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Bill introduction in the U.S. House of Representatives, 1821–1895

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Rice University, 1991
RICE UNIVERSITY

BILL INTRODUCTION IN THE U.S. HOUSE OF REPRESENTATIVES, 1821-1895

by

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE DOCTOR OF PHILOSOPHY

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Bill Introduction in the U.S. House of Representatives, 1821-1895

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Abstract

Bill introduction was controlled by committees throughout the first half of the nineteenth century. During that time, committees normally introduced bills when offering their reports on the floor during the House's regular order of business. At the end of that century, however, the process was thoroughly dominated by Representatives who were able to introduce bills off the floor by simply handing them to the Clerk for reference to committee.

Movement from the limited opportunities committees had to report bills to the unrestricted ability members had to introduce them involved gradual changes in the rules and processes related to bill introduction. That transformation was a product of both institutional stress and individual desires. The House did not allow for a rapid change toward an introduction process oriented toward
the individual member because it was initially organized to encourage every member to participate in each step of the legislative process. House rules and procedures were, therefore, more likely to promote bill introduction by committees, which were accepted as necessary subunits in the House's division of labor.

Individual members were also slow to push for greater introduction opportunities as the benefits derived from bill introduction were neither consistent nor proven. Even when some found rewards from introducing bills, other members remained uncertain and unwilling to alter the rules to allow more time for members to introduce.

The institution's inability to address the demands it received through the processes it had earlier employed and the membership's growing need to satisfy and provide for constituents led, after several rule alterations over nearly half a century, to the unlimited ability of members to introduce bills. That granting of freedom ultimately allowed committees to more thoroughly dominate the
production of legislation than ever before, a result hardly anticipated by members who pushed for their own increased ability to introduce. Committee domination over the production of legislation, however, was a result of the explosion of member-introduced bills introduced off the floor, an occurrence that allowed committees to be highly selective of the member-introduced bills they chose to consider.
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Finally, I will acknowledge the contributions of my mother, Marilyn Wallace. She taught me long ago to never say die, to never accept defeat, to challenge myself when unchallenged by others. I hope that she realizes that without her support I would never have completed graduate school or this dissertation. Her encouragement has always been and will always be my foundation.
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CHAPTER ONE
INTRODUCTION

THE IMPORTANCE OF RULES AND PROCEDURES

Rules are important to an organization for a number of reasons. First of all, they serve as guidelines to procedures. (Perrow 1972, p. 24) Rules regularize and routinize an organization's activities and also prepare and maintain a stable working environment in which those activities take place. Rules, through these various functions, create the organization's purpose and structure and facilitate its performance of activities. (see, Luthans, March and Simon, and Robey) As Friedman said: "every rule has two messages or objects: one of substance and one of jurisdiction." (Friedman, p. 27)

Since organizations, regardless of their structure, are created to perform various functions, processes must be implemented by the participants of an organization in order for the work to be done. These processes are usually created through the development and application of rules and are likely to create stability in the organization's operations if, over time, the rules and their application are both relatively stable. (Brown, p. 68) An organization's rules, therefore, play a determining role in the development and execution of that organization's procedures and processes. (see Gawthrop)

Sometimes, however, an organization develops procedures and operations that are not directly determined by its rules.
(Perrow 1972, p. 24) This situation occurs when a function is performed through operations that are neither outlined in nor prohibited by the organization's rules. There are several reasons why a function would be performed in this way. Firstly, the rules that actually pertain to a certain function might be too complicated for the members of the organization to adhere to or even understand. Those rules may have been adopted by previous participants in the organization or by current members who have more concern for parliamentary formality than with speedy production. In such cases, the members who actually perform the function may implement less complicated procedures to carry out the function the rules governing that function do not specifically prohibit. If those procedures allow the function to be performed more efficiently, the participants may accept them based on that performance capability.

Rules could also be ignored for reasons other than complexity. Members might simply dislike the instructions regarding or the outcomes provided by the application of certain rules. If enough agreement existed between the members, rules could simply be ignored in order that the duties of the members be more easily or more efficiently performed. That lack of recognition of the rules would, of course, be dependent on the desires of the relevant members of the organization. Here, the term "relevant" might describe either the most powerful decision-makers of the organization or, perhaps, a majority of the
members whose work would be effected by the non-application of the rule.

Also, the organization might develop a new function that is not formally described in the rules. (Perrow 1972, p. 29) The function, therefore, might be performed through informal practices rather than according to formal rules. (see Gawthrop and Agyris and Schon) Rules governing this function might be adopted at a later date or the members of the organization could allow the informal practice to continue indefinitely.

Rules can also be extremely outdated. For example, an organization could have a stable set of rules that described and defined its functions adequately in its initial phase. Due to changes in the organization's internal and external environments or due to changes in the characteristics of its membership, that stable set of rules might not effectively govern the organization's current functions even though the same basic functions that were performed when the rules were first adopted are still being performed.

Rules, therefore, are not always followed nor are they always applied to the situations they were originally intended to govern. (see March and Olsen) Instead, rules are used subjectively, often dependent on the complexity of their instructions or on the time involved in their utilization. Usage of one rule is even dependent on the complexity of the organization's other rules and procedures and on the time consumed applying those other rules and
procedures as well.

Finally, the desires of individual members are important to the implementation of their organization's rules. (Luft, p. 17) Leaders, for example, are very likely to exert some control over an organization's processes and the rules employed in performing those processes. (Smith, p. 35) Other members, however, may also determine which rules are used and which are ignored in a process, especially if they are participating in that specific program. (see Green and Mitchell)

Rules are important not only to the organization but also to the individual participants in the organization for several reasons. First of all, members participate in the very adoption and application of rules. (Belanger, p. 121) They, also, generally work under the prescribed boundaries of the rules they have adopted. Finally, participants are often benefited by rules that coordinate activities and/or assign power especially when those rules are logical and comprehensible. (Belanger, p. 103) As stated earlier, however, the non-application of rules can also benefit the entire organization or just a specific member or a group of members, depending on their positions in the organization.

Rules and procedures not only affect the relationship between an organization and its members. They also determine the organization's very internal environment. The internal environment, however, is likely to change over time with the inclusion of different members, and different sub-units. The
organization's application of rules and its actual practices, therefore, are likely to vary with the inclusion of different members, different subunits, more members, and/or more subunits. (see Thompson) Since procedures and processes are usually developed to enable an organization's operations to be coordinated, integrated, efficient and flexible, it should adopt rules that increase the coordination, integration, efficiency, and flexibility of the present functions of the organization while allowing for changes in the preferences of and size of the organization's membership and also for changes in its structure and division of labor over time.

Rules do much more than simply stabilize and formalize an organization's internal environment, they also create a relationship between the organization and its outside environment. Their applications, too, are dependent on that external environment since any organization depends somewhat on its external environment either for such forms of input as raw materials to make its product or for markets for the output it produces, even when that output is only an intangible idea or a program. (Parsons, p. 196, Haas and Drabek, p. 205) With changes in either the internal or external environments, changes in the actual rules, as well as alterations in their application, can occur.

Rules, when they are applied, do not always function in the way they were originally intended. The fact that changes in other aspects of an organization, its membership and its internal and
external environments, can facilitate different applications of the rule has already been addressed. Changes in the application of rules have also been discussed. The fact that rules can produce unintended results, however, should not be forgotten. When the situation arises in which rules do not facilitate an organization's internal operations or its relationship to the external environment, those rules can be replaced or modified. When that situation does occur, an analytic study of rules by the organization or one of its sub-units can produce a modification of the rules or an entirely new set of rules. Trial and error can also be employed in an alteration of the application of an organization's rules.

Also, if an organization's internal and external environments change over time, in stages, the rules that apply to or govern the organization's relationship to the aspect of its environment that has changed can be modified, applied differently or replaced. (Eisenstadt, p. 216) An organization and some of its members, though, might resist changes in the rules or in the application of the rules even when those changes are suggested by other members or sub-units. That resistance can occur even when rule and procedural changes are demanded by the organization's internal and/or external environments. Change, therefore, is really dependent on how receptive the organization and its members are to suggestions of change as well as to who is promoting the change.
RULES AND PROCEDURES IN DECISION-MAKING ORGANIZATIONS

Rules are important to all organizations, but are critical to organizations, such as Congress and city councils, whose only products are collective decisions. Since that type of organization has to produce decisions on information that it receives, rules that affect the processing of information are extremely important as are the rules governing the conduct of the actual decision-making process. Information, therefore, that is received as input from the external environment must be processed before its potential advantages and disadvantages can be decided by the organization. Information must also be put on the organization's agenda before a decision can be made with regard to it. Whether or not that information gets on the agenda depends on the complexity of the rules governing access to the agenda as well as on the complexity of the issues already on the agenda.

The rules of an organization might also prioritize items allowing information on certain issues to be immediately considered while information on other issues would be placed on a calendar according to the date and time of first presentation. Also, if the rules allow certain members to control the agenda, access to it can become even more difficult for some issue areas since participants with power often have the ability to manipulate rules and agendas to benefit themselves and the issue-positions with which they are most closely aligned. For example, if an individual member was given the responsibility of determining an
organization's agenda, he might manipulate the order of that agenda so that information he believes to be most critical to the concerns and activities of the organization is considered first. He might also allow positive information on his preferred issues to be considered out of order. The same would also be possible if a small group of members, instead of a single individual, controlled the agenda.

RULES AND PROCEDURES IN THE HOUSE OF REPRESENTATIVES

Rules and procedures are especially important to the United States House of Representatives for several reasons. First of all, the House is a collective decision-making organization. As discussed earlier, an organization that makes decisions usually has a formal process through which those decisions are developed. The House conforms to this category of organization since its only products include: (1) laws which govern the nation and (2) policies that provide specific benefits to private citizens. In developing such laws, Representatives discuss and investigate many issues, produce various types of legislation and, in general, decide how the government will operate. Through these activities, the House, as an institution, plays a powerful and authoritative role in the governmental affairs of the United States. Therefore, the application of its rules is important in determining the House's ability to address various national policy problems and issues. The rules and procedures of the House of Representatives are also important because they help to establish the relationship of that
institution with the other branches of government as well as with a national constituency.

Because the House is an institutionalized legislature, its rules and procedures are significant. The fact that there have been only a few major overhauls, but numerous adaptations, of House rules and procedures during its two hundred year history provides proof of its stability. Though its membership has changed in size, regional representation and partisanship characteristics over time, very few deliberate, comprehensive revisions have been adopted. This does not suggest that significant rule changes have not occurred because House rules have changed, especially during the major revisions of 1860, 1880, 1890, 1946 and 1970. Neither does the assertion suggest that the application of House rules has not changed over time. In fact, old rules have been modified and new rules have been adopted. The order of business has been altered as have the rules governing the conduct of debate. Since the application of even the most fundamental of these rules affects House practices and processes, any study of the House should address its rules and procedures as well as any changes in them.

That the rules and procedures of the House of Representatives have a great impact on the institution's operations cannot be overemphasized. Both the rules that determine the House's structure and the rules that define the process by which its legislative proposals are offered and passed into law tend to be very specific. So whether the rule defines a committee's
jurisdiction or limits the ability of a member to debate an issue on the floor, it in some way impacts the development of legislation, which happens to be the House's ultimate product.

STUDIES OF HOUSE RULES AND PROCEDURES

Aage Clausen has suggested that the key to understanding congressional operations is the ability to appreciate continuity and stability. (Clausen, p. 231) Both continuity and stability refer to the aforementioned endurance of structural features in the House. Continuity and stability are usually considered positive characteristics for a decision-making institution since structural features developed by the application of rules and by the performance of processes over time tend to gain a degree of permanence and predictability. (Luft, p. 16) Continuity and stability, therefore, allow members to be comfortable in the performance of their organization's processes. An example of a continuous and stable structural feature of the House would be the committee system, which though not a well-defined fixture in the earliest Congresses became institutionalized when House processes mandated the inclusion of subunits in the decision-making process. Committees became the primary deliberative bodies in which legislation was defined. Representatives, because of committee dominance in the decision-making process, accepted the importance of the committee system and even developed preferences for certain committee positions, competing for them when necessary.
Continuity and stability can, however, have a negative impact on an organization since the two concepts do often constrain decision-making processes. Both can limit an institution's agenda by restricting the definition and application of its procedures and by prohibiting or severely limiting opportunities to change them. The committee system can also be used as an example of this restriction since the stability and continuous rules and procedures associated with it often limit the various policy alternatives available to the many committees involved in the system. The committee system has, for example, restrained the House's ability to pass controversial legislation since members of a committee which was referred a bill can kill it by not considering it or, on the contrary, by spending too much time discussing it. Also, if a bill is killed during committee deliberation, retrieving it from the committee is nearly impossible. Even though this is a problem that affects many pieces of legislation, the committee system remains intact and dominant over the legislative process.

Also of great importance to most studies of the House's policy agenda are two other institutionalizing characteristics: congressional leadership and work management. Throughout the House's history, formal positions of leadership have always been available to Representatives. This feature should not, however, be considered only in organizational and partisan terms since personal leadership has frequently been enjoyed by various charismatic and/or dogmatic members. Of course, the power exercised by
those leaders was always dependent on other factors in the House's internal and external environments as well as the abilities and desires of the rest of its membership. Work management, in comparison, involves the House's division of labor and responsibilities. Division of labor in the House has involved the development of the committee system. The concepts of committee specialization and individual member specialization developed along with this establishment of a committee system.

THE INFLUENCE OF ORGANIZATIONAL CHARACTERISTICS AND RULES ON THE HOUSE'S POLICY AGENDA

The reason why leadership is usually discussed in studies of the House's policy agenda, rules and procedures is that organizational, partisan or personal leaders all have potential and actualized power over the House agenda. They are likely to have the power to manipulate organizational rules and procedures to benefit themselves or the policies they are promoting. The organizational arrangement of the House is also important to an investigation of that institution's policy agenda since that arrangement can determine which issues are placed on the agenda and which are not. For example, if one committee was given a special privilege to report bills at any time or if it was given the ability to schedule its proceedings during the regular meeting time of the whole House, that committee would quite possibly have a greater ability to place its issues on the House's agenda and would also be able to provide its preferred issues with more publicity than the issues being considered by less privileged committees.
Institutional leadership, in conjunction with such organizational privileges, are, therefore, very important to the application, stability and/or continuation of an institution's rules and procedures.

House rules and procedures, like the rules and procedures of other organizations, do change. Several reasons can be offered for any modification of or differentiation in the application of House rules. New leaders might apply rules differently and might even establish new rules and procedures. Organizational necessities might also lead to modifications. Nelson Polsby suggested that one result of institutionalization in the House was its movement away from particularistic and discretionary operations toward a universalistic and automatic application of rules. (Polsby, p. 145) For an example of this movement toward nondiscretionary implementation of the rules, Polsby compared the Elections Committee's different investigative methods over time. He quoted Thaddeus Stevens (PA), a committee member in the Thirty-seventh Congress (1861-1863), who upon entering a hearing on a contested election asked, "...which is the Republican damned scoundrel? I want to go for the Republican damned scoundrel." (Polsby, p. 162) In comparison to Stevens, George Hoar (MA), a committee member in the Forty-second Congress (1871-1873), felt that contested elections were settled purely by due process on the merits of the case without partisanship entering into the discussion. (Polsby, p. 162, footnote #47)
Internal variables also facilitate change in the methods used by the House to produce legislation. Such variables include: turnover rates, the percentage of freshmen representatives, party composition, party cohesion, regional composition, and regional cohesion as well as the personal or positional power of the Speaker or other members. The development of committees and subcommittees as legislative sub-units have also altered the process of legislative production.

More micro, individualized reasons for modifications in the legislative process have been suggested in other studies. Even though the studies do not deal specifically with rules and procedures, their conclusions can easily be associated with congressional rules and procedures. Lewis Froman, for example, found that the racial distribution, socioeconomic status, residency and population density of a congressman's district were important in his decision-making. (Froman, 1963) Aage Clausen, on the other hand, studied the types of policies the House addressed and found that at times their political content was considerably important. (Clausen, 1973) Because of these studies and others, the House and its members as well as the issues it considers have to be defined in any research that attempts to describe the rules and operations of the House during any particular time period.

Finally, external variables can facilitate changes in the application of House rules since its organization is both directly and indirectly linked to external economic, social and political
environments. National crisis situations, therefore, might lead to a use of House rules quite different from their application in routine situations. The importance of external variables to House operations has been verified by numerous articles. For example, several articles authored or co-authored by David Brady suggest that constituency characteristics are important not only to the way a Congressman votes but also to the very organization of the House. (Brady and Lynn, 1972; Brady, 1973; and Brady and Stewart, 1982)

The relationship between House rules and procedures and its external environment is fundamental. The external environment is dynamic and complex. As Joseph Cooper and Melissa Collie suggest, the House must deal with a complex changing environment, which involves numerous and varying attributes. (Cooper and Collie, 1981)

**EVOlUTIONARY CHANGES IN HOUSE RULES AND PROCEDURES**

As stated earlier in this chapter, continuity and stability in the House's structural arrangement lead to an assumption that changes in either its rules or procedures will evolve slowly. Such an evolution might even be considered incremental. (Perrow 1972, p. 29) In current organizational theory and research, two definitions of incrementalism are provided. Charles Lindblom, on the one hand, suggested that incrementalism is a process of "muddling through". (Lindblom, 1959) According to him, when a comprehensive rationale is not available for performing a particular responsibility or function, an incremental alteration in
the method already being performed is considered the best way to complete the job. (Lindblom, 1959) Herbert A. Simon, on the other hand, suggested that incrementalism is the product of "satisficing", which is defined as the performance of a task with minimal effort while allowing for small changes if a better product or a less difficult procedure is the anticipated outcome. (Simon, 1950)

Congressmen, as well as committees, are likely to promote slow change and discourage rapid or encompassing alterations in their organization's rules and procedures because of their stakes in the maintenance of the system. For example, a member would not want to jeopardize his own job or position of authority or the basic function of Congress by totally disrupting the House's functions or method of operation. Similarly, a House committee, as a component of the House, would not relinquish control of a function it had frequently performed if that meant relinquishing organizational power or threatening the existence of the parent organization.

THE EVOLUTION OF BILL INTRODUCTION IN THE HOUSE OF REPRESENTATIVES

Bill introduction is one particular process of the House that has been in existence since the very first Congress. It is the main topic of this thesis since it involves a continuous, yet changing, relationship of the House's rules, organization and members. This paper will, therefore, emphasize the importance of rules related to bill introduction and will also discuss the various characteristics
of the House and its membership which might somehow be related to bill introduction. Finally, modifications in House rules and procedures will be discussed in relation to the evolutionary change in the method of bill introduction during the nineteenth century.

Bill introduction is and has always been an integral part of the House's division of labor and its decision-making process since the procedure serves as that organization's initial response to external demands for legislation. Bill introduction also represents the first stage in the House's development of legislation, which happens to be the primary purpose of that organization. As will be discussed throughout this paper, external demands for legislation during the nineteenth century took every form from petitions, resolutions and memorials to presidential messages and executive reports. All of these types of input reached unmanageable proportions during that century. More importantly, petitions, resolution, memorials, messages and reports were submitted by an increasingly diverse group of people over that time period. For example, in the nineteenth century, the War Department submitted numerous executive reports that provided information on the Indians, a variety of wars, the Army and Navy, and even the military academies; many citizens offered petitions with individual requests for protection, pensions, rewards or benefits; and state legislatures sent memorials and resolutions requesting federal action on state problems, such as education, transportation development and protection from the Indians. Each of these forms
of information was a relevant source of input to the members of the House since it was through the receipt of these pieces of information that Congressmen determined what issues to study, debate, support and politicize.

The way that the House of Representatives and its members addressed the demands included in those messages changed during the nineteenth century. During that time, bill introduction, which should be considered the first response to any information or requests the House received, evolved from a committee controlled activity to a member dominated practice. Also during that time, the number of bills introduced in each Congress increased as did the number of topics addressed by those bills. The number of individuals involved in the actual introduction of legislation increased also. All of these increases suggest some interesting questions this research will address as it tells the story of the relationship of House rules and procedures, its internal and external environments and its membership characteristics with the introduction of legislation. A general chronology, however, is described in the following paragraphs in order for the reader to understand the basic concepts involved in bill introduction as well as the general history of its evolution.

In the very earliest Congresses, numerous legislative activities were performed in the Committee of the Whole, where member participation was encouraged due to its minimal structural constraints. In that committee, subjects were
discussed and defined and then sent to smaller committees. The smaller committees would do the actual drafting of the bill, keeping within the boundaries delineated by the Committee of the Whole. The bill would then be reported, if approved, to a Committee of the Whole for further discussion and final revisions.

A transition in the method of bill introduction began, however, when members decided that the Committee of the Whole inhibited the legislative process. At that time, select and standing committees became more involved in the production of bills. This transition should be considered an elaboration of the original legislative process since it allowed select and standing committees greater authority in determining what subjects they would cover in the bills they reported. By the 1840s and 1850s, however, individual members began to independently introduce a few bills on leave. Committees were still introducing the majority of the legislation at this time, but some members did introduce legislation on their own. Finally, by the 1870s, members were introducing the majority of the bills. Committees continued to report bills after that time, but bills initiated by individual members greatly outnumbered those initiated by committees. In fact, during the last decade of the nineteenth century and throughout the twentieth century, member-initiated bills far outnumbered those reported by committees.

**ANALYSIS OF THE EVOLUTION OF BILL INTRODUCTION**

The previous sections of this chapter have described in detail
the importance of rules and procedures to an organization's function. The House of Representatives has been specifically described as a decision-making institution with rules and procedures that provide a continuous and stable environment for the production of legislation. That environment is considered by many congressional experts to be essential to the House's production of legislation. Changes in the rules and procedures governing that stable environment have, however, occurred over the House's two hundred year history.

The purpose of this thesis is to analyze one particular evolutionary procedural change: the transformation of bill introduction from a committee controlled activity to a member dominated one. This analysis will be rather detailed since the development and application of the rules and procedures for bill introduction, over time, have included both institutional and individual characteristics. Proof of the institutional character of bill introduction lies in its placement as the first step in the development of legislation. Also, bill introduction should be considered the House's first response to a request or demand from its external environment. Because of the structural nature of bill introduction, this research will consider the following institutional characteristics of the House: its leadership structure, its partisan composition, its committee system, its relationship with the executive branch and its methods of producing of legislation.
Bill introduction, however, also has non-institutional, individualized characteristics. The actual topics of bills, for example, can be easily associated with and compared to the micro, individual characteristics of members who initiated or dominated the evolution of bill introduction and those members who did not. Whether the members involved initially in the introduction of bills through the leave method came from a particular region of the country or from a certain political party or were more senior in their House careers or more interested in developing such careers will be studied.

