they be allowed to resign.

4494. While the House has usually granted requests of Members that they be excused from committee service, it has sometimes refused.—On November 2, 1807,¹⁰ on motion made by himself, Mr. David Thomas, of New York, was by the House excused from service on the Committee on Commerce and Manufactures.

4495. On January 19, 1827,¹¹ the Speaker laid before the House a letter from Mr. Louis McLane, of Delaware, asking that on account of ill health he be excused from service on the Committee on Ways and Means, of which he was chairman.

¹ John White, of Kentucky, Speaker.

² Second session Forty-first Congress, Journal, p. 1290; Globe, p. 5655.

³ James G. Blaine, of Maine, Speaker.

⁴ Third session Forty-first Congress, Journal, pp. 23, 24.

⁵ First session Thirty-eighth Congress, Journal, pp. 425, 1042.

⁶ Adopted April 13, 1789.

⁷ First session Thirty-sixth Congress, Journal, pp. 1042, 1045; Globe, pp. 2776, 2777, 2797.

⁸ William Pennington, of New Jersey, Speaker.

⁹ Rule 69 at that time provided: "Any Member may excuse himself from serving on any committee at the time of his appointment if he is then a member of two other committees." This rule, which dated from April 13, 1789, is no longer in force. Mr. Houston had been serving for some time on the Committee on the Judiciary. In fact, his resignation was prompted by certain proceedings relating to a report of that committee.

¹⁰ First session Tenth Congress, Journal, p. 15 (Gales & Seaton ed.); Annals, p. 800.

¹¹ Second session Nineteenth Congress, Journal, p. 181; Debates, p. 751.

After debate the House, by a large majority—

Ordered, That Mr. McLane be excused from further service on the Committee on Ways and Means, and that another member be appointed on said committee.

And thereupon Mr. George McDuffie, of South Carolina, was appointed.

4496. On December 14,¹ the Speaker laid before the House a letter from Mr. John Randolph, of Virginia, asking to be excused from service on the Ways and Means Committee. The question being put, the House voted to excuse him. His letter is printed in full in the Journal.

4497. On May 19, 1840,² the House excused Mr. David Petrikin, of Pennsylvania, from service on the joint committee on the subject of the documentary history of the revolution.

4498. On May 9, 1846,³ Mr. John Pettit, of Indiana, from the select committee appointed to investigate certain charges brought against the late Secretary of State, Daniel Webster, presented a resolution providing for a clerk for the committee.

This proposition was disagreed to by the House.

Thereupon Mr. Pettit asked to be excused from service on the committee; but the House declined to excuse him.

On May 12 the Speaker laid before the House the following letter, which appears in full in the Journal:

HOUSE OF REPRESENTATIVES, *May 12, 1846.*

SIR: Having been by the House refused a clerk to assist in doing the manual labor in the committee to investigate the charges against Mr. Webster, and the House having refused to excuse me from further service on that committee, thus seeming disposed to impose on me an undue degree of labor, I have felt it due to myself to refuse to serve on that committee. And I again most respectfully ask the House to excuse me, and that another may be appointed in my place.

Your obedient servant,

JOHN PETTIT.

To HON. JOHN W. DAVIS, *Speaker, etc.*

On motion of Mr. Jacob Brinkerhoff, of Ohio, Mr. Pettit was excused from further service on the said committee.

4499. On January 13, 1886,⁴ Mr. Andrew G. Curtin, of Pennsylvania, asked to be excused from service as chairman of the Committee on Banking and Currency. Mr. Richard P. Bland, of Missouri, objected, but the House on a vote excused Mr. Curtin. This was an excuse from the position of chairman merely. The Journal does not indicate how his successor as chairman was selected.

4500. On January 19, 1839,⁵ Mr. David D. Wagener, of Pennsylvania, asked to be excused from service on the select committee elected by ballot to consider the subject of the defalcation of the late collector of the port of New York.

After debate the question was put: "Will the House excuse Mr. Wagener from serving as a member of the select committee on the subject of defalcations of public officers?" and there were, yeas 102, nays 106. So Mr. Wagener was not excused.

4501. On June 3, 1858,⁶ the House excused Mr. James B. Clay, of Kentucky,

¹First session Twentieth Congress, Journal, p. 55; Debates, p. 819.

²First session Twenty-sixth Congress, Journal, p. 963.

³First session Twenty-ninth Congress, Journal, pp. 774, 775, 804; Globe, p. 782.

⁴First session Forty-ninth Congress, Journal, p. 357; Record, p. 638.

⁵Third session Twenty-fifth Congress, Journal, p. 324; Globe, p. 127.

⁶First session Thirty-fifth Congress, Journal, pp. 1013, 1071, Globe, p. 2904.

from service on the Committee on Foreign Affairs. On the succeeding day a motion was entered to reconsider that vote, and on June 10 the House reconsidered its action and decided the motion to excuse in the negative.

4502. On December 6, 1860,¹ the Speaker announced the select committee of one from each State to whom had been referred those portions of the annual message of the President relating “to the present perilous condition of the country,” whereupon Mr. George S. Hawkins, of Florida, who had been named as one of the committee, moved that he be excused from serving on the committee. Mr. Hawkins said that, after consultation with the oldest Members of the House, he had learned that a Member could not, without the liability of incurring rebuke, decline to serve where assigned by the House, unless excused by the House.

After debate the motion to excuse Mr. Hawkins was decided in the negative, on December 11, by a vote of, yeas 95, nays 101.²

On December 11, also, Mr. William W. Boyce, of South Carolina, asked to be excused from service on the committee, and after debate the question was taken, and it was decided in the negative, yeas 100, nays 100.

4503. On January 26, 1863,³ the House declined to excuse Mr. Henry L. Dawes, of Massachusetts, from service on the Committee on Elections, of which he was chairman.

4504. On December 15, 1864,⁴ Mr. Henry Winter Davis, chairman of the Committee on Foreign Affairs, asked to be excused from service on that committee. After debate the House declined to excuse him.

4505. On December 2, 1872,⁵ Mr. Nathaniel P. Banks, of Massachusetts, presented his resignation of his appointment as a member of the Committee on Foreign Affairs, of which committee he was chairman.

After debate the House voted, ayes 59, noes 76, that Mr. Banks should not be excused.

4506. A Member may be excused from service on a conference as on committees only by permission of the House.—On February 28, 1883,⁶ Mr. Samuel J. Randall, of Pennsylvania, as a privileged question, asked to be excused from service on the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 5538) to reduce internal-revenue taxation.

The Chair thereupon presented the request to the House, and it was granted.

4507. The request of a Member that he be relieved from service on a committee is submitted to the House for approval.—On June 12, 1890,⁷ the Speaker laid before the House a communication from Mr. Roger Q. Mills, of Texas, in which the latter resigned his position as a member of the Committee on Rules.

¹ Second session Thirty-sixth Congress, Journal, pp. 49, 57; Globe, pp. 22, 59–61.

² After the House had declined to excuse him, Mr. Hawkins declared that he would not serve on the committee. (Globe, p. 60.)

³ Third session Thirty-seventh Congress, Journal, pp. 227, 230; Globe, pp. 491, 518.

⁴ Second session Thirty-eighth Congress, Journal, p. 50; Globe, pp. 48–53.

⁵ Third session Forty-second Congress, Journal, p. 7; Globe, pp. 10, 11.

⁶ Second session Forty-seventh Congress, Journal, p. 522; Record, p. 3409.

⁷ First session Fifty-first Congress, Record, p. 5981.

The communication having been read, the Speaker¹ said:

The question before the House is, "Shall Mr. Mills be excused from service on the committee?"

The question was taken and Mr. Mills was excused.