This analysis of the different methods of bill introduction used during the nineteenth century will only be complete if both macro and micro factors are considered for their impact on the procedural transformation. Through this research, the causes of the transformation of bill introduction from committee control to member dominance will be shown to be a combination of: (1) the institutional constraints and organizational mandates of the House and (2) the desires of individual Representatives. The idea that both institutional stress and individual desires are involved in the gradual transition of bill introduction from committee control to member dominance cannot be overstated. In fact, the author contends that the transition would not have occurred had interaction not taken place between the institution and individual members. A discussion of only one of these aspects of the House rather than both would prove deficient in explanatory value.
The reader should be aware that the author believes that each new Congress, or each new session for that matter, does not bring about a totally new organization devoid of an influential institutional history. The House, as is contended, is not created anew at the beginning of each Congress. At the beginning of a Congress the rules and procedures used in previous years are normally adopted without much hesitation or disagreement from the members. The same leadership positions that were in existence in the previous Congress are also likely to be reinstated in the next. Accordingly, a committee system will be employed automatically in a new Congress because of its use in previous Congresses. The only changes that might be expected in that particular system would be the elimination of a purposeless committee and the creation of a purposeful committee.

Even if every member of the House of a certain Congress was serving his freshman term and all new rules were passed, the House could not be considered a totally new organization because of the stability of the nation's demands and expectations for legislation. Also, the constitutional powers and prohibitions of the House would still limit the new members and their new rules as would the systems of separation of powers and checks and balances between the executive, legislative and judicial branches of government. The House has a continuous purpose of creating legislation to govern the nation. That fundamental purpose will not be altered even when the organization is plagued with high
turnover or a developing party system or even if it has adopted totally new rules and procedures.

Representatives, on the other hand, should not be considered mere robots operating in an environment which they can neither change nor influence. If that were the case, the same rules and procedures operating in the very first Congress would still be intact today. As stated in earlier sections of the chapter, members have opportunities to change the House's rules, procedures or committee system. They also have opportunities to manipulate their environments to benefit themselves. First and foremost, though, they are limited by the institution's prior existence and its previously used methods of producing legislation.

COLLECTION OF INFORMATION ON BILL INTRODUCTION

The following analysis of the evolution of bill introduction includes much more than just general facts about the House of Representatives and much more than just information on the bills introduced during that time. Each chapter describes various aspects of the House while focusing on one particular era. Chapter Two discusses the early Congresses, from the First (1789-1791) through the Twenty-fourth (1835-1837) before the transition of bill introduction began. That chapter relies heavily on the research completed by Joseph Cooper in *The Origins of the Standing Committees and the Development of the Modern House*, a monograph which provides the necessary background information on the procedures and activities of those Congresses. The third chapter
includes information on the Congresses from the Twenty-fifth (1837-1839) through the Thirty-fifth (1857-1859). During the decades between those Congresses, the transition of bill introduction started. Individual members introduced bills infrequently at first, then more frequently during the last few years of the period. The fourth chapter provides information on the Civil War and Reconstruction era Congresses from the Thirty-sixth (1859-1861) through the Forty-fourth (1875-1877). During that time, individuals introduced as many bills as committees reported and, later, introduced many more. Finally, Chapter Five describes bill introduction in the Forty-fifth (1877-1879) through the Fifty-second (1891-1893) Congresses. During that period, members introduced the vast majority of bills while committees only reported a few.

Information on these phases of congressional history was gathered from several resources. *Journals of the House of Representatives* were the primary sources for information on House rules and procedures. *Journals* were also used to determine the specific organizational rules and the regular order of business during the various time periods under analysis. To supplement the information on House rules and procedures provided in the *Journals, Hinds' Precedents of the House of Representatives of the United States*, the *Congressional Globe, Congressional Debates* and *Congressional Record* were also studied.

Basic data on membership characteristics were obtained
from the Journals and various Biographical Congressional Directory. Autobiographical and biographical sketches of politically and institutionally important Congressmen also provided information on their attitudes and behaviors. Those resources also included information on House activities during the years under analysis.

Data on the most important issues confronting the House were also gathered from a variety of resources, including both contemporary accounts as well as from recent analyses of the historical periods. A description of that information will set the stage for the discussion of the House's legislative activity. Chronological studies of the House of Representatives, by James Schouler and John Burgess in particular, were used to illustrate how, over time, the House addressed economic, social and political issues.

More detailed information was also collected on specific Congresses in each of the periods discussed previously. The Seventeenth (1821-1823) and Twenty-second (1831-1833) Congresses were studied in detail as they were representative of the pre-transition period, when almost all bills were reported by committees. The Twenty-seventh (1841-1843), Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses were studied to provide information on the period in which the transition from committee-control to member-dominance began. The Thirty-sixth (1859-1861), Thirty-seventh (1861-1863) and
Forty-second (1871-1873) Congresses were used in a detailed investigation of how the transition progressed during the Civil War and Reconstruction Congresses. Finally, the Forty-seventh (1881-1883) and Fifty-second (1891-1893) Congresses were thoroughly studied for information on the end of the transitional period, when nearly every member introduced numerous bills through an almost entirely automatic and non-particularistic process.

PRESENTATION OF INFORMATION ON BILL INTRODUCTION

Data from these Congresses will be discussed in the subsequent chapters of this research in the following outline form. First, the chapters begin with an overview of the state of bill introduction during a particular time. Then, general characteristics of House members will be described. The House's size, turnover rates, state delegations, party composition, and regional representation will be discussed. Individual characteristics of members, such as committee membership or chairmanship and party membership and seniority, will also be presented. This data will then be enhanced by a discussion of the actual application of rules and procedures in those Congresses. At that time, the regular order of business will be discussed as well as the activities of the various committees. The next major section of each chapter will include specific information on bills introduced during the Congresses under investigation such as the method through which the bill was introduced, its general purpose,
it specific topic, its introducer and its treatment if considered by a Committee of the Whole. Each chapter also incorporates a discussion of other relevant variables. Finally, information will be presented on a variety of economic, social, political and foreign policies that confronted the House and its members over each particular period of history.

CONCLUSION

This research provides information on what the House's organizational need for bill introduction was, what the external environment's demands for bills were, and what the individual Representatives' incentives were to introduce bills throughout the time period. A determination of how those needs, demands and incentives encouraged the transition of bill introduction from a committee controlled activity to a member dominated one will be made in the final chapter of this thesis.

Finally, this research is an analysis of a period of congressional history that, while studied by many historians, has been paid scant attention by most political scientists. This dissertation's presentation of information on the rich history of the nineteenth century House of Representatives will hopefully encourage other political scientists to ask research questions about and apply political theory to a historical context, whether that setting is in the nineteenth or early twentieth century.
CHAPTER 2
COMMITTEE-DOMINATED BILL INTRODUCTION:
FROM THE SEVENTEENTH (1821-1823) THROUGH
THE TWENTY-FOURTH (1835-1837) CONGRESSES

CHAPTER INTRODUCTION

In order to describe the initial stage of the gradual transition of bill introduction from committee to member dominance, this chapter provides detail on the development of rules and procedures in the House of Representatives from 1820 until 1837. The chapter describes the steps involved in the development of legislation and the conduct of business during those years. Information is also provided on House membership during the 1820s and 1830s. Finally, legislation produced through the members' use of rules and procedures during the initial phase is discussed in the closing sections of the chapter. This chapter, therefore, serves as a baseline for subsequent chapters that address the evolution of bill introduction as well as the changing character of the House itself.

To understand the procedures used in 1820, the following sections will provide a brief description of House rules and practices before 1820. During the first Congresses, the House attempted to totally control the conduct of all activities involved in the production of legislation through consideration by Committees of the Whole. Later, the House gave smaller committees more investigative power but still held tight control over bill introduction. Finally, by 1820, smaller committees developed and introduced bills and Committees of the Whole
reviewed their work. Due to the political and procedural implications of this development, the early Congresses must be analyzed before the initial stage in bill introduction's evolution can be presented.

**SUBJECT REFERRAL AND BILL INTRODUCTION BEFORE THE SEVENTEENTH CONGRESS (1821-1823)**

In the earliest Congresses, the legislative process began with the introduction of subjects, not bills. Subjects were introduced either through the presentation of petitions, memorials or resolutions by individual members or through the presentation of messages from the President, executive officers, the Senate or others by the Speaker. With regard to the reference of subjects, the rules adopted in the First Congress (1789-1791) required all petitions and memorials addressed to the House be read by the Speaker, with any further discussion held on a day other than the day of first reading. (*Journal* 1-1, p. 9) As for bills, they were introduced only with permission from the House through approval of the subject. The initial rules of the House allowed two methods of introduction: bills could be introduced through motions for leave or permission to introduce or by an order of the House on the report of a committee, with a leave motion requiring one day's notice before being brought to the House. (*Journal* 1-1, p. 10) In either case, the bills had to be brought in through the report of a committee.

Even in the earliest Congresses, the House could not perform every function necessary in the production of legislation. So while
Representatives wanted to be included in all phases of a subject's transformation into actual legislation, the House was forced to utilize some agents of first reference to help alleviate workload problems. (Cooper, pp. 3-4) The four agents available for reference were: executive branch agencies, Committees of the Whole, select committees and standing committees. (Cooper, p. 4) The following sections will summarize the House's relationships with these agents in the development of legislation during the first few Congresses.

THE HOUSE AND THE EXECUTIVE BRANCH

In the early years of nationhood, Congress' relationship with the executive branch was not well defined. The Constitution's broad description of presidential powers and its 'necessary and proper' clause for congressional authority created a context of vaguely defined, shared processes between the two branches. The issues faced by both during those early years also increased the potential for conflict since organizing a national government, protecting citizens and developing relations with other countries were all difficult tasks. Using the executive branch as an agent of first reference was soon questioned as members feared its domination over the legislative branch's development of public policy. When was obtaining advice or plans from the executive branch an acceptable practice of the House? This was a difficult question for Representatives to answer.

Proof of the complex nature of executive-legislative
relations is found as early as the Second Congress (1791-1793) when Treasury Secretary Alexander Hamilton offered a financial program to Congress. His detailed reports offended Jeffersonian legislators as they interpreted his proposals to be law-making instead of information-providing. (Cooper, p. 5) Even though the subjects he discussed were legitimate concerns of the House, the propriety of his proposals was questionable. Because of the potential for conflict between the legislative executive branches, the House, after the Second Congress (1791-1793), limited its reliance on executive department secretaries and administrators. Thereafter, the House eliminated opportunities for the executive branch to offer advice or plans by referring to that branch only with requests for information. (Cooper, p. 5) The House altered its processes to limit initial consideration of important subjects to Committees of the Whole. (Cooper, p. 8)

**THE HOUSE AND COMMITTEES OF THE WHOLE**

After the First (1789-1791) and Second (1791-1793) Congresses' allowance of executive dominance in the development of legislation, the House experimented with Committees of the Whole during the Third Congress (1793-1795) and adopted a division of labor which featured Committees of the Whole during the Fourth Congress (1795-1797). According to the latter Congress' prevailing Jeffersonian principles, general concepts and outlines of actual laws could be better organized during the unrestricted discussions of Committees of the Whole. Such
committees quickly became the agent of advice much preferred over the executive branch.

In the earliest Congresses, important subjects were first discussed in Committees of the Whole. (Cooper, pp. 10-11) That type of committee allowed for the greatest involvement of members in the development of legislation since every Representative could participate in any discussion, debate or vote in a Committee of the Whole. Jeffersonian Representatives held a strong preference for Committees of the Whole because of this democratizing effect. (Cooper, pp. 12, 19-20) So while Committees of the Whole never actually formulated bills, their development of principles of specific pieces of legislation through first reference was critical to the implementation of fundamental Jeffersonian beliefs concerning democratic decision-making. Committees of the Whole influenced the development of a wide range of policies since they were commonly used by members to produce solutions to problems.

After the principles of a subject were defined by a Committee of the Whole, they were sent with instructions to either a select committee created during the discussion of the particular policy question or to one of the few standing committees already established with committee members and a committee name. The smaller committee would consider the Committee of the Whole's instructions and would, if authorized by the House, write a bill restating the general policy goals and
concerns previously expressed by members in the Committee of the Whole. (Cooper, p. 14) If the House did not authorize the smaller committee to introduce a bill, the committee was limited to issuing a report.

The amount of time Committees of the Whole spent discussing a subject's principles and devising committee instructions soon became a concern of House members. Even the Jeffersonian legislators realized that total reliance on a Committee of the Whole to determine a subject's principles and details was inefficient, especially since discussing issues in Committees of the Whole constituted only the first step in the development of policy and that step consumed too much time. Members soon complained that Committees of the Whole were useless and even destructive for initial discussions of policy and encouraged both reference and deference to smaller, more specialized committees. (Cooper, p. 51) Consequently, after the Eleventh Congress (1809-1811), Committees of the Whole were used infrequently to discuss subjects and develop policies. (Cooper, pp. 15-16) The decline in this particular function of the Committee of the Whole coincided with an increased use of direct reference of subjects to select and standing committees.

By the Sixteenth Congress (1819-1821), the Committee of the Whole as a committee of first reference had been gradually replaced by select and standing committees. (Cooper, p. 55) Committees of the Whole were, however, adapted to perform
another function, that of receiving bills from committees. Committees of the Whole were thus left to the task of merely reviewing and approving the work of smaller committees.

The function of Committees of the Whole indeed changed from policy-developing to legislation-review by the 1820s. The committee no longer developed a subject's principles and details in the initial stages, but was only able to examine and amend the work of smaller committees in later stages. The demise of Committees of the Whole as initial policy-developing agents was thus countered by the preparation of legislation by smaller committees and the review of their work by Committees of the Whole.

**THE HOUSE AND SELECT AND STANDING COMMITTEES**

With the decline in use of Committees of the Whole for initially discussing the principles of important subjects, direct reference to the various standing and select committees became the more direct route for transmitting subjects. As committees were bound to operate under the same democratic principles that had governed Committees of the Whole, that method of referral was certainly an attempt to realize the Jeffersonian idea that the House required "a uniformity of proceeding in business not subject to the caprice of the Speaker or the captiousness of the members." (Jefferson, p. 111)

The early committees, however, did not enjoy automatic reference or exclusive jurisdiction over any subject even though
House rules did include definitions of committee jurisdictions. Because motions for reference were offered on the floor, the only reference-related advantage standing committees had was in the Speaker's ability to order, unless objected, the reference of petitions, memorials and messages to committees according to their jurisdictions. A committee's jurisdiction over related resolutions or bills, on the other hand, was more limited since they could be referred to one committee or another, through motions for reference offered on the floor. (Cooper, p. 140, footnote #49) In fact, reference to a select committee over a standing committee was an accepted practice even in the 1820s. Opposition to referral to a select committee did, however, occur once members began to consider standing committees to have expertise.

As standing committees were accepted as useful sub-units of the House, more were created. By 1809, the following standing committees existed: Elections, Claims, Commerce and Manufacturing, Ways and Means, Revisal of Unfinished Business, Accounts, Public Lands, District of Columbia, and Post Offices and Post Roads. (Cooper, p. 135, footnote #7) Between 1809 and 1817, the House added ten new standing committees. They were the Committees on the Judiciary, Pensions and Revolutionary Claims, Private Land Claims, Public Expenditures, Expenditures in the State Department, Expenditures in the Treasury Department, Expenditures in the War Department, Expenditures in the Navy Department, Expenditures in the Post Office Department and Expenditures on
Public Buildings. (Cooper, p. 152, footnote #219) Four select committees, which were standing committees in every way but name, were also created. They were the Select Committees on Military Affairs, Naval Affairs, Indian Affairs, and Foreign Affairs. (Cooper, p. 54)

Standing committees did have a couple of advantages over select committees. Standing committees were assured of their continued existence since their appointment at each session's commencement was required by House rules. Standing committees also offered their reports before select committees in the order of business after the call for petitions. (Journal, 12-2, p. 528)

As the standing committee system developed, committee authority over the reporting of bills expanded. In the earliest Congresses, select and standing committees reported by bill only if the subject of the bill had been referred to them and only if the House gave permission to report that particular bill. (Cooper, p. 20) These provisions occasionally caused contention since different interpretations of the Committee of the Whole's instructions were often voiced. In the Fifth Congress (1797-1799), for example, controversy erupted when a select committee to consider sections of the President's Message attempted to introduce what its members considered to be a related bill. (Cooper, p. 20) Opposition to the bill's introduction was not unusual since committee-reported bills were often scrutinized to insure conformity with the resolutions that originally authorized them.
The ability of select and standing committees to report bills was still limited even with the adoption of more automatic referral methods. A committee could not report a bill unless the House had referred the subject and given specific permission to the committee to introduce the bill. (Cooper, p. 17) Under these circumstances, the Committee on Public Lands would only be allowed to report a bill concerning a Florida land grant if the House had both referred the subject to the committee and given permission to the committee to report such a bill.

The House's strict oversight of committees did not last. In fact, by the Eleventh Congress (1809-1810), committees generally had the ability to report by bill before the subject had been discussed and defined in a Committee of the Whole. Such reporting was acceptable if a committee received permission to report by bill when the original subject was first referred or when the report attached to the bill clearly justified the need for its adoption. (Cooper, pp. 21, 22)

By the Fifteenth Congress (1817-1819) the rules changed to give standing committees power to report bills on their own discretion. That rule change was a major feat in the development of committee reporting privileges which had involved the following stages. At first, permission from the House was required before a committee could report a bill. If permission from the House was not granted, the committee would only be able to offer a report.
Next, the House made a practice of giving committees reporting power when references were made. Finally, reporting power was formally granted in the rules. Individual members, on the other hand, were still governed by the original rule which required leave to introduce.

By the close of the Fifteenth Congress (1817-1819), the committee system had been adopted by the House as a practical organization through which policies could be developed. The system had also by this time been accepted by House members as a necessary mechanism. (Cooper, p. 56) Along with the increased reporting discretion, the committee system changed in other ways. First, Speaker Henry Clay (KY), encouraged standing committees to become actual policy-producing units. (Cooper, p. 47) Committees were therefore able to become more specialized in their policy areas. Clay, it should be remembered, was better able than his predecessors to coordinate committees through his dominance of party politics. This capability not only enhanced his party's influence, but also enhanced his own personal authority as Speaker. Ultimately, however, his power declined along with the strength of the Jeffersonian Republican party; committee control, on the other hand, remained strong. (Cooper, p. 48)

**COMMITTEES IN THE SEVENTEENTH (1821-1823) THROUGH THE TWENTY-FOURTH (1835-1837) CONGRESSES**

By 1820, a continued alteration of House procedures had cultivated a committee system. Because of growing reliance on them, committees gained control over bill introduction through
their discretion to report by bill on subjects referred to them. (Cooper, p. 24-25) The only problems committees had in controlling bill introduction were associated with continued reliance on the referral of subjects, especially resolutions, to committees for the development of legislation. Members knew that the more detailed instructions they included in their resolutions, the more limited committees would be in their drafting of legislation. By 1820, lengthy resolutions were therefore common and thus very cumbersome for committees. Resolutions, though, were limited in their influence since committees almost totally controlled the ultimate reporting of a resolution's subject in the form of a bill.

The House and its Representatives had come to accept the norms of committee specialization and deference to committees. The institution and its members also promoted the ideas of impartiality and expertise on the part of a committee's membership. These signs of stability in and domination by committees were supported by regularized committee procedures and the printing and distribution of committee minutes and reports. (Cooper, p. 61)

This favorable situation provided committees with the ability to control the initiation of public policies. Since they virtually controlled the introduction of legislation for the next few decades, committees also controlled the very topics and provisions of legislation. This situation occurred in spite of the fact that the
rules allowed individual Representatives to move requests for leave to introduce bills. Since the rules required reference of such motions to smaller committees and since the legislative process was organized around the presentation of subject and their reference to committees, members had no real incentives, and apparently no real desire, to attempt to introduce bills on leave.

In order to better understand this period of committee dominance in the introduction of legislation the era from 1821 through 1837 will next be analyzed. Two Congresses, the Seventeenth (1821-1823) and the Twenty-second (1831-1833), will also be described in detail. These Congresses were chosen for two reasons. First, they occurred immediately subsequent to the rise of a standing committee system, a time when the Committee of the Whole was already extinct as the initiator of legislation and committees totally dominated bill introduction. These Congresses were ones in which Representatives did not introduce leave bills, a fact that requires investigation since the topic of this dissertation is the evolution of bill introduction from committee control to member dominance. Procedures in the Seventeenth (1821-1823) through the Twenty-fourth (1835-1837) Congresses will be described in the following sections. These Congresses were chosen for two reasons. First, they occurred as the Jeffersonian era was gradually dying, a time when the Committee of the Whole was already extinct as the initiator of much legislation. These Congresses were also ones in which no bills were introduced by
individual Representatives, a fact which requires further investigation since the primary concern of this dissertation is the evolution of bill introduction from a committee-controlled activity to a member-dominated practice.

The procedures of the House of Representatives from the Seventeenth (1821-1823) through the Twenty-fourth (1835-1837) Congresses will therefore be described along with the House's basic internal characteristics. Turnover, partisanship, leadership and regionalism will be analyzed. The concerns of Representatives will also be addressed. Then, House rules and procedures will be described. Finally, the rules and procedures related to House's operations, as well as those that specifically pertain to bill introduction, will be discussed in relation to the membership, party composition and regional diversity of the House. Rules and procedures will also be discussed in connection with the House's relationships to the executive branch and the entire nation.

**HOUSE CHARACTERISTICS FROM THE SEVENTEENTH (1821-1823) AND TWENTY-FOURTH (1835-1837) CONGRESSES**

Some basic characteristics of the House of the 1820s and 1830s differed from those of earlier Congresses. Table 2-1 shows that the membership of the House grew by 46 members from the Eighth (1803-1805) to the Seventeenth Congress (1821-1823), rendering a thirty-two percent increase in the total membership of the latter Congress. Membership in the Twenty-second Congress (1831-1833) included 25 more members and delegates than it had in the Seventeenth Congress (1821-1823), representing an increase
of almost thirteen percent. The Twenty-second Congress (1831-1833) did have 72, or fifty percent, more members than the Eighth (1803-1805), so the changes should not be considered insignificant.

<table>
<thead>
<tr>
<th></th>
<th>8th 1803-1805</th>
<th>17th 1821-1823</th>
<th>22nd 1831-1833</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representatives</td>
<td>141</td>
<td>187</td>
<td>213</td>
</tr>
<tr>
<td>Delegates</td>
<td>1</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>142</td>
<td>191</td>
<td>216</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Membership Lists.

High turnover among members was common in all three of the previously mentioned Congresses. This is illustrated by the percentages of freshman members. Table 2-2 shows that the percentage of freshman was high throughout the period. Nearly half of the members of each of the Congresses were serving their first terms.

<table>
<thead>
<tr>
<th></th>
<th>8th 1803-1805</th>
<th>14th 1815-1817</th>
<th>17th 1821-1823</th>
<th>22nd 1831-1833</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>47%</td>
<td>43%</td>
<td>45%</td>
<td>38%</td>
</tr>
</tbody>
</table>

Source: Polsby, 1968.

Although the table ends with the Twenty-second Congress (1831-1833), it should be noted that throughout the 1840s and early 1850s the percentage of freshmen averaged in the low
forties.

Besides having similarly high percentages of freshmen Representatives, the Seventeenth (1821-1823) and Twenty-second (1831-1833) Congresses had similar percentages of second-term and third-term Congressmen. In the Seventeenth Congress (1821-1823), thirty percent of the members began their second term while twenty percent started their third. Thus, only twenty-five percent of the Representatives had more than four years of experience in the House. In the Twenty-second Congress (1831-1833), twenty-nine percent began their second terms and about twelve percent started their third. In that Congress, thirty-three percent of the members had served at least four years.

Even though some members served several terms, freshmen and sophomores were dominant. The preponderance of less experienced members made member specialization difficult unless expertise was obtained before entering the House. That the relatively inexperienced members were limited in their ability to obtain expertise during their limited tenures only reinforces the institution's allowance of the previously mentioned development of committee specialization. Had committees not existed, fewer quality pieces of legislation would have been produced.

The number and composition of state delegations were two other characteristics which changed slightly in the 1820s. As with the changes in the percentages of freshman and more senior members, the changes in the number and composition of state
delegations were not dramatic. Table 2-3 illustrates the increase in states over time.

<table>
<thead>
<tr>
<th>Congress</th>
<th>8th</th>
<th>14th</th>
<th>17th</th>
<th>22nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1803-1805</td>
<td>1815-1817</td>
<td>1821-1823</td>
<td>1831-1833</td>
</tr>
<tr>
<td>17</td>
<td>19</td>
<td>23</td>
<td>24</td>
<td></td>
</tr>
</tbody>
</table>

Source: *Journals of the US House of Representatives*, Member Lists.

Along with the slight increase in the number of states was a small increase in the number of Representatives for each state delegations. Across the time period, the number of Representatives each state was allocated increased slightly. The proportions of the different state delegations in relation to each other, on the other hand, remained fairly stable. For example, New York, Pennsylvania and Virginia had the largest delegation in all four of the above mentioned Congresses with 17, 18 and 22 members in the Eighth (1803-1805); 26, 23 and 23 members in the Fourteenth (1815-1817); 30, 29 and 24 in the Seventeenth (1821-1823); and 34, 27 and 24 in the Twenty-second (1831-1833). No other state delegation of that last Congress had more than 13 Representatives.

**REGIONALISM**

From 1817 through 1837, state delegations were quite important due to the regional nature of many policy questions. In the 1820s and 1830s, therefore, the region of the country from which a Representative came was crucial to his decision-making in
certain policy areas. (Schouler III, p. 382) Southern Representatives, for example, advocated states' rights and the protection of the South's economic, social and political systems. These Congressmen disliked the anti-slavery activities of President John Quincy Adams and his Northeastern allies in Congress. They also protested the slow course the executive branch followed in purging the South of Indians. (Schouler III, p. 382) These states' rights advocates opposed federal support of internal improvements and were upset over Congress' promotion of protectionist tariffs.

In the earlier period of national development, similar issues had prevailed and analogous situations had occurred. Their continuation in the 1820s and 1830s further frustrated Southern Representatives, making them more belligerent toward Northern and Eastern Representatives. (Schouler III, p. 383) The following statement by James Schouler describes tariff legislation conflicts and proves that Northern and Western Representatives, as well as Southern Representatives, had region-based concerns for the tariff.

"Manufacturers of the middle states worked skillfully upon the grain producing West to persuade the farmer that his interests and theirs were identical. They had hopes of converting the East, for Europe was now the carrier of her own commodities, and the shipping interests had declined. But the Southern planters, and most of all, the cotton raising interests, leaned strongly to the other side of the question. They wished nothing done which should tend to diminish their
trade with Great Britain, and the jealousy with which this section regarded the Northern manufacturers and all protective systems boded future trouble." (Schouler III, p. 298)

John Calhoun (SC), the primary statesman of the South throughout these years, encouraged regional attitudes in Southern Congressmen as he tried to instill in them the desire to uphold and preserve the "equilibrium of slaveholding states." (Hofstadter, p. 82) He believed that the South was unable to capture the foreign market with goods produced by cheap labor since the tariff took "from us the proceeds of labor," just as "abolition strikes at the labor itself." (Hofstadter, p. 78)

Region-based problems persisted throughout the early decades of the nineteenth century, creating a strain on the legislative activities of the House for many years. The sectional stress placed on legislative leaders and political parties will be described in the following sections.

LEADERSHIP

As regional politics differentiated Representatives along policy lines, sectional leaders like John Calhoun (SC) became more influential in the House. While leaders in the 1820s and 1830s did not necessarily achieve the level or quality of leadership of which they were able, their attempts to provide leadership were important and should be studied for not only their realized effect, but also their potential impact, on House rules and practices.

James Schouler noticed the influence of several strong
leaders on House activities during the Eighteenth Congress (1823-1825). (Schouler III, p. 293) That Congress assembled under a new apportionment and was noted for being greatly advanced upon its predecessors in leadership capabilities for it saw the return of Henry Clay (KY) to the Speakership. Clay came back to secure the completion of his favorite public works project, the Cumberland road. Daniel Webster (MA) also returned and, after being named chairman of the oversight Committee on Expenditures of the Treasury Department, was able to push through a new crimes act with the aid of Supreme Court Justice William Story. (Schouler III, p. 303) Webster, like Clay, utilized personal power rather than position-based power in his policy endeavors. Illustrative of that use of power was Webster's effort to increase the size of the judiciary, a proposal which ultimately failed in the Senate, "though [Webster's] influence held the House to his views." (Schouler III, p. 303) Former diplomat John Forsyth (GA) and former Navy Secretary Benjamin Crowninshield (MA) were two other former members who returned during the Eighteenth Congress (1823-1825). In the first session of that Congress, the specialized knowledge of those two men were considered in chairmanship appointments. Forsyth was named Chairman of the Foreign Relations Committee and Crowninshield was appointed Chairman of the Committee on the Navy. (Schouler III, p. 295)

Schouler also found that the Twenty-second Congress (1831-1833) showed great potential with such illustrious leaders
as: ex-President John Quincy Adams (MA), Tristam Burges (RI), Churchill Cambreleng (NY), Rufus Choate (MA), Edward Everett (MA), John Davis (MA), John Mason (VA), Andrew Stevenson (VA), Richard Johnson (KY), John Bell (TN), and James K. Polk (TN). (Schouler IV, p. 42) These men had great potential for leadership based on their prior government service and previous congressional experience.

The problems faced by congressional leaders of this era when they attempted to realize their potential influence activities and policies were many. The lack of a strong party system was partially to blame. Webster's bill for the enlargement of the judiciary, for example, probably would have passed had he been able to rely on support from his party. Both personal and organizational leadership were, however, highly contingent on other congressional characteristics, such as regionalism. The following section provides further information on another limitations in its description of the House's partisan composition.

PARTISANSHIP

From 1817 to 1825 political parties were weaker than they had been previously. Richard Hofstadter stated specifically that "during the period from 1812 to 1828 the two-party system disappeared and personal, local and sectional conflicts replaced broad differences over public policy as the central fact in national politics." (Hofstadter, p. 48) To illustrate the point that partisanship was relatively unimportant in the House's general organization and also not very significant to Representatives during
this period, party membership, intra-party conflict and inter-party conflict will be discussed. These characteristics illustrate a lack of party strength from 1817 to 1828 and an increase in partisanship from 1828 through 1837.

In spite of the weakness of parties, the structure of a two-party system was still evident in this period. As Table 2-4 shows in the Eighth (1803-1805), Seventeenth (1821-1823) and Twenty-second (1831-1835) Congresses the Democratic party held large majorities. The large majority in the Seventeenth Congress (1821-1823) was limited by the parties' lack of cohesion. By the Twenty-second Congress (1831-1833) Democrats had more power associated with their majority as parties were more cohesive by that time.

<table>
<thead>
<tr>
<th>Congress</th>
<th>8th (1803-1805)</th>
<th>17th (1821-1823)</th>
<th>22nd (1831-1833)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federalists</td>
<td>38</td>
<td>58</td>
<td></td>
</tr>
<tr>
<td>Democrats</td>
<td>103</td>
<td>129</td>
<td>141</td>
</tr>
<tr>
<td>National Republicans</td>
<td></td>
<td></td>
<td>58</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Membership Lists.

Incidentally, the increases of both parties over time did not represent any proportional change since the Federalist maintained approximately thirty percent and the Democrats nearly seventy percent of the membership of both the Eighth (1803-1805) and Seventeenth (1821-1823) Congresses. (Alexander, p. 411)
By the Twenty-second Congress (1831-1833), the Federalist party no longer existed. In the late 1820s and early 1830s, however, the Federalist party's strong national government philosophy continued to be espoused by the National Republican Party. The National Republican party, though, was only competitive for a few years. Thereafter, the two major parties were the Democrats and Whigs.

Besides party membership, another indicator to determine party strength and competitiveness is the partisanship displayed during the Speaker's election. Such elections not only illustrate inter-party competition but also provide information on intra-party conflict at the beginning of a Congress. The activity of the Speaker after his election is also worth noting since his committee appointments can be political as well as partisan. These characteristics will next be discussed to show that during these early decades of the nineteenth century party membership was ineffective in bonding individual members.

The House in the Seventeenth Congress (1821-1823) elected Democrat Philip Barbour (VA) on the twelfth ballot on the second day of the first session. He entered the race on the eighth ballot, running against the following men: McLane (DE), a Federalist, and Democrats, Rodney (DE), Smith (MD), Nelson (VA) and John W. Taylor (NY), the former Democratic Speaker of the second session of the Sixteenth Congress (1819-1821). Taylor led in the early balloting, but was unable to obtain a majority. The number of Democratic
contenders in that race brings to question the intra-party strength of parties during the Seventeenth Congress (1821-1823). Barbour's ultimate election to the position lends credence to the assertion that an Era of Good Feelings existed during Monroe's presidency, since Barbour won by a coalition of anti-Taylor members. (Schouler III, p. 244)

As Barbour's election was accomplished through a coalition of supporters from the two parties, his subsequent appointment of Federalists as well as Democrats to chairmanships is not surprising. Those appointments provide evidence that an Era of Good Feelings did, in fact, exist. Barbour appointed McLane (DE), a Federalist who ran against him in the Speaker's election, chairman of the select committee on the portion of the President's Message concerned with the establishment of a Navy and the repair and construction of war vessels. In comparison, Taylor (NY) and Rodney (DE), two rivals to the Speakership who were Barbour's fellow Democrats, were not given standing committee chairs. They were made members of select committees on the portions of the President's Message dealing with foreign and diplomatic affairs. Three other Federalists besides McLane (DE) were given chairmanships: Baldwin (PA) was named Chairman of the Committee on Manufacturing; Sergeant (PA) was named Chairman of the Judiciary Committee; and Nelson (MA) was named Chairman of the Committee on Expenditures on Public Buildings.

By the Twentieth Congress (1827-1829), a new party system
was developing. Under this system, inter-party conflict was unavoidable, especially after Democrat Andrew Stevenson (VA) was elected Speaker. His appointment of committee members and chairmen in direct opposition to President Adams' administration was quite apparent. (Schouler III, p. 417) The result of Stevenson's appointment was that every congressman and every piece of legislation was identified as either pro-Adams or pro-Jackson since committee activities centered around the defamation of the president, not any specific legislative programs. President Adams recognized this opposition and described the congressional opposition as "skunks of party slander." (Schouler III, p. 420)

The pro-Jackson mentality is illustrated in a debate over a resolution offered by anti-Jackson freshman Representative Chilton (KY). That resolution requested an investigation of government expenditures with a charge of retrenchment. Jacksonian Democrats were insulted by the affront of this inexperienced congressman, but supported the organization of an investigative committee, as long as it was not chaired by Chilton. The committee was formed under the leadership of Democrat James Hamilton (SC), a fourth term Representative. (Schouler III, p. 420) Only after Jackson's 1828 election did the House become less divided. Partisanship, however, became controversial again when Jackson announced his highly partisan political appointments. (Schouler III, p. 460)

Andrew Stevenson (VA) was reelected Speaker for the next two Congresses but his support waned and his position was
challenged in the Speaker’s election of the Twenty-second Congress (1831-1833). During that election, his opposition included two fellow Democrats, Sutherland (PA) and Taylor (NY), and two National Republicans, Wickliffe (KY) and Condit (NJ). Stevenson was elected by a majority on the first ballot.

The preceding discussion of the early nineteenth century House has shown that several characteristics changed during those decades. The numbers of Representatives and state delegations grew. The number and percent of freshman members remained high and the degree of regional conflict and division over policy attitudes intensified. As with regionalism, partisanship changed during the early decades of the 1800s. Factions, instead of parties, competed for control of the House and its legislative activities until the late 1820s. Many congressional leaders, rather than two party leaders, competed for the Speakership. Coalitions were necessary for the adoption of programs and policies. By the 1830s, parties were more organized, but leadership was still challengeable since parties were organized around personalities, rather than programs.

While membership, party strength and competition varied during those early decades, committees still dominated bill introduction. When parties gained influence in politics, the legislative process continued to begin with the referral of subjects to committees and their reporting of bills based on such subjects. The following section will explain why committees remained relatively unchallenged during the years of instability and how the
House's order of business, rules and procedures were attuned to both consistencies and inconsistencies in member characteristics described in the previous sections. First, the rules and procedures of the Seventeenth Congress (1821-1823) will be described. Then, efforts to alter the rules during the Congresses from 1821 through 1837 will be discussed. Finally, successful attempts to change House rules during that time period will be described. These sections will, of course, focus on rules and procedures associated with bill introduction.

THE ORDER OF BUSINESS

The daily order of business employed by the House during the Seventeenth Congress (1821-1823) began with the reading of the previous day's journal. Then, the Speaker called states and territories for petitions. After the call for petitions was completed, a call of standing and select committees in the order of their creation for reports was next in order. At this time the rules also provided for the presentation of resolutions. After the presentation of committee reports and resolutions, the House proceeded to matters on the Speaker's Table which included: Senate bills, messages and other communications. Finally, after consideration of business on the Speaker's Table, the House could move to orders of the day. Then the Speaker, on motion to adjourn, could end the business day. If the Speaker's Table was not reached, motion to adjourn were still in order during discussion of business in Committee of the Whole.
During the first thirty days of a session, following the reading of the journal, members offered petitions after their state's name was called in a roll call of states and territories. After their presentation, petitions were referred on the floor to committees. If the roll call was not completed in one day, it would begin in the same place on the next day. This was a fairly manageable procedure at first, but in a relatively short time, the large number of petitions made presenting each difficult.

During the first thirty days of a session, committees were able to offer reports only after a call of states and territories for petitions was completed. After the first thirty days of a session, more time was available for committee reports since states were called for petitions on Mondays only, according to the rules adopted in the first session of the Seventeenth Congress (1821-1823). (Annals 17-1, p. 1299) That limitation on the call for petitions was offered by a select committee and adopted in the Sixteenth Congress (1819-1821) over some objections. (Journal 16-1, p. 344) Representative Campbell (OH), for example, thought the thirty day limit was too restrictive and wanted the deadline extended to the fiftieth day. Adoption of either the committee's or Campbell's proposals, however, was opposed by Rhea (TN) and Williams (NC) who both felt that any limitation was an improper curtailment of a citizen's right to petition. The committee's suggestion was adopted but was submitted to further scrutiny soon after its passage when Barbour (VA) moved that the reception of petitions
be limited to the first ninety days of a first session and to the first sixty days of a second session. *(Journal* 16-1, pp. 344, 384) Barbour's resolution was, however, quickly negatived. *(Journal* 16-1, p. 387)

Before the adoption of the thirty day limitation, Randolph (VA), a States' Rights Democrat, suggested that the very order of the call of states was unfair to the extreme Southern states because they were the last in order to be called. *(Hinds IV, p. 265)* The call's order was legitimized, though, after members agreed that since Northern states signed the Declaration of Independence first, the call of states should begin with the most Northern state in the country, Maine. *(Hinds IV, p. 265)* That disagreement, even though it was easily resolved, provides evidence of the regional controversy related to the call of states for petitions.

On every day except Monday, after the first thirty days, committees reported immediately after the previous day's journal was read. The presentation of committee reports and resolutions was limited to one hour each day after the hour rule was presented by a select committee and adopted as a section of the Seventeenth Rule in the Seventeenth Congress (1821-1823). *(Annals 17-1, p. 1299)* Representatives Butler (NH) and Sterling (NY) opposed the rule change. Sterling expressed his opposition by offering the following amendment: "unless in the opinion of the Speaker further time shall be required." *(Annals 17-1, p. 1300)* After Sterling's amendment was negatived, Edwards (CT) proposed that the
presentation of petitions be set according to the committee's suggestion, "unless in the opinion of the House further time shall be necessary, which question shall not be subject to debate." Edwards' amendment was also not adopted. (Annals 17-1, p. 1300) Opposition to the hour rule and the thirty day limitation continued, even as late as the first session of the Twenty-first Congress (1829-1831), when Representative Williams (NC) resolved to rescind both. (Journal 21-1, p. 384) His proposal was laid on the table.

Regardless of the hour rule, committees apparently felt compelled to report even if negatively. Many committee reports were accompanied by resolutions asking the House to discharge the committee from further consideration of the subject. (e.g. Journal 17-2, p. 356)

The custom of offering resolutions when committees presented their reports was formally included in the rules revisions of 1822. The practice had developed in previous Congresses for two reasons. Firstly, members realized that the resolutions they wrote and offered on their own were quite different from the petitions they presented on behalf of their constituents and therefore should not be proffered during the same call. Secondly, the number of resolutions offered previously was not so many that an independent call was warranted.

Resolutions were often specific in their instructions and dispositions. For example, Lathrop (MA) presented a resolution on
January 22, 1821, instructing the Committee on Revisal and Unfinished Business to "consider the expediency of reviving and continuing in force, for a limited time, an act passed on the 11th of May 1820, extending the time allowed for the redemption of land sold for direct tax in certain areas, or otherwise granting relief to the owners of land where it has been purchased on behalf of the United States." (Journal 17-1, p. 24) Lathrop's resolution was, as were many of the era, tabled immediately after presentation. Even the resolutions that were actually referred to committees did not fare much better than those that were immediately tabled since most referred resolutions were never discussed in nor reported by smaller committees.

The proceedings of the House during the Seventeenth Congress (1821-1823) reflected the growing business of the institution. The time allowed for the presentation of petitions, the time allowed for committee reports and the Speaker's Table were all considered valuable and in need of limitations. Other attempts in the 1820s to change the rules illustrate the continued concern of Representatives to prudently use the available time.

ATTEMPTS TO CHANGE THE RULES AND PROCEDURES FOR PRESENTING PETITIONS, RESOLUTIONS AND MESSAGES

Throughout the early decades of the nineteenth century, attempts were made to modify House rules and its order of business. In the Eighteenth Congress (1823-1825), changes in the presentation of petitions were suggested by several members. Cook (IL) offered one such resolution that if adopted would have
required every petition to be laid on the Clerk's table with an endorsement from its introducer and also a suggestion for its committee reference. (Annals 18-1, p. 987) No action was taken on Cook's resolution during the Eighteenth Congress (1823-1825), though the House did make the adjustment decades later.

During the same session in which Cook offered his resolution, Democrat John Taylor (NY), with eleven years of experience in the House, including two as Speaker, offered a related amendment to the rules. Taylor's amendment suggested that petitions be referred to committees under the direction of the Speaker, without formal presentation in the House. His resolution also stated that when a petition was erroneously referred, the chairman of the committee charged with it had to return it to the Clerk. According to the resolution, if two chairmen disagreed over a petition's reference, the House would vote on its reference. (Annals 18-1, p. 1318) Debate arose over the proposed amendment and so it too was tabled. (Annals 18-1, p. 1318)

Both Cook's resolution and Taylor's amendment would have facilitated the presentation of petitions. Since both suggestions were tabled, it can be concluded that while dealing with petitions was considered by some to be a strain on House business, any alteration in their handling was not desired. Proof of that assertion is afforded by Williams' (NC) continued attempts to rescind the thirty day limitation adopted in the Sixteenth Congress (1819-1821) for the daily presentation of petitions. (Journal 21-1,
The actual petitioners and the topics of some of their petitions were also points of controversy during the 1820s. In the Seventeenth Congress (1821-1823), for example, a petition from a free slave and one from an alien were both refused reference. (Journal 17-1, p. 23; Annals 17-2, p. 474) A few years later the Claims Committee refused to receive a petition not written in English. (Journal 19-1, p. 446) That petition was tabled when brought up for consideration by the whole House. (Journal 19-1, p. 446) Along with controversial petitions, memorials of the same nature could be retrieved from a committee by the memorialist. (Journal 20-2, p. 324)

During the Twentieth Congress (1827-1829), the time spent considering resolutions became of major concern to one Representative, William Haile (MI). The following excerpt from the Debates describes a speech Haile presented to the House:

"Although the House had now been three months in session, not a single measure in which his State was interested had yet been reached; and that the causes of this delay might be more fully understood, he would state some facts, in relation to the manner in which business was transacted in the House. He had long been of the opinion that members ought to be restricted as to the introduction of so many resolutions for inquiry . . . the Speaker had officially stated to the House, that more than two thousand subjects had at that session [the preceding one] been examined, and reported on by Committees of the House. These
resolutions of inquiry were perfectly needless. They led to no good effect whatever. Two-thirds of them were perfectly understood as being intended for home consumption. The only good that he ever knew grew out of them was, that the report of a committee was printed, at the public expense, and sent home, by the mover of the resolution, to excite the hopes of some neighborhood, or advance some personal or electioneering interest . . . It was already a subject of general complaint, by the People of the United States, that their Representatives consumed two-thirds of their time, in useless debate. Hours and days were spent on subjects of inquiry, out of which no good could possibly grow . . . He felt it to be his duty to endeavor to repress this practice of debate on useless matters, and to urge gentlemen to confine their resolutions and their speeches to subjects that might result in some public benefit." (Debates 20-1, pp. 1754-55)

In concluding his speech, Haile (MI) moved the following resolution: "Resolved, that a Select Committee be appointed to inquire into the expediency of adopting some rule, by which the public business now on the orders of the day, can be more effectually disposed of and acted on." (Debates 20-1, pp. 1754-55) Haile's strong desire for a revision was most evident when he compared the presentation of resolutions in the House to the needless orations in the Roman Empire's Senate in the years prior to its fall. After that comment, members coughed loudly, making it impossible for Haile to continue his speech. During the confusion, Haile's resolution was negated without division. (Debates 20-1,
The other Representatives apparently held in much higher regard the relatively unrestricted presentation of resolutions.

In the very next Congress, the Twenty-first Congress (1829-1831), another attempt was made to limit the time members used to present resolutions. During that Congress, Robert Potter (NC), a pro-Jackson Democrat, suggested the organization of a select committee to investigate the possibility of extending the hour reserved each day for the consideration of resolutions and committee reports. Potter believed that if a member was fortunate enough to be in the middle of his discussion of a resolution at the close of the designated hour, that member could prepare additional remarks over night and then continue his discussion, including the additions, during the next day's hour of consideration. (Debates 21-1, p. 542) Potter's resolution, unlike Haile's, was agreed to, and he was made chairman of the select committee charged with its consideration. (Debates 21-1, p. 550) Little more than a month passed before the committee's report was offered. (Debates 21-2, p. 84) Its accompanying resolution suggested that members be allowed to finish their thoughts before being cut off, whether or not the allotted time for consideration had expired. Charles Mercer (NY), a Democrat, offered an amendment to Potter's resolution that would have modified the operation of the previous question. Both the resolution and the amendment, however, died when Silas Condit's (NJ) motion to table them passed. (Debates 21-2, p. 84) By the Twenty-first Congress
(1829-1830), some members apparently realized that the presentation of resolutions was inefficient and caused clogs in the House's disposal of business. They were still not supportive of major rule changes that might facilitate the conduct of business. Members still desired the sense of control over legislation that the presentation of resolutions provided.