On January 16, 1900,² the Speaker laid before the House a communication from Mr. Loren Fletcher, of Minnesota, in which the latter requested that he be relieved from further service on the Committee on Claims.

The communication having been read, the Speaker³ put the question and Mr. Fletcher was excused.

4508. The request of a Member that he be excused from committee service has generally been treated as privileged, but as debatable to a very limited extent only.—On February 9, 1842,⁴ five members of the Committee on Foreign Affairs asked to be excused from service on the Committee on Foreign Affairs, because they did not approve the conduct of the chairman, Mr. John Quincy Adams, of Massachusetts. A question was raised as to whether or not the applications to be excused constituted a question of privilege, but the Speaker⁵ declined to entertain them as such. The House voted to excuse the five Members.

4509. On January 13, 1853,⁶ Mr. John A. Wilcox, of Mississippi, claiming the floor for a question of privilege, moved that he be excused from service on the Committee on Military Affairs. The Speaker,⁷ while not disputing his claim to the floor, held that he could speak in explanation of his motion only by unanimous consent. Mr. Wilcox having explained, the House voted not to excuse him.

4510. On January 29, 1855,⁸ Mr. Thomas H. Bocock, of Virginia, moved that he be excused from further service on the Committee on Naval Affairs and proceeded to explain his reasons for the motion.

Mr. Frederick P. Stanton, of Tennessee, raised the question of order as to the propriety of entertaining this motion.

The Speaker⁷ said:

The Chair decides that, according to the practice of the House since he has served in this body, a gentleman is allowed at any time to ask to be excused from serving on a committee. It is a convenient rule, at least; and, in the opinion of the Chair, it is courteous and proper that the question should be put whether the gentleman from Virginia will be excused.

A question being raised as to the range of debate proper, the Speaker decided that it must be very limited.

After debate as to the propriety of excusing Mr. Bocock, the House decided his motion in the negative.

¹Thomas B. Reed, of Maine, Speaker.

²First session Fifty-sixth Congress, Record, p. 885; Journal, p. 166.

³David B. Henderson, of Iowa, Speaker.

⁴Second session Twenty-seventh Congress, Globe, p. 222.

⁵John White, of Kentucky, Speaker.

⁶Second session Thirty-second Congress, Journal, p. 126, Globe, p. 287.

⁷Linn Boyd, of Kentucky, Speaker.

⁸Second session Thirty-third Congress, Journal, p. 261; Globe, p. 448.

4511. The Speaker may not relieve a Member from service on the committee to which he has appointed him.—On March 16, 1832,¹ Mr. John Quincy Adams, of Massachusetts, stated that in addition to his position on the Committee; on Manufactures he had been appointed a member of the Committee to Investigate the Bank of the United States. He has asked the Speaker to relieve him from the duties of the former committee, but the Speaker² had informed him that it was not in his power to change the designation, and that it could be done only by application to the House itself.³ Therefore he asked to be excused from service on the Committee on Manufactures.

Objections were made because of the need of Mr. Adams's services on the committee, and many Members announcing their intention of opposing the request Mr. Adams withdrew it.

4512. The election of a Member as Speaker is assumed to vacate any positions on committees held by him previously.—On January 21, 1814,⁴

Ordered, That Mr. Loundes be appointed on the joint committee of the two Houses to have the application of the moneys appropriated for the Library of Congress, in the place of Mr. Cheves, elected Speaker.

The Speaker does not appear by the Journal to have asked to be excused, and it seems to have been assumed that his election as Speaker vacated his committee place.

¹First session Twenty-second Congress, Journal, p. 502; Debates, p. 2175.

²Andrew Stevenson, of Virginia, Speaker.

³Mr. Speaker Keifer took the view that the Speaker himself might excuse a Member from service on a committee, and acted on this view at least once. (First session Forty-seventh Congress, Record, p. 248.) But such has not been the practice.

⁴Second session Thirteenth Congress, Journal, p. 243 (Gales and Seaton ed.); Annals, p. 1093.