The fourth stage in the order of business was debated in the 1820s. In the Nineteenth Congress, (1825-1827), Democrat John Forsyth (GA) offered a resolution making the presentation of every paper addressed to the House subject to the Speaker's discretion. (Annals 19-1, p. 881) Forsyth thought that the Speaker should act in his capacity as a House member and discern for himself which messages were appropriate for presentation. John Campbell (OH) countered his fellow Democrat's resolution, stating that while the Speaker should have this discretion, a resolution for it was unnecessary. Democrat Peter Little (MD) disagreed with Campbell, saying that the Speaker had no discretion at that time, although he should be provided with that capability. All of this discussion, however, became irrelevant when Speaker Taylor (NY) informed the arguing Democrats that any rule that applied to a member of the House also applied to the Speaker and the Chair. Thus, Forsyth withdrew his resolution after it was found unnecessary. (Annals 19-1, p. 881)

**ADOPTED RULES AND PROCEDURES THAT CHANGED THE PRESENTATION OF PETITIONS AND RESOLUTIONS**

In the Eighteenth Congress (1823-1825) an attempt was
made to alleviate the abundance of petitions and resolutions presented each Congress. At that time a rule was adopted to allow all resolutions, bills and reports not determined in the first session of a Congress to be resumed in the second session as if an adjournment had not taken place. The numerous orders referring previously committed resolutions and petitions presented in each Congress after the Eighteenth (1823-1825) illustrates the need for this rule.

A revised version of the Seventeenth Rule, adopted during the Twenty-first Congress (1829-1831), also helped to eliminate the confusion associated with the presentation of resolutions. That rule stated that after committee reports were offered, resolutions would be called for "in the same order and disposed of by the same rules which applied to petitions; provided that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all states and territories shall have been called for." (Journal 21-1, p. 975)

That development of a call of states and territories for resolutions conducted after committee reports during the morning hour is understandable since after 1822 the rules specified that resolutions were to be presented after committee reports. Committee reported bills had more than doubled in number from the Seventeenth (1821-1823) to the Twenty-first (1829-1831) Congresses, thus leaving little time for any resolutions at all. By adopting this rule, members not only separated the presentation of
resolutions from the presentation of committee reports, but also better defined the order of business.

Those two new rules did not eliminate all of the procedural problems associated with the increasing numbers of petitions and resolutions presented each session. The following account of remarks made by former Speaker John Taylor (NY) describes congestion problems that continued even with more efficient methods of handling petitions and resolutions:

"For a long time after he had the honor of a seat in the House, private claims were not urged there by resolutions, but by petitions. It was thought that members composing the committees of that House were persons of common intelligence, and possessed some knowledge of the nature of the duties assigned to their care; but, of late, it might almost be considered that every individual member appeared to be better informed of the duties of the different committees, than the committees themselves, by the numerous resolutions for instruction which were continually introduced. The practice had extended probably beyond what necessity required; and resolutions now encroached much upon the ordinary business of the House." (Debates 22-1, p. 1482)

One final rule change in 1832 was agreed to in an attempt to allow the House to extend by a simply majority vote the morning hour for committee reports and resolutions. That extension of Rule Seventeen stated that "after one hour shall have been devoted to reports from committees and resolutions, it shall be in order
pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business of the Speaker's table, and to the orders of the day; . . ." (Hinds, p. 3266, Debates, 23-1, pp. 297-298)

PRIVATE BUSINESS

Some changes in the consideration of private business were also discussed during the 1820s and 1830s. In the first session of the Eighteenth Congress (1823-1825), Democrat Charles Rich (VT), reported from the select committee on rules an amendment to the rules devoting every Friday and Saturday to the consideration of private bills and reports, a modification of a rule passed some eighteen years earlier in the Eleventh Congress (1809-1811) that set aside Fridays for the consideration of reports and bills originating from petitions. (Annals 18-1, p. 1702, Hinds IV, p. 238, Annals 11-1, p. 189)

The fact that the Annals noted no sign of disagreement over the 1824 amendment suggests that the members had become more concerned with the many requests and private needs of their constituents. More time was required if the many problems of a Representative's constituency were to be addressed. The Representatives responded quickly, and without debate, to this need.

In the Nineteenth Congress (1825-1827) the House adopted an alteration to the rule reserving Fridays and Saturdays for the discussion of private business and private bills. That revision
allowed the House, by majority vote, to consider other business. (Hinds IV, p. 238, Annals 19-1, p. 197) Later in that same Congress, Speaker Taylor (NY) ruled that private bills did not lose their place on the general docket even though they were the order of the day on both Fridays and Saturdays. Taylor said that these bills would be discussed on other days if they came up in the order of discussion. (Hinds IV, p. 238, Annals 19-1, p. 795) The development of rules to facilitate the discussion of private bills should not, however, be confused with the method by which the House considered the presentation and reference of petitions.

PRESSURE ON THE HOUSE AND COMMITTEES OF THE WHOLE TO MODIFY PROCEDURES

As is evident from the above discussions concerning the requests and expectations for congressional activity, both public and private concerns overburdened the management and operations of the House by the mid1820s. According to Asher Hinds, so much pressure was placed on the House during its regular order of business for legislation on such a wide variety of policies that the House often suspended the rules in order to conduct its immediate business by unanimous consent. (Hinds IV, pp. 193, 194) During the first session of the Twenty-second Congress (1831-1833), for example, the "pressure of business had [apparently] begun to force out all propositions not in [the regular] order of business and cause them to be presented by unanimous consent." (Hinds IV, p. 193) During that session, Charles Wickliffe (KY) presented a resolution, through unanimous consent, that addressed the problem. (Debates
22-1, p. 860) His resolution stated that as soon as the morning business was over each day, the House should consider Senate bills and engrossed bills. Wickliffe's resolution also proposed that bills to regulate duties on imports be discussed after the noon hour. (Debates 22-1, p. 860) The House, however, rejected the resolution as its members still desired a maintenance of the regular order of business.

Problems continued to plague the regular order of business throughout the 1820s and 1830s. The House's functions continued to grow as it published as well as acquired many documents. Evidence that these actions strained the House's productivity is found when four related resolutions were proposed and/or adopted between 1826 and 1836. The four resolutions requested the Clerk to: (1) to keep two copies of all books and documents in a library; (2) to keep a digestive index of all executive papers, committee reports and other documents beginning with those of the Eighteenth Congress; (3) to make enough copies of the journal and its index for all members and delegates within thirty days of the close of the session; and (4) to write a weekly statement of business on the Speaker's table. (Journal, 19-2, p. 87; Journal, 21-2, p. 284; Journal, 22-1, p. 899; and Journal, 24-1, p. 735)

INTERPRETATION OF THE RULES FOR BILL INTRODUCTION

In addition to the previously mentioned attempts to change House rules and procedures, debate over bill introduction occurred on several occasions during the 1820s and 1830s. The comments
of participants in a debate in the Twentieth Congress (1827-1829) illustrate the confusion over the propriety of and method for member-introduced bills. The debate revealed not only the high regard Representatives held for committee-reported bills but also the varying opinions they had of member-introduced bills on leave.

During the first session of the Twentieth Congress (1827-1829), Democrat Peter Little (MD) received permission to introduce a leave bill. His bill included a provision to organize a select committee to discuss the recent reapportionment of congressional districts. Ichabod Bartlett (NY) protested Little's attempt to introduce by submitting the following resolution, a partial quote from the existing rules of the House: "No bill shall be introduced except upon report of a committee." Democrat Burwell Bassett (VA) then entered the debate by questioning Bartlett's reasoning. Bartlett responded by saying that "if [the old rule] was intended to be so understood as to admit the introduction of bills into the House, which had been submitted to no committee of the House," he was certainly of the opinion that the rule be repealed immediately. Bassett countered with the idea that if Bartlett's proposal was adopted, committees would be so pressured to perform their task of bill introduction that they would be forced to sit during the regular daily sessions of the House. (Debates 20-1, pp. 820-823)

Democrat Silas Wood (NY) disagreed with Bassett, saying that the existing rule was deceptive since "no new member would know
or believe, from its slight perusal, that he might, individually, introduce a bill into the House whenever he could get leave." (Debates 20-1, p. 824) According to the Debates, Woods then contended that a bill introduced by a member would, under the existing rule, take the same course as one reported by a committee. (Debates 20-1, p. 824) Wood added that although some state legislatures allowed and encouraged the equality of member-introduced bills with committee-reported bills, the House of Representatives should not do the same since most of its legislation was of a more critical nature than that of the individual states. Wood closed his remarks by stating that even if the House allowed bills on leave, the restriction that after introduction such bills be referred to committees for consideration provided no advantage to the individual introducer since the committee could, during its committee hearings, revise, alter and modify the bill to fit the preferences of committee members, regardless of the intended motives of the original introducer. (Debates 20-1, p. 824)

The debate continued when James Strong, another New York Representative and former Federalist, opposed changing the rule for a reason other than those expressed by Bassett. Strong felt that if a member could introduce a subject matter not merely in the generalized form of a resolution, but also by way of a more particularized and detailed bill, the House might be benefited by the extra detail and consideration provided by the individual
member. Strong also thought that if the members were allowed to individually introduce bills, the House would be able to utilize its time more efficiently, especially if the bills were directly referred to standing or select committees without receiving first and/or second readings in the House. According to Strong, prohibiting first and second readings of the bills would eliminate any opportunities for premature debates of any issues they might address. (Debates 20-1, p. 824) William Archer (VA), a Whig, agreed with Strong that the rule should not be changed but he disagreed with Strong's logic. Archer said that "[the] House as a parliamentary body could not act by any individual member but must act by committee . . . [u]nder the present rule no bill could be introduced except by committee." (Debates 20-1, p. 824)

Bartlett responded to the controversy, saying that no member really understood the rule's meaning. Democrat Dudley Marvin, another New York Representative, took challenge to Bartlett's accusation by stating that the rule had been copied, almost verbatim, from the rules of the British House of Commons. Marvin (NY) added that there were only two modes of operation for the rule: (1) the ordinary mode through which a member introduced a subject, asked that it to be referred to a committee, which would report on the expediency of introducing a bill, and (2) the extraordinary mode through which a member was able to circumvent a regular committee that was opposed to a subject that the majority of the House desired by giving notice, asking for leave
to introduce the subject. In the first mode, the member's request was usually granted. He did, however, leave his policy preferences and propositions to the discretion of whichever committee received that information. In the latter mode, the member had more control over the initial step of introducing a subject, even though he would not write the bill but only outline it. The committee would still be responsible for actually writing the bill. (Debates 20-1, p. 825)

Democrat Charles Mercer (VA) then entered the debate, saying that the leave method of introduction mentioned in the rule had only been used three times in the past ten years and that, regardless of the provision, the House did not promote bill introduction by members. Mercer also said that "no advantage [was] gained by a member asking for leave . . . [Introducing a bill] was useless because committees still had discretionary power." (Debates 20-1, p. 825)

Speaker Taylor (NY) said that too much attention had been given to the matter. He believed that the rule allowed a member to secure leave to introduce a bill, but also required committees to actually draft and bring in the bill for discussion in a Committee of the Whole. (Debates 20-1, p. 826) Taylor added that if a member did secure leave on his own, a select committee, chaired by that member, would be organized to report the bill. Taylor further clarified his opinion by saying that there were only three methods of introduction in the House. First, the most common method of
introduction was through a House resolution, presented by an individual member and passed by the House, instructing a committee to inquire into the expediency of reporting a bill. The only problem associated with that method was that the House passed too many resolutions. Taylor supported this assertion by discussing the numerous House resolutions of inquiry for individual relief which, while passed by members in their initial stages of discussion, would never be voted on again. The second method of introduction was accomplished by passing a motion directing a standing committee to bring in a bill or through the House's appointment of a select committee to report a bill. The third method of introduction involved the rights and privileges of the individual members of the House. Taylor said that this method should be allowed to "[l]et those who had devoted themselves to a particular subject, by attention and study, and were desirous of being placed in a prominent light, as the parent of certain measures which they deemed important to the public good, be indulged in this desire, by being permitted to have their bills introduced on leave." (Debates 20-1, p. 827) Taylor determined that the leave method and the second method of introduction he described were similar in that both required permission from the House prior to introduction and both required the actual drafting of the bill be done by committees.

With that pronouncement, Taylor suggested that Bartlett's original resolution to ban the introduction of leave bills be tabled.
Henry Storrs (NY), a Federalist, moved to table the resolution and then moved to refer the bill introduced on leave by Representative Little (MD) to a select committee composed of one member from each state. The House agreed with both motions. (Debates 20-1, p. 827) Speaker Taylor's concluding remarks allowed for motions for leave to introduce bills, but left that type of bill in an inferior position to bills originally drafted by committees since all member-introduced bills ultimately had to be drafted by a standing or select committee before they were able to receive attention from the House as a whole.

The Bartlett-Strong debate did not increase member's desires or abilities to introduce leave bills because several questions regarding leave bills continued to exist. First, could a member who had secured leave for a motion to introduce a bill directly bring in a bill or did a committee have to be appointed to bring in the bill? Second, when a leave bill was introduced, could it be considered immediately on the floor, as committee reported bills were, or did it have to be referred to a committee which would be able to recommend changes and offer advice to the House on the bill's merits? Third, at what point could members offer motions for leave, during the morning hour call for committee reports or during the call of states for resolutions?

The last issue to be settled with regard to leave bills concerned the placement of motions for leave during the regular order of business. During the first session of the Twenty-fourth
Congress (1835-1837), Representative Bell (TN) attempted to introduce a leave bill during the presentation of committee reports. (Globe 24-1, p. 1340) On a previous day he had given notice of his intent to introduce a bill to secure freedom in elections. Speaker Polk (TN) responded to Bell's motion, saying that it was not in order during the time for committee reports, but would be in order "any time when under the rule regulating the order of business of the day, it would be in order for him to submit a motion on any other subject." (Globe 24-1, p. 1340) Bell disagreed with the Speaker, stating that his bill was neither a resolution nor a petition, but was most similar to the committee report he was attempting to replace. He then proclaimed that according to the Eighty-seventh Rule of the House only two methods of bill introduction existed and both were governed by the same rules and reasoning. (Globe 24-1, p. 1342) Polk then attempted at length to defend his position. He stated that motions had been treated in the same manner as resolutions for some time. In fact, he felt that since motions were "unwritten resolutions," motions for leave to introduce bills could only be presented when it was in order to present resolutions. His logic was as follows: since a member could not "report" a bill in the way that committees did, but had to "move for leave to bring in" a bill, the only place for the motion was during the presentation of resolutions. (Globe 24-1, p. 1344) Polk knew that to do otherwise would be too disruptive of the regular order of business. At the
suggestion of Representative Mercer (VA), Bell withdrew his motion. (*Globe* 24-1, p. 1345)

That debate in the Twenty-fourth Congress (1835-1837) allowed more pressure to be placed on the House to accept member-introduced bills on leave as legitimate forms of input in the House’s decision-making process. Speaker Polk’s ruling, however, placed leave bills in a subordinate position to committee-reported bills. According to Polk, member-introduced bills had to be introduced at a time other than that specifically guaranteed to committees for reporting their bills.

As Table 2-5 shows, in the Twenty-second Congress (1831-1833), four years after the Bartlett-Strong debate, committees reported more bills than previously; members, on the other hand, still introduced few, if any, leave bills, thus validating the assertion that Polk’s ruling did not encourage members to introduce.

<table>
<thead>
<tr>
<th>Congress</th>
<th>17th 1821-1823</th>
<th>22nd 1831-1833</th>
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<tbody>
<tr>
<td>Session</td>
<td>First</td>
<td>Second</td>
</tr>
<tr>
<td>Committee-reported Bills</td>
<td>187</td>
<td>130</td>
</tr>
<tr>
<td>Member-introduced Bills On Leave</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
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Source: *Journals of the US House of Representatives*, Indexes.

**THE EFFECTS OF CHANGES IN THE RULES AND PROCEDURES**

As discussed in the previous sections of this chapter, the business of the day was, throughout the 1820s and 1830s,
overburdened by the presentation of petitions, memorials, resolutions, presidential messages and executive reports. More information was provided to the House and more requests for services were made. The reports generated by committees in response to those various types of input were also increasingly difficult to manage. Several rules to facilitate the House's modes of operation were adopted as a result of both internal and external demands. How the rules and their revisions affected legislation will be discussed in subsequent sections. First, demands on the House will be discussed. Then, specific issues included in the demands will be presented. Finally, the House's response to them will be addressed. The conclusion will describe the House's use of procedures to coordinate solutions for various problems. It will also suggest that changes in the application of rules as well as the adoption of new rules, affected the House's response to problems.

INDIVIDUAL RELIEF AND THE RECEIPT OF PETITIONS

Throughout the 1820s and 1830s, the number of petitions the House received each Congress increased. As Table 2-6 illustrates that increase was rather dramatic as the House in Twenty-second Congress (1831-1833) received more than twice what it received in the Seventeenth Congress (1821-1823). Because of the increases in petitions, more of the House's floor time was taken up in their presentation and referral, thus limiting the House's ability to address and consider various public policy problems. Even though the number of days in the sessions of early Congresses were fewer,
time was still available for a call of committees for reports since the call of states and territories for petitions was easily finished during the first thirty days.

<table>
<thead>
<tr>
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<th>17th (1821-1823)</th>
<th>22nd (1831-1833)</th>
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<tbody>
<tr>
<td></td>
<td>First</td>
<td>Second</td>
</tr>
<tr>
<td>Petitions</td>
<td>1389</td>
<td>740</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Indexes.

In the Congresses of the 1820s and 1830s, the call for petitions took up most, if not all, of the first thirty days and every Monday of the session. The call, therefore, severely limited the presentation of committee reports and resolutions during the first thirty days of the session and on all Mondays after the first thirty days. As Table 2-6 shows, the petitions of the Twenty-second Congress (1831-1833) which included 316 days were more than double the resolutions presented only a decade earlier in the Seventeenth Congress (1821-1823) which included 249 days.

Most of the petitions of the early 1800s dealt with individual claims and were therefore sent to the Committees on Claims, Military Affairs, Public Lands, Private Land Claims and Pension and Revolutionary Claims. Only a small percentage of the petitions for individual relief were reported by committee during the Seventeenth (1821-1823) and Twenty-second (1831-1833) Congresses. Committee-reported petition based bills composed
almost forty-three percent of all committee-reported in the first
Congress and almost sixty-two percent of all bills in the second.
That increase, as suggested by the data in the Table 2-7, was most
likely related to the rule changes in the Eighteenth (1823-1825)
and Nineteenth (1825-1827) Congresses that reserved both Fridays
and Saturdays for the discussion of private business and private

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<th>17th 1821-1823</th>
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<tbody>
<tr>
<td></td>
<td>First</td>
<td>Second</td>
</tr>
<tr>
<td>Petitions reported out as bills</td>
<td>79</td>
<td>57</td>
</tr>
<tr>
<td>% of all petitions</td>
<td>5.7</td>
<td>7.7</td>
</tr>
<tr>
<td>% of all committee bills</td>
<td>42.2</td>
<td>43.8</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Indexes.

The House's discussion of petitions for relief, after their
initial reception, was consistently slow even though many of the
bills reported out of committees dealt with individual claims. The
following case study provides an illustration of the problems
involved in getting a bill on a particular petition discussed by the
Committee of the Whole after it has been reported out of a
committee:

On January 3, 1823, during the first session of
the Seventeenth Congress Christopher Rankin, a
Mississippi Democrat and chairman of the Public
Lands Committee reported out a bill, HR50, on a petition for the relief of James McFarland. That was the first mention of the petition in the *Journal*. The report was read twice and committed to a Committee of the Whole. That reference to the Committee of the Whole effectively killed the bill as no further action was taken on that report. Solomon Sibley, a delegate from the territory of Michigan, then presented another petition for McFarland on January 25, 1823. That petition was referred to the Public Lands Committee. Two months later, on March 21, 1823, Daniel Cook, a Public Lands Committee member reported HR94, a bill for the relief of McFarland. A motion was made at that time to table the bill, but that motion was not agreed to. The bill was slightly amended, ordered engrossed, read a third time and passed the next day. Another month elapsed before the Senate passed the bill on April 24, 1823. It was then sent to the Joint Committee on Enrolled Bills. That committee examined and enrolled the bill and then presented it to the President, who signed it on April 29, 1823. (*Journal*, 17-1)

Although many petitions met the same fate as McFarland's first, members refused to adopt more efficient methods of presentation as those included in Cook's resolution to present petitions to the Clerk and Taylor's amendment to allow the Speaker to direct the reference of resolutions. (*Annals* 18-1, pp. 987, 1318) Two conclusions can be drawn from the lack of concern for the time wasted in the presentation of petitions and their lack of acceptance for more efficient procedures. First, members may have refused to change the rules because they held the sanctity of
citizens' rights to petition the government in very high regard. Second, members might have opposed procedural changes for fear that these alterations might have negative effects on their power or position in the House or with their constituents. Representatives, however, drew a line between the presentation of petitions and their actual consideration before the House. In the second session of the Twentieth Congress (1827-1829), members rejected as unrealistic an attempt to force the House to consider every petition submitted. (Debates 20-2, p. 297).

THE RECEIPT OF RESOLUTIONS AND MEMORIALS

As with petitions, the number of resolutions was larger in the Twenty-second Congress (1831-1833) than in the Seventeenth Congress (1821-1823). (see Table 2-8)

| TABLE 2-8 |
|------------|-----------|-----------|-----------|
| RESOLUTIONS |           |           |           |
| Congress    | 17th      | 22nd      |           |
| Session     | 1821-1823 | 1831-1833 |           |
|             | First     | Second    | Both      |
| Resolutions | 576       | 332       | 908       |
|             | 803       | 380       | 1183      |

Source: Journals of the US House of Representatives, Indexes.

The increase in resolutions occurred despite the attempts of several Representatives and Speakers. In the Twentieth Congress (1827-1829), Haile (MI) insinuated that the only benefactor of a resolution was the Representative who presented it. (Debates 20-1, pp. 1755, 1756) In the Twenty-first Congress (1829-1831), the general membership's lack of concern was restated when
members responded negatively to Representative Potter's hypothesis that allowing a member to finish his thoughts before being cut off at the end of the morning hour would be a more efficient use of time. (*Debates* 21-1, pp. 542-550, *Debates* 21-2, p. 84) Not until the Twenty-second Congress (1831-1833) did the House adopt a rule that placed the presentation of resolutions after the presentation of committee reports. (*Journal* 22-1, p. 1344)

Many resolutions offered by Representatives during these Congresses directed committees to investigate the possibility of beginning internal improvement projects in a state. Many others requested information from different executive branch departments on the development of specific projects. The following resolutions are all examples from the Seventeenth Congress (1821-1823) of resolutions requesting information on the Cumberland road.

12/18/21 - David Trimble (KY) offered a resolution requesting information from the Cumberland Road Commission on the development of the road through Wheeling, Virginia and Ohio, Indiana, Illinois and Mississippi. (Tabled) (*Annals* 17-1, p. 71)

12/19/21 - Patrick Farrelly (PA) offered a resolution requesting the Secretary of the Treasury to copy the report of the Cumberland Road Commission. (Tabled) (*Annals* 17-1, p. 76)

1/7/22 - Andrew Stewart (PA) offered a
resolution instructing the Ways and Means Committee to investigate and report on the unspent balance of money appropriated to the road in an act passed in March of 1819. (Tabled) (Annals 17-1, p. 122)

1/18/22 - Andrew Stewart (PA) offered a resolution instructing the Ways and Means Committee to inquire into the expediency of appropriating money to the Cumberland Road project so that a bridge could be built over the Monogahila River at Brownsville. (Tabled) (Annals 17-2, p. 243)

12/31/22 - Andrew Stewart (PA) offered a resolution requiring the Post Master General to provide the Congress with information on the transportation of mail across the Cumberland Road. (Passed) (Annals 17-2, p. 398)

2/17/23 - Edward Jackson (VA) offered a resolution requesting information from the Treasury Department. (Passed) (Annals 17-2, p. 481)

Internal improvement resolutions were not only time-consuming in their presentation, they were very expensive and also regionally controversial since Southern Representatives believed that federally supported internal improvements were unconstitutional. Their attitude, however, was more likely based on the fact that the main beneficiaries of the first transportation improvement projects were the New England and Western states, states that competed economically with the South. Regardless of
the controversy associated with some resolutions, the House was slow in adopting limitations on their presentation.

The caution exerted by members in changing rules was likely associated with the fact that they were still unsure of their ability to introduce bills on leave. Because of the questions surrounding member-introduced bills, Representatives certainly did not want to severely restrict the presentation of resolutions, their one definite form of influence over the various standing and select committees. Representatives also wanted the presentation of resolutions to remain in the order of business so that their instructions to committees on the very content of legislation could continue.

THE RECEIPT OF EXECUTIVE MESSAGES

The controversy over funding internal improvements, already associated with increases in the numbers of resolutions presented each session of Congress, should also be associated with the House's reception of presidential messages. President John Quincy Adams supported the idea of a paternal federal government, which would endow education, exploration expeditions, and scientific research, as well as internal improvement projects and therefore offered many messages on the subjects to Congress. (Schouler III, pp. 337-338) Adams' first message to Congress on such policies proved him to be a policy-oriented president, but was not well received by members of the House. (Schouler III, p. 396)

During Adams' presidency, few of the internal improvement
bills he supported became law. Those that did most likely benefited the West, though some general appropriations for New England and mid-Atlantic states were passed. (Schouler III, p. 358) That fact proves Schouler's assertion that while some bills "were framed to meet the President's suggestions . . . no one watched them or pushed them through the final stages." (Schouler III, p. 395)

Not all executive messages and reports were concerned with internal improvement projects. In fact, presidential messages and executive reports were very diverse in their content. For example, in the Seventeenth Congress (1821-1823), executive reports were made on lighthouses, the mint, public buildings in the District of Columbia, Indians, bankruptcy and the Treaty of Ghent. In the Twenty-second Congress (1831-1833), the reports included information on tariffs, duties, general revenue, and the operations and expenditures of executive branch departments. The reports even included information on nullification.

Unlike the presentation of petitions and resolutions, the presentation of executive messages and reports was not a procedural issue during the 1820s and 1830s. At no time did Representatives suggest restrictions or improvements for the recognition of executive branch reports. Like petitions and resolutions, however, these reports did increase in number between the Seventeenth (1821-1823) and Twenty-second (1831-1833) Congresses. Table 2-9 shows the growth in the
number of executive reports received by the House.

\begin{center}
\begin{tabular}{lcccc}
& \text{17th} & \text{1821-1823} & \text{22nd} & \text{1831-1833} \\
& \text{First} & \text{Second} & \text{Both} & \text{First} & \text{Second} & \text{Both} \\
\hline
\text{Executive Reports} & 134 & 111 & 245 & 308 & 148 & 456 \\
\end{tabular}
\end{center}

Source: Executive Reports of the US House of Representatives.

In comparison to the concern over increases in the numbers of resolutions and petitions, Representatives generally expressed no opposition to increases in executive reports. Two reasons can be offered for the difference in attitudes. First, most executive reports were offered in response to House requests for information. Second, when committees were given entire messages on single subjects or sections of a State of the Union Message, the subjects were likely to be routed through such a complicated maze that few would ever be written in the form of a bill.

**BILL INTRODUCTION**

According to early rules of the House, the ability of committees to report bills was dependent on their receipt of petitions, memorials, resolutions and messages. (Debates 20-1, p. 826) As has been stated earlier in this chapter, the different types of subjects increased from the Seventeenth (1821-1823) to the Twenty-second (1831-1833) Congresses. (see Table 2-10) The
substantial increases in the various forms of input would be expected to lead to different methods of reception. Instead, as was mentioned earlier in this chapter, most attempts to alter their reception were defeated and the few rules changes that were adopted provided only minimal procedural changes.

<table>
<thead>
<tr>
<th>Congress</th>
<th>17th 1821-1823</th>
<th>22nd 1831-1833</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members</td>
<td>191</td>
<td>216</td>
</tr>
<tr>
<td>State Delegations</td>
<td>23</td>
<td>24</td>
</tr>
<tr>
<td>Committee-reported Bills</td>
<td>317</td>
<td>762</td>
</tr>
<tr>
<td>Member-introduced Bills</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Petitions</td>
<td>2129</td>
<td>5153</td>
</tr>
<tr>
<td>Resolutions</td>
<td>908</td>
<td>1183</td>
</tr>
<tr>
<td>Executive Reports</td>
<td>245</td>
<td>456</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Indexes.

In association with the increases in forms of information received by the House between 1821 and 1833 was an increase in the number of bills introduced during the Congresses of that period. In fact, bills rose to such a number that any consideration of committee reports after presentation was not guaranteed. The following illustrates how complicated bill consideration could be:

In the second session of the Seventeenth Congress (1821-1823), the portion of President Monroe's message to the House concerned with Florida was referred to the Committee on Public Lands. Near the end of the session, on April 13, 1823, Christopher Rankin, the committee's chairman, reported out a bill, HR170, which proposed the confinement of claims on lots in the town of Mobile to land in the former province of West Florida after a commission
had reported favorably on these claims. The bill was read twice and was committed to a Committee of the Whole. On April 17, 1823, Sydenham Moore, a Democrat from Alabama, moved that the Committee of the Whole House be discharged from the consideration of the bill. That motion was disagreed to. The Committee of the Whole, however, did not consider the bill until May 4, 1823, when it also considered several other bills. All of these bills passed, were ordered engrossed and read a third time. Three days later the Senate passed HR170 with an amendment. Since that was the day before the close of the session, the bill was immediately returned to the House where it was read as amended. The House concurred with the Senate and so the bill as amended was sent to the President. He signed the bill on the same day. (Journal, 17-2)

During the 1820s and 1830s most committee-reported bills received subsequent consideration after being reported. Some bills were taken up for consideration immediately after being reported were presented. Other bills were considered after suspension of the rules or unanimous consent passage of special orders requesting consideration. Many bills did not receive consideration until a session's final days. These end-of-session logjams were noticed. Storrs (NY) expressed his disappointment in the House's delayed action, saying that "they continue to make bills the order of the day for tomorrow while tomorrow never comes." (Debates 21-1, p. 720)

Bills reported by a committee and then actually discussed in a committee of the whole were very likely to be passed. Many such
bills passed as debate in a Committee of the Whole was not likely to lead to the defeat of a bill. Table 2-11, provides support for the assertion that both public and private committee bills once reported were very likely to pass.

<table>
<thead>
<tr>
<th></th>
<th>Public</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of bills reported</td>
<td>179</td>
<td>138</td>
</tr>
<tr>
<td>Number of bills passed</td>
<td>130</td>
<td>102</td>
</tr>
<tr>
<td>Percent of all reported bills</td>
<td>73%</td>
<td>74%</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives. Indexes.

The number of laws passed during any session of Congress was certainly not as important as the policies addressed in these laws. During the Seventeenth Congress (1821-1823), for example, only non-controversial laws were passed. Their subjects included: the recognition of some Spanish American republics, the organization of Florida's territorial government, the suppression of piracy and the prosecution of government fraud cases. Several controversial issues, such as bankruptcy and the tariff, in comparison, were brought to the House's attention through petitions and executive messages, but were not considered in the bills reported by committees. (Schouler III, p. 256)

CONCLUSION

This chapter has described several characteristics of the House of Representatives during the first three decades of the nineteenth century. It has provided information on characteristics
of the membership of the House, showing that turnover remained high, regional divisions persisted, and party allegiance fluctuated across the time period. Beyond presenting these membership characteristics, this chapter has included descriptions of rules and procedures during the early decades of the 1800s. The business of the House was shown to be increasingly cumbersome to deal with as the number of petitions for individual assistance increased along with the numbers of resolutions, executive messages and reports. House rules and procedures were shown to have changed little in response to those increases, even though suggestions were offered.

This chapter has also proven that although members were active both in presenting petitions and memorials on behalf of their constituents and in presenting resolutions with instructions to specific committees, they were not active in initiating legislation by the leave method of bill introduction. Members left the task of introducing bills to committees which, according to many historians such as James Schouler and John Burgess, produced uninspired legislation that seldom addressed the most critical issues of the day. These patterns and problems continued in the 1840s and will be discussed in the following chapter.
CHAPTER 3
BILL INTRODUCTION BY MEMBERS
FROM THE TWENTY-FIFTH (1837-1839) THROUGH
THE THIRTY-FIFTH (1857-1859) CONGRESSES

CHAPTER INTRODUCTION

A new phase in the evolution of bill introduction began after the House adopted several rule changes in the first session of the Twenty-fifth Congress (1837-1839). At that time, the phrases "brought in by committee" and "and, in either case, a committee to prepare the same [i.e., the bill] shall be appointed" were omitted from the rule for bill introduction, thus creating an opportunity for the introduction of leave bills by individual Representatives without prior committee consideration. The new rules also authorized the introduction, after one day's notice, of leave bills during the call for resolutions. (Globe 25-1, p. 34)

In the second session of the Twenty-fifth Congress (1837-1839), alternate Mondays were reserved for a call for both resolutions and leave bills. (Globe 25-2, p. 162) Many other rule changes of the Twenty-fifth Congress (1837-1839) were also in accord with the procedural interpretations and suggestions offered by Speaker James K. Polk (TN) of the Twenty-fourth Congress (1835-1837). (Globe 24-2, p. 1755-1758)

Along with the rule changes were alterations in the composition and characteristics of the House's membership and also changes in its policy concerns and legislative activity. This chapter will discuss the various changes and their effects on the
House and its legislation throughout the late 1830s, 1840s and 1850s. Since this covers a fairly long time period, specific information will be provided on the following Congresses: the Twenty-seventh (1841-1843), Thirty-first (1849-1851) and Thirty-second (1851-1853).

The organization of this chapter will be similar to that of Chapter Two in that it will begin with a discussion of characteristics of the Representatives, follow with a description of House rules and procedures and alterations of them, and conclude with a discussion of how legislative activity was affected by the Representatives' use of the rules and procedures of bill introduction.

**HOUSE CHARACTERISTICS IN THE TWENTY-FIFTH (1837-1839) THROUGH THE THIRTY-FIFTH (1857-1859) CONGRESSES**

During the last half of the 1830s and throughout the 1840s and 1850s, the House changed in several ways. First, it fluctuated in size and diversity as the number of Representatives and the number of state delegations both increased. Second, its leaders changed as men like Robert Winthrop (MA) and Linn Boyd (KY) replaced former leaders Andrew Stevenson (VA) and John Bell (TN). Third, the House's party composition was altered as the Whig Party expired and Republicans became nationally competitive with the Democratic party. Along with these three noticeable changes in size, leadership and partisanship came a more noticeable division between Northern and Southern Representatives. That division was based on the different attitudes and values held by members from
the two sections on various economic, social and political issues confronting the House throughout these decades.

During the 1840s and 1850s, the size of the House fluctuated. As shown in Table 3-1 between the Twenty-second (1831-1833) and Twenty-seventh (1841-1843) Congresses, the number of Representatives increased by 29, from 216 to 245. By the Thirty-first Congress (1849-1851), however, the House decreased by sixteen members. That decrease was countered by an increase of eight in the Thirty-second Congress (1851-1853).

<table>
<thead>
<tr>
<th>Congress</th>
<th>22nd 1831-1833</th>
<th>27th 1841-1843</th>
<th>31st 1849-1851</th>
<th>32nd 1851-1853</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members</td>
<td>213</td>
<td>242</td>
<td>227</td>
<td>233</td>
</tr>
<tr>
<td>Delegates</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>216</td>
<td>245</td>
<td>229</td>
<td>237</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives.

With the varying size was a consistently high turnover rate among members. Table 3-2 shows that high percentages were normal for the nineteenth century, but not normal one hundred years later. In fact, in each of the Congresses of the 1830s, 1840s and 1850s, approximately forty percent of the Representatives were serving their freshman terms.
TABLE 3-2
PERCENTAGE OF FRESHMEN IN THE NINETEENTH AND TWENTIETH CENTURIES

<table>
<thead>
<tr>
<th></th>
<th>19th Century</th>
<th>20th Century</th>
</tr>
</thead>
<tbody>
<tr>
<td>55%</td>
<td>53%</td>
<td></td>
</tr>
<tr>
<td>50%</td>
<td>49%</td>
<td></td>
</tr>
<tr>
<td>45%</td>
<td>43%  45%</td>
<td></td>
</tr>
<tr>
<td>40%</td>
<td>38%  38%</td>
<td></td>
</tr>
<tr>
<td>35%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25%</td>
<td>23%  22%</td>
<td></td>
</tr>
<tr>
<td>20%</td>
<td>19%  17%</td>
<td></td>
</tr>
</tbody>
</table>

8th 14th 17th 22nd 25th 27th 31st 32nd 72nd 75th 77th 81st
1803 1815 1821 1831 1837 1841 1849 1851 1931 1937 1941 1949

Source: Journals of the US House of Representatives.

Due to high turnover, Representatives were not likely to be procedural experts. James Schouler confirmed this in his study of the Thirtieth Congress (1847-1849) by noted that "striking figures" of the West were elected more for their prowess on the Western frontier than any previous state legislative career. (Schouler V, p. 76)

The country's westward expansion did more than allow a few interesting characters to be elected as Representatives. It also steadily increased the number of state delegations. By the 1850s, the newly admitted states of Arkansas, California, Iowa, Michigan, Texas and Wisconsin all had delegations operating in the House. As Table 3-3 shows states increased by nine between the Twenty-seventh (1831-1833) and Thirty-first (1849-1851) Congresses.
With the admission of Western states came an alteration in the proportional representation of other states. As stated in the previous chapter, New York, Pennsylvania and Virginia had the largest delegations in the Twenty-second (1831-1833) and Twenty-seventh (1841-1843) Congresses. By the Thirty-first Congress (1849-1851), however, Ohio surpassed Virginia's representation by seven members. In that Congress, New York had 34 members, Pennsylvania had 26 and Ohio had 23. The size of Ohio's delegation provides evidence that the House's complexion was indeed changing. By 1850 the West was much more than just a political issue to debate; its people constituted a significant percentage of the United States' total population and its geography represented a large proportion of the nation's natural resources.

**REGIONALISM**

In relation to the increasing representation of the Western states in the 1840s and 1850s, Southern and Eastern states lost influence through declines in their proportions of the House's total membership. (Schouler IV, p. 43) That alteration in composition would not have been so important had a consensus of policy goals existed between the members. Region-based issues, however,
divided the House throughout this period. The following list represents only a few of the controversial issues: (1) treatment and representation of territories, (2) economic grievances of Southern states, (3) social and political competition between Northern and Southern states, and (4) slavery in the territories.

Regional conflict led to problems within the political parties. By the late 1830s, many states rights supporters left the Whig party. According to Glyndon Van Deusen, they were "disgusted when Northern Whigs hit upon the idea of capitalizing on their own section's growing antislavery sentiment by presenting petitions in Congress". (Schlesinger, p. 340) Also, according to Van Deusen, Northern Whigs used their anti-slavery petitions to sew dissension between Northern and Southern Democrats. (Schlesinger, p. 340)

The Democratic party suffered as a result of sectional tension but, until the mid-1840s, maintained relative cohesion by stressing traditional economic issues on which all party members substantially agreed. Michael Holt said that Democrats accomplished this by "[d]efending the individual against corporate privilege, castigating the immoralities of paper money while moderating their actual bank reform programs in crucial eastern states." (Schlesinger, p. p. 515) Through this course of action, the Democrats held together an odd mix of native-born Protestants, Catholic immigrants, northerners and southerners, entrepreneurs and anti-bank agrarians. (Schlesinger, p. p. 515) By the end of the 1840s, however, Northern Democrats supported the Northern Whigs'
opposition to the spread of slavery. (Harris, p. 122)

In the 1850s, friction also existed between states in the same region. The following quote from Alexander Stephens' book on the war between the states describes the dilemma as it occurred even at the inception of the Thirty-first Congress (1849-1851):

"Never had any Congress convened under so much excitement or under so great responsibility as did the one on which then devolved the disposition of this question, under all the circumstances attending it. The embarrassments of the period were increased from the fact that for the first time Southern Senators and Members were greatly divided as to the proper course to pursue, in view of the question with all its bearings. Some believed the time had come for a separation of the States, and that everything should be done with a view to effect that result. Others believed that the Union might still be preserved upon constitutional principles, and the object was worth the most earnest and patriotic efforts. This class believed, however, that the time had come for a total abandonment of all old party associations, and that the united South should act in party organization with those of the North only, who would maintain the system as it was established by the Constitution."

(Stephens, Volume 2, p. 177)

Regionalism continued to involve much more than just a disagreement over slavery and its extension into the territories. Economic controversies also occurred. In the Thirty-fourth Congress (1855-1857), Northern Representatives were pressured
by three groups of constituents: Northern manufacturers who wanted a new protective tariff, Northern railroad company officials who wanted government financing of a new frontier railway and Northern commercial businessmen who wanted government financing of river and harbors projects. As in the previous Congresses, those regional requests were not funded because of strong opposition from Southern Representatives. (Schouler V, p. 364)

LEADERSHIP

Further evidence of increasing regional tension between the Northern, Southern and Western states is provided by the following comparison of Speakers in the Twenty-seventh (1841-1843), Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses. Three Democrats and four Whigs, were nominated for the position during the Twenty-seventh Congress (1841-1843). Whig John White (KY), the only Western candidate, won in a relatively quiet election against Democrats Joseph Lawrence (PA), Nathan Clifford (ME) and John W. Jones (VA) and Whigs William Johnson (MD), George Briggs (MA) and Henry Wise (VA). White's election was due to the undivided support he received from Western Representatives. That strong regional support should also be credited for having caused the passage of major pieces of legislation produced during White's tenure, including laws to protect and organize the following territories: Iowa, Wisconsin; Ohio and Florida.
Controversy erupted in the Speaker's election of the Thirty-first Congress (1849-1851) when Howell Cobb, a pro-slavery Georgian, was the primary nominee for the Democratic party while Robert Winthrop, the incumbent Speaker from Massachusetts, was nominated by the Whigs. After 36 ballots, neither candidate had obtained the majority necessary to win as other minor candidates were still in competition. At that point, Winthrop (MA) dropped out of the race. Democrat William Brown (KY) was then introduced on the fortieth ballot as a compromise candidate for both Democrats and Free Soilers, which together could have elected a Speaker without any Whig votes. Brown's candidacy proved unsuccessful, however, and Winthrop reentered the race. Almost three weeks passed before the rules requiring a majority vote were suspended. After the rule suspension, another vote was taken. In that vote, Howell Cobb (GA) received a plurality of 102 votes, compared to Winthrop's 100, and was thus declared the winner. (Schouler V, p. 152) The election of Cobb only increased the tension between Northern and Southern Representatives and allowed for more disagreement between pro-slavery Southern Democrats and anti-slavery Northern Free Soilers. James Schouler said that after electing Cobb, the House, "wrangled along in the blind and ad captandum way common to popular assemblies where no master minds direct; and mischievous propositions meant for political effect shared the time with personal vituperations." (Schouler V, p. 160)
Despite regional controversies which continued to plague the House's actions on various political, economic and social problems, the Speaker's election in the Thirty-second Congress (1851-1853) was much less disruptive. Two situations existed that made the Thirty-second Congress (1851-1853) different from the earlier Congress. First, the two party system was breaking down. Second, the Whigs were so few in number that they could not pose any political threat to the Democrats. In fact, the Whig party caucus never even nominated a candidate, thus allowing the position to be handed to the Democratic nominee, Linn Boyd (KY), referred to by Schouler as the "blameless candidate". (Schouler V, p. 233) Under Boyd's leadership and through the Democrats' domination, the House was fairly successful in adopting several pieces of legislation, including those that organized the territories of Oregon, Minnesota, Nebraska, Wisconsin, Texas, Washington and New Mexico.

The Democrats did not remain in control for long. In fact, by the Thirty-fourth Congress (1855-1857), the Republicans numbered 108 while the Democratic numbered 83. The following quote by Reverend A. Y. Moore illustrates the partisan conflicts that arose during the Speaker's election of that Congress:

"After the contest had prolonged for several weeks, Mr. Campbell of Ohio who had been for a time in nomination for the Speaker's chair without consulting his friends, offered a resolution that Mr. Orr of South Carolina should be invited to preside temporarily until a Speaker should be elected. The Republican members with
but a few exceptions looked upon the resolution with great alarm. They argued that if Mr. Orr was once in the chair of the Speaker, it was more than probable that he would remain there permanently. A motion to lay Mr. Campbell's resolution on the table was lost. There was a majority of twenty against tabling the resolution, and it seemed as if the South Carolinian would in a few minutes take the chair. At this juncture, Mr. Colfax with consummate parliamentary skill and wisdom, proposed an amendment to Mr. Campbell's resolution. It was to put the three parties that were endeavoring to elect a Speaker upon an equality, by allowing each to select a temporary chairman, the persons thus selected to preside alternately as they should mutually agree. . . The next morning, Mr. Campbell yielding to the appeals of his friends, withdrew his resolution. More than a month longer the contest continued until Nathaniel P. Banks was elected." (Moore, pp. 68-69)

Most of the Speakers of the 1830s, 1840s and 1850s had questionable capabilities and limited potential for the exercise of real control. They, however, were not the only leaders in the House. The standing and select committee chairmen selected by the Speaker also had opportunities to lead. Table 3-4 shows that Democratic Speakers Cobb (GA) and Boyd (KY) of the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses were more partisan in their appointment of chairmen than their earlier predecessors, Speakers Stephenson (VA) and White (KY) of the Twenty-second (1831-1833) and Twenty-seventh (1841-1843) Congresses. Partisan appointments in standing committee
chairmanships in the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses should be associated with the tumultuous battle for the Speakership during the Thirty-first Congress (1849-1851).

---

<table>
<thead>
<tr>
<th>Congress</th>
<th>22nd</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1831-1833</td>
<td>1841-1843</td>
<td>1849-1851</td>
<td>1851-1853</td>
</tr>
<tr>
<td>Type of Committee</td>
<td>S</td>
<td>s</td>
<td>S</td>
<td>s</td>
</tr>
<tr>
<td># of Chairmen who were Members of the Speaker's party</td>
<td>16</td>
<td>10</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>% of all Chairmen</td>
<td>72.7</td>
<td>76.9</td>
<td>77.4</td>
<td>73.5</td>
</tr>
</tbody>
</table>

S=standing, s=select
Source: Journals of the US House of Representatives.

The only nonpartisan standing committee appointment in the Thirty-first Congress (1849-1851) was given to Daniel King (MA), a Whig serving his fourth term. King was made Chairman of the Committee on Accounts. The two select committees chaired by minority party members both investigated contested elections: (1) John Otis (ME) chaired a select committee organized to investigate the election of Joshua Giddings (OH), a Whig who had served in the House since the Twenty-fifth Congress (1837-1839) and (2) Edward Stanley (NC) chaired a committee which investigated the election of Whig President Zachary Taylor.

In the Thirty-second Congress (1851-1853), only two committees were chaired by minority party members. Those committees were the Joint Committee on the Library of Congress
and a select committee on House publications and printing. Joseph Chandler (PA) was most likely appointed chairman of the library committee for his academic training, teaching background and previous editorship of the United States Gazette. The appointment of Humphrey Marshall (KY) as chair of the publications committee was most likely related to the fact that he and Speaker Boyd (KY) represented the same state.

While partisanship in the appointment of committee chairmen became more important in the 1840s and 1850s than it had been in the 1830s, seniority was less relevant to Speakers as they made their appointments. That situation is understandable, though, when the high turnover associated with the general memberships of those Congresses is recalled. As Table 3-5, the chairmen appointed in the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses were more freshman in their congressional experience than the chairmen of the Twenty-second (1831-1833) and Twenty-seventh (1841-1843) Congresses.

<table>
<thead>
<tr>
<th>Congress</th>
<th>22nd</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1831-1833</td>
<td>1841-1843</td>
<td>1849-1851</td>
<td>1851-1853</td>
</tr>
<tr>
<td>Committee Type</td>
<td>S</td>
<td>s</td>
<td>S</td>
<td>s</td>
</tr>
<tr>
<td>First</td>
<td>3</td>
<td>2</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>Second</td>
<td>7</td>
<td>3</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>Third or Fourth</td>
<td>10</td>
<td>6</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Fifth or Sixth</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Seventh or Eighth</td>
<td>3</td>
<td>-</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Ninth or Tenth</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
</tbody>
</table>

S=standing, s=select
The influence of region should also not be forgotten when discussing committee chairmen. The following quote from Roy Nichols illustrates the South's domination in the House:

"In Congress, the most important committees were chaired by Southerners. At one time the President Pro Tempore of the Senate and the chairmen of the Foreign Relations, Finance and Judiciary committees were experienced Representatives from the South. The Democrats were in control, the Speakers of the House were Southern." (Nichols, p. 76)

PARTISANSHIP

While regionalism became more divisive and while seniority apparently became less important to a Speaker in his appointment of committee chairmen, parties gained importance, not only in the selection of committee chairmen but also in the actual conduct of business. In the 1840s much competition occurred between the Whigs and the Democrats for control of the House. Table 3-6 shows that throughout the decade, the numbers of members each party had were similar. However, as Table 3-6, strong partisan competition lessened with the election of 1850, when the Whigs had fewer than 100 members elected. The 1840s can therefore be considered a party period while the 1850s can be considered a
decade of party breakdown.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th 1841-1843</th>
<th>31st 1849-1851</th>
<th>32nd 1851-1853</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democrats</td>
<td>103 (43.8%)</td>
<td>116 (51.1%)</td>
<td>140 (61.4%)</td>
</tr>
<tr>
<td>Whigs</td>
<td>132 (56.2%)</td>
<td>111 (48.9%)</td>
<td>88 (38.6%)</td>
</tr>
</tbody>
</table>


RULES OF THE HOUSE OF REPRESENTATIVES

The previous sections of this chapter have provided information on the characteristics of members during the 1840s and 1850s. The House was shown to have fluctuated in size between the Twenty-seventh (1841-1843) and Thirty-second (1851-1853) Congresses, resulting in a net increase of members. During those decades, the House was also shown to be composed of a large percentage of freshmen and sophomores, with very few members elected to junior or senior terms. In contrast to the lack of legislative careerism, regionalism and partisanship were shown to be of great importance to the average Representative. Regional attitudes developed over problems in settling the territories of the Western frontier and problems in the economic development and competitiveness of the Southern states as well as the conflicting opinions of members from different areas of the country on the continuation and spread of slavery. A Congressman's partisanship, on the other hand, was influenced by such regional issues yet the
parties remained competitive during the 1840s.

Because of their unchanging opinions on controversial issues and their regional and state attachments Representatives were strongly divided. Those divisions severely limited the House's productivity. The House's legislative activity was, however, also impeded by increases in the various forms of input it received. As will be discussed in subsequent sections of this chapter, petitions, resolutions, messages and reports overburdened the House and led members to develop alternative methods of operations. Those activities, though, were frustrated by complex rules, some of which had not been altered since their adoption in the First Congress (1789-1791). The following pages will describe the rules used in the late 1830s and changes in them during the 1840s and 1850s. First, the order of business in the Twenty-fifth Congress (1837-1839) will be described. Second, the rules affecting the reception and reference of petitions, resolutions and executive branch messages will be discussed. Then, the rules regarding the acceptable methods of bill introduction during that same Congress will be described. Next, a discussion of changes made in any of the three types of rules during the 1840s and 1850s will follow. The chapter will conclude with sections relating the rules and rule changes with the House's legislative activity throughout the period.

THE ORDER OF BUSINESS IN THE
TWENTY-FIFTH CONGRESS (1837-1839)

During the first session of the Twenty-fifth Congress
(1837-1839), a select committee on rules proposed a modification of the House's order of business. The daily order of business continued to include the following steps: a reading of the previous day's *Journal*, a call of states and territories for petitions; a call of standing and select committees for reports and a call of states and territories for resolutions; and the Speaker's Table. The call for petitions was still conducted daily during the first thirty days of a session and on every Monday thereafter. The morning hour for committee reports and resolutions could, since the adoption of a rule revision in 1832, be extended by a motion of the House. The select committee on rules, in an attempt to structure the consideration of business on the Speaker's Table, offered the following order of business: (1) executive communications, (2) Senate messages and Senate amendments to House bills, (3) Senate bills and resolutions needing first or second readings and (4) House and Senate bills on their engrossment or on being ordered to a third reading. Only after those activities were completed would the Speaker call the orders of the day. (*Debates* 25-1, pp. 615-619, 623-627)

That new order of business for the Speaker's Table was accepted without much debate. (*Debates* 25-1, pp. 615-619, 623-627) A likely reason for the lack of controversy was that members knew the number of messages sent by both the executive branch and the Senate constantly increased. Members were also aware of the increases in various forms of paperwork accumulating
on the Speaker's desk and, therefore, realized that more definition in the daily order of business would provide their institution with more opportunities to respond to the messages it received. In the 1840s and 1850s similar adjustments to the rules were proposed and adopted in response to similar constraints on the House's operations. These modifications will be analyzed after the following sections describe the rules of the Twenty-fifth Congress (1837-1839) regarding the reception of petitions, resolutions and executive branch messages as well as the rules that determined the acceptable methods of bill introduction.

THE RECEPTION OF PETITIONS IN THE TWENTY-FIFTH CONGRESS (1837-1839)

In two Congresses of the 1830s, the House tried to eliminate the controversies existing over the presentation of petitions. In the Twenty-third Congress (1833-1835), members refused to receive petitions from aliens unless the President intervened on their behalf. (Journal 23-1, p. 658) In the Twenty-fourth Congress (1835-1837), Representatives adopted a rule prohibiting the presentation of petitions from slaves as slaves were not citizens. Also at that time, another rule was passed prohibiting the presentation of petitions, memorials and resolutions praying for the abolition of slavery in Washington D.C., any state or territory. (Journal 24-2, pp. 373-377)

The latter two rule changes did not successfully limit debate during the presentation of petitions, and thus led to the adoption, in the Twenty-fifth Congress (1837-1839), of a rule prohibiting
debate on the Mondays set aside for petitions after the first thirty days of a session. Monday's order of business was, therefore, refined by the passage of that revision of the longstanding rule prohibiting debate on the day of presentation. (Debates 25-1, p. 616)

THE PRESENTATION OF RESOLUTIONS IN THE TWENTY-FIFTH CONGRESS (1837-1839)

As briefly mentioned earlier, another alteration in the scheduling of business was made during the second session of the Twenty-fifth Congress (1837-1839). This time, however, an individual member, rather than a select committee on rules offered the suggestion. In response to complaints that presenting resolutions after committee reports during the morning hour was not adequate, Representative Bell (TN) offered a resolution suspending the daily order of business at least once a month for a call of states and territories for resolutions. Many members were in favor of the call but disagreed over how often the call should be made. Representatives Mercer (VA) and Reed (ME) thought the call should be conducted every fortnight, Representative Williams (NC) wanted the call to occur once a week and Representative Boon (IN) wanted the call to take place twice a month. Haynes (GA) then suggested that Bell (TN) revise his resolution to schedule the call on alternate Mondays. Bell agreed with Haynes, stating that spending one of the four public business days conducting a call for petitions was already a problem. Haynes then commented that reserving another day for a call of resolutions would create even
more problems. Haynes' (GA) suggestion that the call be made on every alternate petition day was finally accepted by a vote of 84 to 53, even though Representative Bronson (VT) expressed concern that the situation would restrict the right of members to petition since "even . . . when one day in every week [is] open, not one petition in ten could be presented by those charged with them." (Globe 25-2, p. 162)

Representative Cambrelen (NY) countered Bronson's concern for the right of petition with his concern for the management of public business. The following quote from the Journal describes the New York Representative's reasoning:

"Whatever the disposition the House might make of this new rule, which he thought a very proper one, he hoped they would not entrench further upon the four days allowed to the business of the nation. They had amended the rules, upon a number of occasions, for the last ten years, until, at length, they had cut down the time for public business to four days only in each week, and the consequence was, that the session had been prolonged at least six weeks beyond what would otherwise have been necessary. He protested taking one more day from the business of the country for it would add another month to the session." (Globe 25-2, p. 162)

In order for the call to be as efficient and uncontroversial as possible, Bell's resolution, as amended by Haynes (GA), also stated that resolutions that gave rise to debate would be put over to the next session in which the regular order of business would be
followed. *(Globe 25-2, p. 162)* Through the acceptance of this call and its limitations on debate, members admitted that additional time had to be allotted for the presentation of resolutions, just as time had been provided for the presentation of petitions. More opportunities to present resolutions and leave bills were, therefore, given.

**BILL INTRODUCTION IN THE TWENTY-FIFTH CONGRESS (1837-1839)**

As mentioned in this chapter's introduction, a significant rule change allowing the introduction of leave bills during the presentation of resolutions was adopted in the first session of the Twenty-fifth Congress (1837-1839). *(Globe 25-1, p. 34)* The rule stated that, "[e]very bill shall be introduced on report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion, and the motion shall be made and the bill introduced, if leave is given, when resolutions are called for." *(Debates 25-1, p. 626)* A member could, therefore, after giving one day's notice of his intention, introduce a bill during the regular call for resolutions. Previous to the adoption of this rule, members were unsure when leave bills could be introduced in the order of business and they were also unsure of their authority to introduce bills based on the rule's inclusion of the phrases "brought in by committee" and "and, in either case a committee to prepare the same shall be appointed". They also questioned if leave bills were more like resolutions or committee reported bills. After the rule change, members had opportunities during the regular order of
business and the alternate Monday call for resolutions to introduce leave bills. Members also knew with certainty that after this rule change leave bills would receive similar treatment as resolutions.

According to Richard Damon, members of the Twenty-fifth Congress (1837-1839) saw the increased opportunity to introduce leave bills as a vehicle for local bills. (Damon, p. 164 and Globe 25-1, p. 34) Damon found that this situation existed because of:

"continuing tension over priority for local measures wanted by rank and file members and subject matter pets of the standing committees. The rise of standing committees and the growth of their prerogatives during the early years of the nineteenth century had greatly improved the prospects for the enactment of legislation favored by committees [at the expense of those desired by individual members]." (Damon, p. 164)

Due to the newness of the provisions for introducing leave bills and since few such bills had actually been introduced throughout the House's history, the rule changes of the Twenty-fifth Congress (1837-1839) did not lead to an overwhelming number of leave bills in that particular Congress or in subsequent Congresses of the 1840s and 1850s. (Hinds IV, p. 3365) Because of the increased opportunity made available through the 1837 and 1838 rules, however, some members did begin to introduce leave bills. Damon argues, however, that Representatives knew that their ideas were less likely to be manipulated or forgotten by a committee if presented as
resolutions of inquiry or as amendments to committee-reported bills, rather than as leave bills that would ultimately encounter the exclusive control of the committee to which they were referred. (Damon, p. 57) As will be emphasized later in the chapter, members still had an incentive to introduce legislation even though they had the knowledge suggested by Damon. That incentive was to provide for their constituents and their districts through the presentation of private bills and public bills dealing with local concerns and local issues.

The amendments of the Twenty-fifth Congress (1837-1839) organized the introduction of committee-reported bills by specifying a precise order for committee reports. The rules stated that committees would be called for reports in the order that they were named in House rules. (Debates 25-1, p. 626) Because of that rule, a committee that had only recently been created could expect a wait of more than two weeks before making its first report regardless of the importance of its subject. The Committee on Enrolled Bills was the only one of 27 standing committees allowed to bypass this rule through its ability to report at any time. That particular privilege had been extended to the committee in the Twelfth Congress (1811-1813). (Globe 12-1, p. 532)

With the increasing number of bills introduced in each Congress, the select committee on rules, appointed in the Twenty-fifth Congress (1837-1839), also offered some restrictions on the subject matter of bills. The committee
recommended that an appropriation for an expenditure not previously authorized by law could not be reported in a general appropriation bill nor be ordered as an amendment on such a bill. (Debates 25-2, pp. 230) Representative Cambrelenq (NY) offered an amendment to the proposed rule, allowing appropriations for public works projects already in progress and the usual contingencies needed by several executive departments to continue. (Debates 25-2, pp. 230, 2355) Both the rule and the amendment were adopted. No longer could the House authorize an appropriation for a project without first authorizing the project.

THE ORDER OF BUSINESS IN THE TWENTY-FIFTH (1837-1839) THROUGH THIRTY-FIFTH (1857-1859) CONGRESSES

After the Twenty-fifth Congress (1837-1839) more changes were made in the order of business to increase efficiency in the House. The changes, however, did not alleviate many of the problems the House encountered. In fact, during the Congresses of the 1840s and 1850s, the business of the day was often interrupted by suspension of the rules to pass special orders to bring bills to the floor for consideration. Also, members used suspension to present resolutions and introduce bills that they were unable to introduce during the regular calls. While those frequent interruptions were truly disruptive, members used them to overcome severe time constraints and address important issues.

Along with having to adjust to time problems associated with the introduction of resolutions and bills during the regular calls of states and territories, members also had to deal with
limitations in their ability to debate. These infringements, while necessary for the House to continue functioning as a legislation-producing institution, limited the members' ability to speak on the issues that most concerned them. As Damon stated,

"[the i]ncreased size of the House brought an acute need to limit debate, to make it possible for the majority to transact business. The existence of certain topics which might engender explosive argument in the House, such as sentiments toward France and Britain during the period of 1792 and 1814, or the slavery issue from 1820 to 1860, gave impetus to a trend to provide limits to the agenda and to remove control of the agenda from regular members. An increasing volume of business led to the adoption of various expedients, many of which reduced the autonomy and lessened the equality of the members." (Damon, p. 21)

One of the expedients to which Damon referred was a change in the rule regarding a member's ability to debate. In earlier House Rules, Rule #31 had stated that "[i]f a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day shall be again permitted to speak without leave." (Journal 26-1, p. 1519)

At the conclusion of the first session of the Twenty-sixth Congress (1839-1841), Rule #31 was renumbered as Rule #33 and was supplemented with the addition of another rule which required that "[n]o member shall speak more than once to the same question, without leave of the House, unless he be the mover, proposer or
introducer of the matter pending, in which case, he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken." (Journal 26-1, p. 1530) The select Rules Committee's rules change afforded the mover of the question the opportunity to speak twice in order to reply to comments and criticisms made by other members. (Globe 26-1, p. 121)

Representative Dromgoole (VA) objected to the new rule since it "smacked too much of the profession" of the select committee on rules, a committee composed of only lawyers. (Globe 26-1, p. 121) Dawson (GA) agreed with Dromgoole saying that "the more [members] spoke and the less they acted, the better it would be for the country." (Globe 26-1, p. 121) Regardless of the opinions of those two members, the House passed the rule and thus provided a new incentive to members to initiate legislation rather than allow committees to dominate the introduction process.

RECEPTION OF PETITIONS IN THE TWENTY-FIFTH (1837-1839)
THROUGH THIRTY-FIFTH (1857-1859) CONGRESSES

In the Twenty-seventh Congress (1841-1843), many of the problems associated with petitions were eliminated with the adoption of a new rule which changed the way in which petitions were presented. That rule, which had been included in a select committee on rules report, allowed a member to present petitions to the Clerk for entry in the Journal, if the petitions included the member's endorsement and his suggestion of a committee of reference. (Journal 27-2, pp. 367, 612) Members were still able to offer their petitions during the call on alternate Mondays and
some petitions were still debated. For example, A. V. Brown (TN) expressed his disagreement with the presentation of a petition related to the extension of slavery in the Western territories through the following statement:

"I wish now to tell the gentlemen of the North why we of the South are so much opposed to referring these petitions. If you refer, you must report; if you report, you must debate; if you debate, you annually debate our title... It will keep the South in perpetual excitement. And lastly, you will kindle the fires of insurrection." (Globe 28-2, p. 132)

During the Thirty-second Congress (1851-1853), an attempt was made to increase the members' ability to introduce leave bills by eliminating the opportunity for moving petitions on the floor. Representative Clingman (NC), in a debate at the beginning of the Congress, moved that the rules be amended for a call of states and territories for bills and resolutions, instead of a call for petitions, leaving petitions to be presented off the floor to the Clerk for reference. Even though Clingman did not like to be "troublesome," he was convinced that the House would "save time and expedite business" by implementing his proposal. (Globe 32-1, p. 154) His motion, however, failed to obtain the required two-thirds majority, receiving 100 yeas, or a 65.8% majority. (Globe 32-1, p. 159)

The call of states and territories for petitions again became a point of controversy in the second session of the Thirty-second
Congress (1851-1853) when Speaker Boyd's (KY) call for petitions was interrupted by Strother's (VA) request for a suspension of the rules. After Strother's motion was allowed and then disagreed to, Stanly (NC) insisted upon the regular order of business, which according to Boyd, was the call for petitions. Jones (TN) then asked the Speaker what was in order after the call for petitions. When Boyd (KY) said that the call for resolutions was in order, Jones disagreed, saying that the call for resolutions was not in order on any day except Mondays after the first ten days of a session. Boyd agreed with Jones and said that after the call for petitions, committees would be called for reports. Jones (TN) then moved to dispense with the call of petitions and go directly to the call of committees. Florence (PA) objected to the motion which required unanimous consent because he needed to present a petition. Jones then suggested that the call should not be made but that anyone with petitions should simply present them. Boyd said that Jones' arrangement was fine as long as no one objected. Clingman (NC) objected, saying that if the Representatives insisted upon keeping the call, he wanted them to have "the full benefit of it." (Globe 32-1, p. 149)

In the same debate Cleveland (CT) asked for House approval to discuss a petition before its reference to the Foreign Affairs Committee. Clingman (NC) objected to Cleveland's reading of the petition, saying that while a short discussion of a petition was appropriate, reading it was inappropriate. (Globe 32-1, p. 149)
After the initial provision for off floor presentation of petitions in 1842, more and more petitions were presented. Since both the limelight and the potential for immediate controversy were eliminated by the more automatic referral of petitions via the Clerk's desk, their importance relative to the actual production of legislation is questionable. The new procedure for presentation freed time previously taken up in the presentation and debate of petitions and thus allowed members more time to pursue other business.

In the Thirty-third Congress (1853-1855), Clingman's suggestion for even greater reliance on off-floor procedures for the presentation of petitions was more acceptable to the House. At the beginning of that Congress, Taylor (OH) resolved that the select committee on rules investigate the relationship of Rule #24's provisions regarding the presentation of petitions to First Amendment's protections. Taylor's resolution instructed the committee to determine how the time used for "the practical business of the country" could be "equitably distributed among its members, so that each Representative may present without delay the business of his constituents." (Globe 33-1, p. 284) No provision for petition days was offered in the rules of that Congress. Hence, the traditional method for presenting petitions disappeared, leaving the introduction of leave bills as the alternative.

BILL INTRODUCTION IN THE TWENTY-FIFTH (1837-1839)
THROUGH THIRTY-FIFTH (1857-1859) CONGRESSES
Due to the 1837 rule changes members were able to do more
than merely request leave to introduce and then have a committee actually bring in the bill. Members, rather, were able to introduce bills on their own. Also, after 1837 leave bills could be introduced during the call for resolutions which had been allotted more time. For another twenty years, no major alterations were made to further encourage the introduction of leave bills.

Most of the suggested rules changes of the 1840s, in fact, attempted to improve only the committees' ability to report. In the Twenty-sixth (1839-1841) and Twenty-seventh (1841-1843) Congresses, two committees were given privilege to interrupt the daily order of business at any time to report. Previously only the Committee on Enrolled Bills had that privilege. (Journal 12-1, p. 532) Roy Nichols said that the Elections Committee was given the privilege because election contests had become struggles "with no holds barred." (Nichols, p. 4) The select committee on rules was also given the privilege in the Twenty-seventh Congress (1841-1843) due to its reports influence on House operations.

The true beneficiary of both committees' privilege to introduce was the majority party since it was through the decisions of the Elections Committee that the Speaker's party was able to solidify its majority. (Damon, p. 67) The majority party also benefited from the Rules Committee's privilege since it empowered the majority party members of the select committee on rules with much discretion regarding the introduction of rules changes. Through the rule, they were able to interrupt the regular
order of business, though only at times when the majority party could ensure the passage of rule changes. (Globe 27-1, p. 153) Since both the Elections and Rules Committees did not include bills in their reports, their reporting privileges did not contribute to the continued dominance of committees in introducing bills.

Beyond reporting, committees exerted control over the legislative process via the limited ability members had to discuss committee bills. In his expression of dismay over the complexity of some committee-reported bills, Representative Houston (AL) attempted to secure more opportunities for members to discuss committee-reported bills. (Journal 26-1, pp. 1519, 1536) His proposed amendment to the rules allowed members to vote on items in an internal improvement appropriations bill separately or collectively according to the member making the call, if that member could obtain the approval of one-fifth of the members present. The proposal would have allowed noncontroversial items to be grouped and voted on collectively while controversial items would be considered separately. Representative Tibbetts (KY) objected to Houston's proposal but the Speaker referred it to the select committee on rules for further investigation. (Globe 29-1, p. 97) A few days later, the House adopted the rule after Holmes (SC) issued the Rules Committee's favorable report. (Globe 29-1, p. 427) Representative Vinton (OH) then gave notice that he would move a further amendment to the rules so as to extend the rule's application to all lighthouse and fortification appropriations bills
and all bills imposing duties on imports. (Globe 29-1, p. 428)

When Representative Woodworth (NY) tried, in the month following Houston's proposal, to apply the rule to all bills that raised revenue or appropriated money, he was not able to get the rules suspended in order to introduce his proposal. (Globe 29-1, p. 564) Committees, therefore, continued to produce complicated bills while members struggled to increase their opportunities to vote on such bills.

During the Thirtieth Congress (1847-1849), another attempt was made to provide members with more control over the consideration of committee bills. That attempt to amend the rules was made by Representative Palfrey (MA). His motion stated that any member or group of members from a committee should be able to report on a subject that had been referred to their committee, if thirty days had passed since the subject was referred to the committee and if the committee failed to report on the subject when called upon to report. (Globe 30-2, pp. 262) Representatives Hudson (MA), Ashmun (MA) and Smith (IN) expressed their fears that Palfrey's proposal would allow any member to control the House's development of policies. Other members agreed and so the motion was tabled. (Globe 30-2, pp. 262, 541)

One other rule change proposed during the Thirtieth Congress (1847-1849) would have increased the control committees had over members in the production of bills. Representative Cobb's (GA) proposal specifically increased the power of the Committee
on Accounts by stating that action on a resolution or motion to create a change in the House's contingency fund could not be taken until the Committee on Accounts reported the specific proposal. (Globe 30-2, p. 39) In contrast, a motion by Representative Goggin (VA) called on the select committee on rules to provide an amendment prohibiting members from moving a previous question on any committee-presented proposal, resolution or bill. (Globe 30-2, p. 57) Goggin's motion would have ended the committees' practice of bringing their bills to an immediate vote by moving the previous question immediately after reporting. Neither Cobb's pro-committee proposal nor Goggin's anti-committee motion was adopted.

Finally, in the Thirty-third Congress (1853-1855), the rules were revised to provide more time for resolutions and leave bills. As stated in the previous section, that rule change not only created more opportunity for the introduction of leave bills it also added incentives to introducing such bills since the presentation of petitions was moved off the floor. (Globe 33-1, p. 284)

Throughout the 1840s and 1850s, attempts were made to revise the rules. The changes that were adopted were rather haphazard and incremental rather than comprehensive. Many members realized that revisions were needed, but most were afraid to give a select rules committee enough power to adequately revise them. How the rules affected the House's actual procedures and productivity during the late 1830s, 1840s and 1850s will be
discussed in the following sections.

**THE EFFECT OF RULES ON THE PRESENTATION OF PETITIONS**

Individuals still petitioned the House for relief throughout the 1830s, 1840s and 1850s and members still presented those petitions on their constituents' behalf. The rule changes of the Twenty-fifth (1837-1839) and Twenty-seventh (1841-1843) Congresses had different effects on the presentation of petitions presented. During the Twenty-fifth Congress (1837-1839), an automatic recommittal of petitions from session to session and Congress to Congress was adopted. Also, debate during the call for petitions on alternate Mondays was limited. (*Debates* 25-1, p. 616; *Globe* 25-2, p. 36) The automatic committal of petitions with favorable committee reports from the previous Congress to a Committee of the Whole and the automatic recommittal of petitions that had not been acted on by committees made the reintroduction of many petitions unnecessary. However, the call on alternate Mondays was available for the presentation of new petitions which continued to be voluminous.

In contrast, after the rule allowing off-floor procedures for the presentation of petitions to the Clerk without presentation during the regular call was adopted in the Twenty-seventh (1841-1843) and Thirty-third (1853-1855) Congresses, the number of petitions declined. (*Journal*, 27-2, pp. 367, 612) Table 3-7 shows that by the Twenty-seventh Congress (1841-1843) members realized that the automatic reference of petitions was a detriment
to their presentation since it, unlike a call, did not provide members an opportunity to publicize themselves or the subjects of petitions.

<table>
<thead>
<tr>
<th></th>
<th>17th (1821-1823)</th>
<th>22nd (1831-1833)</th>
<th>27th (1841-1843)</th>
<th>31st (1849-1851)</th>
<th>32nd (1851-1853)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitions</td>
<td>2129</td>
<td>5153</td>
<td>6783</td>
<td>6047</td>
<td>4735</td>
</tr>
<tr>
<td>Private Leave Bills</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>15</td>
<td>17</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Indexes.

Members, however, did not use the increased ability to introduce leave bills of private matters which would have allowed such publicity. Private leave bills numbered nine, fifteen and seventeen in the Twenty-seventh (1841-1843), Thirty-first Congress (1849-1851) and Thirty-second (1851-1853) Congresses, respectively.

The petitions introduced in the 1840s and 1850s met with no better fate than those that had been presented in earlier Congresses. Table 3-8 illustrates that point and also shows that private bills and private laws for individual claims from petitions made up only a very small percentage of all of the petitions offered during each Congress studied. Table 3-8 also reveals that after the Twenty-second Congress (1831-1833), the fate of petitions was worse, as the number reported by committees steadily declined. A smaller percentage of all petitions were reported as bills and a
smaller percentage of all committee-reported bills were based on petitions.

<table>
<thead>
<tr>
<th>Congress</th>
<th>17th 1821-23</th>
<th>22nd 1831-1833</th>
<th>27th 1841-1843</th>
<th>31st 1849-1851</th>
<th>32nd 1851-1853</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitions reported by committees</td>
<td>136</td>
<td>472</td>
<td>482</td>
<td>252</td>
<td>137</td>
</tr>
<tr>
<td>% of all petitions</td>
<td>6.4%</td>
<td>9.2%</td>
<td>7.1%</td>
<td>4.3%</td>
<td>2.4%</td>
</tr>
<tr>
<td>% of all committee bills</td>
<td>42.9%</td>
<td>61.9%</td>
<td>58.1%</td>
<td>51.1%</td>
<td>37.2%</td>
</tr>
</tbody>
</table>

Source: *Journals of the US House of Representatives*, Indexes.

Those declines occurred in spite of the fact that in the Thirty-second Congress (1851-1853) the number of petition-based committee bills was only one more than the total presented in the Seventeenth Congress (1821-1823).

**RULES AND THE PRESENTATION OF RESOLUTIONS**

During the Twenty-fifth Congress (1837-1839), the previously mentioned separate call of states and territories for the presentation of resolutions on the alternate Mondays not reserved for the call for petitions was created. (*Globe* 25-2, p. 162) As shown in Table 3-9, that rule's adoption did not lead to an increase in the number of resolutions presented during each Congress. In fact, the difference between the Twenty-second (1831-1833) and Twenty-seventh (1841-1843) Congresses represented a decrease of more than sixty percent over a ten year period. After the rule change in the second session of the
Twenty-fifth Congress (1837-1839), members apparently did not see the presentation of a resolution as the only viable method of instructing committees to investigate or develop policies. Their smaller numbers were related to, though not totally explained by, the increase in public leave bills introduced by members on the floor. Member-introduced public bills numbered 45 in the Twenty-seventh (1841-1843), 95 in the Thirty-first (1849-1851), and 124 in the Thirty-second Congress (1851-1853).

<p>| TABLE 3-9 |</p>
<table>
<thead>
<tr>
<th>RESOLUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>17th 22nd 27th 31st 32nd</td>
</tr>
<tr>
<td>1821-1823 1831-1833 1841-1843 1849-1851 1851-1853</td>
</tr>
<tr>
<td>Resolutions</td>
</tr>
<tr>
<td>Public Bills Introduced on Leave</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Indexes.

THE EFFECT OF RULES ON THE RECEIPT OF EXECUTIVE REPORTS

Executive reports, like petitions and resolutions, decreased during the 1840s and 1850s. Table 3-10 shows a decrease of over two hundred between the Twenty-seventh (1841-1843) and Thirty-first (1849-1851) Congresses and an increase of almost one hundred in the Thirty-second Congress (1851-1853). No real explanation can be made for the decline in executive branch reports as there were no major or minor rule changes that either encouraged or discouraged the executive branch from issuing such reports.
TABLE 3-10
EXECUTIVE REPORTS

<table>
<thead>
<tr>
<th>Congress</th>
<th>17th</th>
<th>22nd</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1821-1823</td>
<td>1831-1833</td>
<td>1841-1843/1849-1851</td>
<td>1851-1853</td>
<td></td>
</tr>
<tr>
<td>Executive Reports</td>
<td>245</td>
<td>456</td>
<td>376</td>
<td>109</td>
<td>206</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives.

Equally complicated issues were discussed in the reports received by the House during the various Congresses. The Executive Documents of the Twenty-seventh Congress (1841-1843) discussed such matters as: the minerals, mints and mining explorations of California; lighthouses for the Pacific Coast; Texas, New Mexico and the War with Mexico; and, as usual, problems with the Indians, while the Executive Documents of the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses dealt with those subjects as well as financial topics, including: fiscal studies of several executive departments, general budget and revenue collection reports.

THE EFFECT OF RULES ON THE INTRODUCTION OF BILLS

While the numbers of petitions, resolutions and executive reports declined in the Congresses under consideration, the number of bills also decreased. As is evident from the data presented in Table 3-11, a sharp decline occurred in the Thirty-first Congress (1849-1851) and another decline followed in the Thirty-second Congress (1851-1853). Apparently, the rule changes adopted in the 1840s and 1850s to facilitate bill introduction did not lead to the
introduction of more bills. Because of the ruling in the Twenty-fifth Congress (1837-1839) that leave bills could be introduced with the presentation of resolutions during the regular order of business and the alternate Monday call, more member-introduced bills would have been expected (Debates 25-1, p. 625; Nichols, p. 4; Globe 27-1, p. 153)

Table 3-11 shows that the expectation for an increase in the number of member-introduced bills on leave was realized while any increase in committee-reported bills was not.

<table>
<thead>
<tr>
<th>TABLE 3-11</th>
<th>BILLs, MEMBERS AND COMMITTEES*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congress</td>
<td>27th</td>
</tr>
<tr>
<td></td>
<td>1841-1843</td>
</tr>
<tr>
<td>Total # of bills</td>
<td>829</td>
</tr>
<tr>
<td># of Member-introduced Bills</td>
<td>54(6.5%)</td>
</tr>
<tr>
<td># of Committee-reported Bills</td>
<td>775(93.5%)</td>
</tr>
<tr>
<td>Members</td>
<td>245</td>
</tr>
<tr>
<td>Active Standing and Select Committees+</td>
<td>45</td>
</tr>
<tr>
<td>Committee Reports</td>
<td>1,413</td>
</tr>
</tbody>
</table>

*% in parentheses is % of all bills
+Standing and Select Committees either receiving or reporting bills

Source: Journals of the US House of Representatives, Indexes.

The increase in member-introduced bills was surely related to the allowance of those bills in the House's alternate Monday's call of states and territories for resolutions. The gradual increase in such bills was related to the natural reluctance of members as individual Representatives and as participants in the development
of legislation to quickly utilize a new procedure. The number of committee-reported bills, in contrast to member-introduced bills, decreased sharply. That decrease was likely related to declines in the number of committees that actually produced reports. The decrease in committee-reported bills was also related to the detail included in the committee reports which were fewer in number but longer and more detailed in the Thirty-second Congress (1851-1853) than in previous Congresses.

Besides the gradual increase in the number of member-introduced bills, there was also an increase in the variety of topics discussed in those bills. During the Twenty-seventh Congress (1841-1843), member-introduced bill topics were limited to individual relief, military claims, Indian depredations, and land claims. In the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses, the number of topics covered by committee-reported and member-introduced bills increased. Bills concerned with commerce, diplomatic relations and railroad construction, as well as the previously mentioned topics were reported out of committees and were also introduced by individual members.

The number of members introducing leave bills also increased across the time period. The data in Table 3-12 shows the increase in participants from 37 in the Twenty-seventh Congress (1841-1843) to 66 in the Thirty-second (1851-1853).
TABLE 3-12
MEMBERS INVOLVED IN BILL INTRODUCTION*

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-1843</td>
<td>1849-1851</td>
<td>1851-1853</td>
</tr>
<tr>
<td>Members</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>only introducing bills on leave</td>
<td>12 (5%)</td>
<td>36 (16%)</td>
<td>36 (15%)</td>
</tr>
<tr>
<td>both reporting &amp; introducing bills</td>
<td>25 (10%)</td>
<td>30 (13%)</td>
<td>30 (13%)</td>
</tr>
<tr>
<td>only reporting bills</td>
<td>122 (50%)</td>
<td>66 (29%)</td>
<td>44 (19%)</td>
</tr>
<tr>
<td>not active in introducing or reporting</td>
<td>86 (35%)</td>
<td>97 (42%)</td>
<td>127 (53%)</td>
</tr>
</tbody>
</table>

*% given is % of entire membership of the House during that Congress

Source: Journals of the US House of Representatives, Indexes.

The number of members introducing leave bills in the Thirty-second Congress (1851-1853) represented a larger percentage of the entire membership, 28 percent compared to 15 percent in the Twenty-seventh Congress (1841-1843). The growth in the number of individual introducers should be compared to the sharp decline in the number of members reporting bills for their committees. Table 3-12 shows that during the Twenty-seventh Congress (1841-1843), 147 members, or sixty percent of the Representatives, reported at least one bill out of committee. By the Thirty-second Congress (1851-1853), however, that number had almost been cut in half. The percent of members reporting at least one bill dropped to 34 percent.

In contrast, the number of members who introduced at least one leave bill increased by 29 in one decade. Those members still comprised only a little over 25 percent of the entire membership. Since the rules were revised to allow for the introduction of leave bills, the characteristics of those who took advantage of the rule
change should be compared to those who did not introduce on leave. In the following paragraphs, the partisan, career and regional characteristics of the two groups of members will be described.

Across the time period, a larger number and a greater percent of members of the majority party than the minority party reported bills out of committee and introduced leave bills. As the Table 3-13 shows, during the Twenty-seventh Congress (1841-1843), only a small percentage of members of either the Whig party, which had a majority of 132 members, or the Democratic party, which had 103 members, introduced leave bills. The difference between the percent of majority party members and the percent of minority party members who introduced on leave became more evident in the Thirty-first Congress (1849-1851). During that Congress, 34 percent of the 116 Democrats introduced bills on motion for leave while only 20 percent of the 111 Whigs used the same method. When the Democrats numbered 140 and the Whigs only 88 in the Thirty-second Congress (1851-1853), almost thirty percent of both parties introduced leave bills.

------------------------------------------------------------------
| TABLE 3-13 |
| PARTISANSHIP OF MEMBERS INVOLVED IN BILL INTRODUCTION |
|-------------|-----------------|-----------------|-----------------|
|             | 27th 1841-1843  | 31st 1849-1851  | 32nd 1851-1853  |
| Majority    | Introduce       | Report          | Introduce       | Report          | Introduce       | Report          |
| Party*      | 14(11%)         | 81(61%)         | 39(34%)         | 53(46%)         | 38(27%)         | 47(34%)         |
| Minority    | 8( 8%)          | 38(37%)         | 22(20%)         | 36(32%)         | 27(31%)         | 21(24%)         |
------------------------------------------------------------------
**% given is % of all members of the party
Majority party members never controlled the leave method to the exclusion of minority party members. The percentage difference between the two parties in their introduction of leave bills was never great. The percentage difference between the parties in their reporting of bills was, on the other hand, greatest during the Twenty-seventh Congress (1841-1843), when 61 percent of the majority party members and 37 percent of the minority party members reported bills for committees. That Congress was in the middle of a period of strong partisanship, when party ties were more influential to House operations and committee activities. By the Thirty-second Congress (1851-1853), only a ten percent difference existed between majority and minority party members in their reporting of bills. Party ties in that House were frustrated by sectional conflicts and, therefore, less likely to influence operations.

Seniority and career differences between members provide two other forms of distinction between those that participated in the introduction of bills and those that did not. Table 3-14 shows that the seniority of Representatives did not significantly differentiate members who introduced and/or reported from those who did not until the Thirty-second Congress (1851-1853) when the members who had served more terms were increasingly likely to report bills. That trend did not exist for member involvement in the introduction of leave bills.
TABLE 3-14
SENIORITY OF MEMBERS INTRODUCING AND REPORTING BILLS:++

<table>
<thead>
<tr>
<th>Congress 27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841-1843</td>
<td>1849-1851</td>
<td>1851-1853</td>
</tr>
<tr>
<td>Introduce</td>
<td>Report</td>
<td>Introduce</td>
</tr>
<tr>
<td>Freshman 8 (8%)</td>
<td>42 (43%)</td>
<td>32 (24%)</td>
</tr>
<tr>
<td>Sophomore 9 (7%)</td>
<td>57 (47%)</td>
<td>29 (35%)</td>
</tr>
<tr>
<td>Junior 6 (19%)</td>
<td>18 (28%)</td>
<td>3 (13%)</td>
</tr>
<tr>
<td>Senior 0 (0%)</td>
<td>5 (71%)</td>
<td>1 (20%)</td>
</tr>
</tbody>
</table>

++term serving during that Congress: Freshman=first term, Sophomore=second or third term, Junior=fourth, fifth or sixth term, Senior=seventh term or more
*percent given is percent of all members of the category

In comparison to past experience, the idea of a future career seems to be of greater influence to the individual Representative during the late 1840s and 1850s. Table 3-15 shows that in the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses, members that had from two to six terms left to serve in the House were more likely to introduce leave bills than members with fewer terms left to serve. Larger percentages of the members who composed the "two or three terms left to serve" and "four, five or six terms left to serve" categories introduced bills on leave than those members who composed the categories of "zero terms left to serve" or "one term left to serve." While these results can not prove that all members with great desires to have careers in the House introduced bills, the numbers do suggest that members with plans on staying in the House for subsequent terms were very likely to participate in the on leave method of bill introduction.
TABLE 3-15
TERMS LEFT TO SERVE OF MEMBERS INTRODUCING OR REPORTING

<table>
<thead>
<tr>
<th>Congress</th>
<th>Terms</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>27th</td>
<td>1841-1843</td>
<td>1849-1851</td>
<td>1851-1853</td>
</tr>
<tr>
<td>0</td>
<td>13 (7%)</td>
<td>82 (47%)</td>
<td>31 (24%)</td>
</tr>
<tr>
<td>1</td>
<td>7 (15%)</td>
<td>23 (50%)</td>
<td>18 (24%)</td>
</tr>
<tr>
<td>2 or 3</td>
<td>3 (12%)</td>
<td>15 (60%)</td>
<td>12 (50%)</td>
</tr>
<tr>
<td>4, 5 or 6</td>
<td>0 (0%)</td>
<td>4 (50%)</td>
<td>6 (38%)</td>
</tr>
<tr>
<td>7 or more</td>
<td>0 (0%)</td>
<td>1 (33%)</td>
<td>1 (100%)</td>
</tr>
</tbody>
</table>

A problem does exist in the information offered in Table 3-15. The data shows that by the Thirty-second Congress (1851-1853) members with more terms left to serve were more likely than members near the end of their legislative careers to introduce and/or report bills. Inclusion in the latter group, however, is complicated by the fact that legislative careers sometimes ended unexpectedly. Some members lost reelection bids, others moved on to careers in the Senate and others died. Each group likely included members who wanted and had planned on longer careers in the House. Careerism, therefore, might have been more related to the introduction of leave bills than Table 3-15 suggests. Due to the previously mentioned problems, however, that relationship remains tenuous.

Since both partisanship and careerism were found to be only slightly associated with a member's participation in the introduction of bills, the constituency-orientations of members
should be considered to see if they distinguish those who introduced from those who did not.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th 1841-1843</th>
<th>31st 1849-1851</th>
<th>32nd 1851-1853</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private bills</td>
<td>491</td>
<td>267</td>
<td>129</td>
</tr>
<tr>
<td>Member-introduced*</td>
<td>9 (16%)</td>
<td>15 (14%)</td>
<td>17 (12%)</td>
</tr>
<tr>
<td>Committee-reported+</td>
<td>482 (62%)</td>
<td>252 (66%)</td>
<td>112 (49%)</td>
</tr>
<tr>
<td>Constituency bills$</td>
<td>116</td>
<td>116</td>
<td>152</td>
</tr>
<tr>
<td>Member-introduced*</td>
<td>20 (42%)</td>
<td>66 (70%)</td>
<td>91 (73%)</td>
</tr>
<tr>
<td>Committee-reported+</td>
<td>96 (33%)</td>
<td>50 (38%)</td>
<td>61 (53%)</td>
</tr>
</tbody>
</table>

$ constituency bill examples: river and/or harbor developments, Indian protection and relief from Indian depredation, land grants, post office construction, railroad construction, courthouse construction for a specifically named state, city or town

* percent given is percent of all member-introduced bills
+percent given is percent of all committee-reported bills

Table 3-16 shows that although members were not as likely as committees to introduce bills for individual relief claims, they were, across the time period, increasingly more likely than committees to introduce bills concerning their specific state or district constituents

**LEGISLATION IN THE HOUSE**

The fate of bills introduced on leave worsened during the decades of the 1840s and 1850s. As Table 3-17 shows, a higher percentage of committee bills than member-introduced bills were discussed in committees of the whole in each of the three Congresses under investigation.
TABLE 3-17
HOUSE ACTION ON BILLS INTRODUCED BY MEMBERS OR REPORTED BY COMMITTEES

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-1843</td>
<td>1849-1851</td>
<td>1851-1853</td>
</tr>
<tr>
<td>Total Number of Bills</td>
<td>775</td>
<td>384</td>
<td>197</td>
</tr>
<tr>
<td>Committee*</td>
<td>54</td>
<td></td>
<td>110</td>
</tr>
<tr>
<td>Member+</td>
<td>32</td>
<td>45</td>
<td>227</td>
</tr>
<tr>
<td>Action taken by a committee of the whole</td>
<td></td>
<td>237 (62%)</td>
<td>197 (87%)</td>
</tr>
<tr>
<td>Passed by the House</td>
<td>54 (7%)</td>
<td>162 (42%)</td>
<td>169 (75%)</td>
</tr>
<tr>
<td>Passed by both the House and the Senate</td>
<td>46 (6%)</td>
<td>75 (20%)</td>
<td>138 (61%)</td>
</tr>
</tbody>
</table>

* percent given is percent of all committee-reported bills
+ percent given is percent of all member-introduced bills

A higher percentage of committee bills were also passed by the House and the Senate in the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses, but not in the Twenty-seventh Congress (1841-1843) when few bills were introduced by members.

During the 1830s, 1840s and 1850s, a member-introduced bill was less likely than a committee-reported bill to receive subsequent attention from the House. That difference is even more pronounced when major public bills are distinguished from the rest. The following paragraphs will describe some of the most controversial issues of the period and the bills related to them. Despite the fact that in the Thirty-second Congress (1851-1853) member-introduced bills made up fifty-two percent of all public bills, members evidently continued to rely on committees to develop solutions for the nation's problems.
In the Twenty-seventh Congress (1841-1843), Representatives Pope (KY) and Fillmore (NY) moved several resolutions for the creation of a select committee composed of one member from each state to investigate the financial state of the nation. (Journal 27-2 pp. 388, 394, 395 and 541) The committee was named the Select Committee on the Financial Plan of the President. After several months of investigation, the committee reported HR206, a bill which defined a plan for an exchequer. That bill was committed to a Committee of the Whole House on the State of the Union, but was never voted on. (Journal 27-2, p. 409)

Another bill reported by the Select Committee on the Financial Plan of the President, HR676, requested an extension of the charters of various banks. After Cushing (MA) offered the report, Davis (KY), a fellow Whig committee member, supplied a minority report. The bill was ultimately discharged from the Committee of the Whole. (Journal 27-2, p. 370)

Two other bank bills were reported by the Ways and Means Committee. Both, however, were voted down due to a division in the Whig majority: some supported the ideas of President Tyler, their party's national leader, while others supported Clay (KY), their party's legislative leader. Since such strife was unacceptable to Clay, he began to force Tyler out of the party. (Schouler IV, p. 392) That ostracism was made easier when all of the members of the President's cabinet, except for Secretary of State Webster, resigned in protest of the bank vetoes. (Burgess I, p.
Tyler ultimately lost hope of regaining his party's support and organized a cabinet that promoted only his favorite issues rather than the issues most important to Whig Congressmen. (Schouler IV, p. 406)

On the day before the adjournment of the Twenty-seventh Congress (1841-1843), the President did make a concession to the Whigs in Congress by signing a tariff bill reported by the Commerce Committee. (Schouler IV, p. 412) According to James Schouler that was the only notable legislation passed in the Congress. The conflict between the House and the executive branch had led to a situation in which, "nothing Whig survived this Whig Congress but [the] new tariff; the rest of the work was wasted energy." (Schouler IV, p. 417)

In the Twenty-seventh Congress (1841-1843), most of the territory-related bills were reported by the Committees on Public Lands, Territories and Military Affairs. Only a few members introduced bills on the subject and only one member-introduced bills actually became law. That bill, introduced on leave by Delegate Dodge (WI), encouraged the development of commerce in the Lake Michigan area. After its introduction, it was sent directly to a Committee of the Whole, thus bypassing any standing or select committee consideration. The bill passed without amendment.

Internal improvements were the subjects of many bills as many Representatives supported federally funded internal improvement programs. In the Twenty-seventh Congress
(1841-1843), the member-introduced bills for the construction of District Court buildings in Virginia and New York and a mint in Georgia actually became laws.

Westward expansion was also an issue of interest. The controversy over westward expansion became even more intense when slavery was associated with it in the 1840s and 1850s. For example, many members of the Twenty-eighth Congress (1843-1845) were very reluctant to annex Texas. Giddings (OH), a renowned anti-slavery Representative, warned that if Texas was brought in to the Union, the balance of power in Congress would go to the slave-holding states. He asked, "Are the liberty-loving democrats of Pennsylvania ready to give up the tariff, to strike off all protection from the articles of iron and coal and other products of that state, in order to purchase a slave market for their neighbors who . . . breed men for the market like oxen for the shambles?" (Graebner, p. 10)

Regardless of the Representatives' attitudes, the House participated in negotiations for annexing Texas after the Senate rejected President Tyler's treaty for annexation saying that a law, not a treaty, was required. Tyler presented the rejected treaty as part of his 1844 Message to the House. (Burgess I, p. 309) The House sent that section of the President's message to the Foreign Relations Committee, whose Whig chairman, Ingersoll, wasted no time in reporting H.Res.46 supporting the annexation. (Journal 28-2, p. 63) After a great deal of debate, the House adopted a
substitute for the resolution by a vote of 120 to 98. The Senate, however, rejected the resolution. (Burgess I, pp. 321,322)

Throughout the Twenty-eighth Congress (1843-1845), members, such as Democrats Belsher (AL), McDowell (VA), and Tibbetts (KY), presented resolutions related to the annexation problem. Members also introduced related bills on leave: Democrat Dromgoole (VA) introduced HR500 by unanimous consent; Democrat Burke (NH) through a suspension of the rules introduced HR523; and Democrat Robinson (NY) introduced HR527 on leave in pursuance of a previous notice. (Journal 28-2, pp. 180, 212 and 243) These three bills were all directly referred to Committees of the Whole House on the State of the Union. None, however, were ever discussed in a committee of the whole.

In the Twenty-ninth Congress (1845-1847), the territory of Oregon was an issue of great import. During that Congress, Ingersoll (PA) presented a memorial of the citizens of the United States residing in the territory of Oregon and Bowlin (MO) offered a memorial of the Legislative Assembly of the territory of Oregon. Ingersoll's memorial was laid on the table and Bowlin's memorial was sent to the Committee of the Whole House on the State of the Union. (Journal 29-1, pp. 13, 14, 140) Bills to organize the territory of Oregon were introduced by both a member and a committee. Democratic Representative Bowlin (MO) introduced HR79 in pursuance of a previous notice. HR79 was sent to the Committee on Territories, but that committee never issued a
report. (Journal 29-1, p. 215) Instead, the Committee on Territories reported HR533, a bill providing for the organization of a territorial government for Oregon. (Journal 29-1, p. 1240) When that bill was discussed in a Committee of the Whole, Democrat Thompson (PA) proposed an amendment to prohibit slavery in Oregon. Thompson's amendment was approved and the bill, as amended, was sent to the Senate. (Journal 29-1, p. 1247) The Senate sent the bill to its Judiciary committee, but that committee never issued a report. (Burgess I, p. 341)

During the second session of the Twenty-ninth Congress (1845-1847), the Committee on Territories reported a bill concerning the territory of Oregon. That bill, in accord with the provisions of the Missouri Compromise, described states as co-owners of the territories and the national government as the owner's agent. (Burgess I, p. 342) After its passage in the House, the bill was referred to the Senate's Judiciary Committee which did not report until the last day of the session, too late for any action to be taken.

By the end of the 1840s, the House was burdened by endless debate and discussion on the territories already organized and on the prospective lands that needed to be organized. Many committees reported bills promoting territorial development. In the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses, the Committees on Road and Canals, Public Lands, Territories, Commerce, and the Militia all reported bills for the
development and organization of the various territories. Several members also introduced similar leave bills in pursuance of a previous notice. Those members included: Democratic Delegates Weightman (NM), Lane (OR) and Silbey (WI and MN) in the Thirtieth (1847-1849), Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses. Silbey (WI and MN), it should be noted, introduced more bills that were passed into law than any other member in the Thirty-first Congress (1847-1849). His bills not only dealt with territories he represented, but also the territory of Oregon. Each of the other delegates mentioned above introduced at least one bill that ultimately passed both chambers.

The members of the Thirtieth Congress (1847-1849) promoted internal improvement projects so much that they even provided President Polk with a Home Department created to aid in the development of internal improvement projects. (Journal 30-2, p. 421) The original draft of HR764 which created the department, however, was rumored to have been written by Treasury Secretary Robert J. Walker rather than the Ways and Means Committee which reported it.

By the Thirty-second Congress (1851-1853), Representatives were very concerned with the expenditures of internal improvements. James Schouler's description of the second session of that Congress illustrates the reasons for concern:

"The squander of the public territory was no novelty while parties catered for popularity in this presidential year. A wholesale donation bill
of this sort which passed the House in favor of the several states failed in the Senate. But an entering wedge for private enterprises at the West was driven by an act which gave to Missouri a right of way and a tract of the public land to aid in building railroads. Yielding still farther to the pressure of the railway lobby which had begun in earnest, Congress voted a general right of way through the public lands. Aid was given to construct a ship canal around Sault Ste. Marie. Large donations were made for the improvement of rivers; and harbors; subsidies voted to ocean steamers and perhaps, the most salutary act of the session provided for inspection of steamboats and better security of passengers. (Schouler V, p. 238)

Concern for the money spent on internal improvements did not restrict members from offering new improvement bills. In the Thirty-second Congress (1851-1853), sixteen member-introduced bills discussed river and harbor projects while 28 provided for the construction of railroads. Several of those bills, such as Representative Stanton's (OH) bills for the extension of the Cumberland Road through Ohio, were passed into law. Stanton's bill did have a better chance than most reported by the Committee on Roads and Canals since he was its chairman.

As the above paragraphs have illustrated, national finances, westward expansion and internal improvements were all critical policy problems throughout the 1830s, 1840s and 1850s. Both members and committees introduced bills on these subjects. Bills reported by committees were more likely to be debated and adopted
than those introduced on leave by individual members of the House. The continued reliance on committees was most likely associated to the members' lack of expertise in major policy areas. The solutions offered in member-introduced bills may also have been considered less complete than those included in committee-reported bills. Thus, committee-reported public bills were more likely to be adopted into law.

CONCLUSION

This chapter has described the House of Representatives during the late 1830s, 1840s and 1850s. The House at that time has been shown to be divided by both partisan and regional conflicts over such issues as: the tariff, trade with foreign countries and the extension of slavery into the territories. The number of Representatives during those decades grew slightly as did the number of state delegations and turnover remained high.

The rules and procedures were altered along with changes in membership characteristics. Rules made the presentation of petitions and resolutions more automatic. Rule changes made the introduction of leave bills easier for members since the phrase in the rules that required committees to prepare bills was omitted. The rule changes also created a position for leave bills during the call of states and territories for resolutions, especially during the alternate Monday call. The results of rules changes over time were as follows: the number of petitions decreased, the number of resolutions decreased, and the number of committee-reported bills
decreased while the number of member-introduced bills increased. The increasing proportion of member-introduced bills to all bills is impressive, being only six percent in the Twenty-seventh (1841-1843), 22 percent in the Thirty-first (1849-1851) and 38 percent in the Thirty-second Congress (1851-1853). (see Table 3-18)

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-1843</td>
<td>1849-1851</td>
<td>1851-1853</td>
</tr>
<tr>
<td>Petitions</td>
<td>6783</td>
<td>6047</td>
<td>4735</td>
</tr>
<tr>
<td>Resolutions</td>
<td>398</td>
<td>360</td>
<td>194</td>
</tr>
<tr>
<td>Committee-reported bills</td>
<td>775</td>
<td>384</td>
<td>227</td>
</tr>
<tr>
<td>Member-introduced bills</td>
<td>54</td>
<td>110</td>
<td>141</td>
</tr>
<tr>
<td>as a % of all bills</td>
<td>6%</td>
<td>22%</td>
<td>38%</td>
</tr>
</tbody>
</table>

The increase in member-introduced bills was not related to any domination of the practice by members of a particular political party or members of either the majority party or minority party. Partisanship was not a significant characteristic to distinguish members who introduced leave bills from those that did not. Regional affiliation was not a relevant characteristic because members who introduced leave bills were as likely to be from the North or South as from the West. The only characteristic that differentiates member-introduced bills from those reported by committees was the high percentage of member-introduced bills concerned with constituency topics. Regardless of their
increases, member-introduced bills remained unlikely to receive subsequent House approval.

Suggestions had been made during these decades to alter the rules so as to allow for an even easier presentation of the various forms of input. Some members believed that a call of states and territories for leave bills should have been created. While those suggestions were not adopted during the Congresses discussed in this chapter, some of them were adopted during the Thirty-sixth Congress (1859-1861), when a major revision of the rules was adopted. How those rule changes and the national crisis of the Civil War led to differences in the practices and procedures of the House will be the subject of Chapter Four. That chapter will describe the further acceptance of and ultimate domination of member-introduced bills in the House of Representatives.
CHAPTER 4
MEMBER DOMINATION OF BILL INTRODUCTION
THE THIRTY-SIXTH (1859-1861) THROUGH THE
FORTY-FIFTH (1877-1879) CONGRESSES

CHAPTER INTRODUCTION

In the first session of the Thirty-sixth Congress (1859-1861), a major revision of the rules was proposed by a select committee and adopted by the members. (Globe 36-1, p. 1179) In general, those rules changes were designed to facilitate House operations. For example, rules were passed prohibiting motions to reconsider bills introduced on leave and referred during a call of states and territories on alternate Mondays. (Globe 36-1, p. 1179) Such motions were prohibited on bills introduced by committees on the Mondays in which committees were called for reports under the regular order of business. Previous to the rule changes, leave bills could be debated on the floor for hours subsequent to referral and committee bills debated for hours after commitment to a committee of the whole. In addition, rule changes protected both leave and committee bills introduced during the first hour of business from debate. Washburne (IL) supported such changes stating that "the time of the House shall be economized." (Globe 36-1, p. 1179)

Some of the changes included in the new rules of 1860 had been debated for years. In fact, Representatives from each of the
past three Congresses had shown an interest in revising many of the rules they considered outdated and inefficient. Those members met strong opposition when they attempted to create and give special reporting privileges to select rules committees. As mentioned in the previous chapter, during the 1850s, members were not willing to allow a group of five members to report rule changes at any time even though they knew that current rules did not facilitate quick and effective decision-making. Representatives also knew that in those Congresses, the only way the House could accomplish any business was not through an application of the rules but through a suspension of the rules. In spite of that knowledge, any attempts to change rules, prior to the Thirty-sixth Congress (1859-1861) failed. Not until the 1860's rules were adopted did the House formally adopt changes that had been suggested for many years.

More bills were introduced by members throughout the 1860s and their numbers increased by even greater margins after more rule changes were adopted in the Thirty-ninth Congress (1865-1867). In that Congress, members decided that states and territories needed to be called for bills every Monday instead of only on alternate Mondays. (Globe 39-2 pp. 416-417) The members also decided to eliminate the call of committees for bills during the morning hour on the Mondays on which the House followed the regular order of business. (Globe 39-2, p. 416-417)
During the Forty-second Congress (1871-1873), a rule passed prohibiting motions to reconsider the acceptance or reference of bills introduced by unanimous consent, the same protection given leave bills in the Thirty-sixth Congress (1859-1861). (Globe 42-1, p. 359) Prior to the rule's adoption, members offered motions to reconsider reference of unanimous consent bills days or months after their reference.

All of the rule changes mentioned above occurred during a period of great fluctuation and turmoil in the House's internal and external environments. The House lost many members in 1861 when the Southern states seceded. Its membership then increased when the South returned to the Union. Because of continued sectional and partisan conflicts caused by the Civil War and the nation's economic and social development, Representatives were deeply divided over many issues. Debate over those issues often interrupted House operations, prohibiting performance of the day's business. While the rules eliminated some opportunities for debate during the daily order of business, the controversy that existed between Representatives allowed for problems in the production and adoption of needed legislation. The characteristics of members will, therefore, be discussed in the following sections. Then, House rules and procedures will be discussed in detail as will their application and impact on House activities.
HOUSE CHARACTERISTICS IN THE THIRTY-SIXTH (1859-1861) THROUGH FORTY-FIFTH (1877-1879) CONGRESSES

During the 1860s and 1870s, the House experienced a great deal of external and internal turmoil. Beyond enduring a Civil War and several national financial crises, the House also faced numerous internal disruptions. Its membership declined in number between the Thirty-sixth (1859-1861) and Thirty-seventh (1861-1863) Congresses and then returned to its previous size by the Forty-second Congress (1871-1873). The data in Table 4-1 shows the fluctuation in membership and also shows that the number of territorial delegates in the Forty-second Congress (1871-1873) was more than three times the number in the Twenty-seventh Congress (1841-1843).

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841-43</td>
<td>213</td>
<td>227</td>
<td>237</td>
<td>178</td>
<td>243</td>
<td></td>
</tr>
<tr>
<td>1849-51</td>
<td>242</td>
<td>222</td>
<td>237</td>
<td>178</td>
<td>243</td>
<td></td>
</tr>
<tr>
<td>1851-53</td>
<td>227</td>
<td>237</td>
<td>178</td>
<td>243</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1859-61</td>
<td>237</td>
<td>178</td>
<td>243</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1861-63</td>
<td>178</td>
<td>243</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1871-73</td>
<td>243</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Members  | 216  | 245  | 229  | 242  | 186  |
| Delegates| 3    | 3    | 2    | 5    | 8    |
| Total    | 219  | 248  | 234  | 247  | 194  |

Source: Journals of the US House of Representatives, Indexes.

Variation in the House's membership during the Civil War years definitely affected House operations. According to Nelson Polsby's investigation of the House:

"[m]any . . . indicators show a substantial decay"
in the institutional structure of the House in the period surrounding the Civil War. In sheer numbers, the House declined from 237 members in the Congress of 1859 to 178 in the Congress of 1861; not until a decade later did the House regain its former strength. Frivolous contests for seats reached a height in this period, and our rank-and-file boundary measures reflect decay as well." (Polsby, p. 168)

Besides experiencing a fluctuation in size, the House also continued to be plagued with high turnover. The data in Table 4-2 shows high turnover even during the Civil War when the membership was small.

<table>
<thead>
<tr>
<th>TABLE 4-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERCENTAGE OF FRESHMEN REPRESENTATIVES</td>
</tr>
<tr>
<td>27th 28th 31st 32nd 33rd 36th 37th 38th 42nd</td>
</tr>
<tr>
<td>38% 67% 53% 53% 61% 45% 54% 58% 47%</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Indexes.

As with previous Congresses, a low mean terms of service for Representatives was associated with the high turnover. In the Thirty-sixth Congress (1859-1861) the average service was 2.02 terms and in the Thirty-seventh Congress (1861-1863) it was 1.83 terms. (Polsby, p. 146)

Table 4-3 shows that the number and size of state delegations also fluctuated. The number of states dropped steadily
between the Thirty-sixth (1859-1861), Thirty-seventh (1861-1863) and Thirty-eighth (1863-1865) Congresses due to the secession of the South and then climbed to an all time high in the Forty-second Congress (1871-1873) after the return of Southern states and the admission of new states.

<table>
<thead>
<tr>
<th>Congress 27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>38th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1863-65</td>
<td>1871-73</td>
</tr>
<tr>
<td>26</td>
<td>33</td>
<td>33</td>
<td>33</td>
<td>27</td>
<td>25</td>
<td>36</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives, Indexes.

The number of members in each state delegation remained small during and after the Civil War. In fact, few of the delegations in the Thirty-sixth (1859-1861), Thirty-seventh (1861-1863) or Forty-second (1871-1873) Congresses had more than twelve members. New York, Pennsylvania and Ohio with 34, 26 and 22 members respectively had, as in early Congresses, the largest delegations. Southern states' representation, on the other hand, fluctuated. For example, Virginia, Tennessee and Louisiana had fourteen, ten and four members in the Thirty-sixth Congress (1859-1861) and then five, three and two Representatives present in the Thirty-seventh Congress (1859-1861). By the Forty-second Congress (1871-1873), Southern states had larger delegations, but
were still not as large as some northeastern and northwestern state delegations.

Of course, each state delegation had particular concerns about the escalation of the war. Border states were afraid that the Union army would not protect their southern boundaries against a Confederate invasion. Non-slavery state delegations wanted to insure that slavery would not be allowed in the new territories of the West. State interests, for these reasons, were especially important during the 1860s. In the 1870s, state and territorial issues were still important. In fact, during that decade, members were so concerned about their responsibilities and privileges that they debated the role performed by territorial delegates. Some members thought that delegates should not be able to sit on committees. Some also thought that the delegates should not be able to introduce leave bills. Since nine delegates and enough Representatives from newly admitted states agreed that delegates should not have their power limited, they received committee assignments and were able to introduce bills.

**REGIONALISM**

State and territorial issues were the subject of much concern throughout these tumultuous decades and regional attitudes influenced the business of the House much more during this era than they had previously. In the Thirty-seventh Congress (1861-1863), for example, Northern states thoroughly controlled
the legislature due to the secession, and lack of representation, of the Southern states. By that Congress, Northerners also assumed every positions of leadership in the national government and were thus able to pursue policies not addressed in previous years. According to Roy Nichols,

"[e]ven more significant in the economic reconstruction of the nation was a change in the basic policy brought about by the withdrawal of the Southern members of Congress. This bloc had prevented enactment of significant subsidy legislation much desired by Northern interests. The withdrawal of these representatives left a clear field for those desiring government aid. Not only were protective tariffs for industry, and government connection with banking achieved, but long-sought subsidies were finally obtained. Business was to be stimulated by distribution of the public lands. Under one act, each state was to receive an amount of such land, depending on its population, which was to be used to promote higher education in agriculture and the mechanical arts. By another, the famous Homestead Law, any applicant could receive a quarter section of land free after five years of residence thereon and the payment of fees... Still another great subsidy was designed to provide, at long last, for the much-desired transcontinental railroad." (Nichols, p. 146)

After the Southern states were readmitted, their Representatives frequently expressed objections to policies and
projects, passed during their absence, that only benefited the Northern states. The benefits received by Northern states continued to be a source of friction, especially once the Southern Representatives attempted to gain similar benefits in the 1870s.

LEADERSHIP

During this time of national turmoil, the House endured many internal controversies. One source of controversy, as discussed in the previous section, was the pursuit of different regional, constituency-oriented policies and projects. Another source came with the selection of members for the various positions of leadership. Speakership contests and committee chairmen appointments illustrate this controversy and also allude to the fragility of power held by congressional leaders. The instability associated with such elections and appointments during the Civil War and post-Civil War Congresses also illustrate the conflicts between and within political parties, offering proof that factionalism between Northern, Western and Southern Representatives continued.

By the Thirty-sixth Congress (1859-1861), the party system was breaking down as both parties were divided by sectional controversies. Proof of sectionalism in each party was provided by sixteen candidates involved in the Speaker's race. John Sherman (OH), the leading Republican candidate, held an early lead over Thomas S. Bocock (VA), the leading Democratic candidate, but his
popularity and electability was destroyed, when Representative Clark (MO) made the motion that:

"Whereas certain members of this House now in nomination for Speaker, did endorse and recommend the book hereinafter mentioned, Resolved, that the doctrines and sentiments of a certain book called The Impending Crisis of the South, How to Meet It, purporting to have been written by one Hinton R. Helper, are insurrectionary and hostile to the domestic peace and tranquility of the country, and that no member of this House who has endorsed and recommended it, or the compend from it, is fit to be chosen to be Speaker of the House." (Boykin, p. 246)

After Clark's comment, Sherman lost his small lead and he quickly withdrew even though he still had the support of Republican leader Thaddeus Stevens (PA). William Pennington, a former governor of New Jersey, then became the leading Republican candidate. He was elected by a one vote majority on the forty-fourth ballot. (Boykin, p. 249)

Presidential politics influenced the selection of Speaker in Thirty-seventh Congress (1861-1863). Galusha Grow (PA) was elected Speaker on the first ballot primarily because administration representatives were "so desirous . . . to avoid faction, that Grow's rivals quickly withdrew, so as to make his plurality a majority on the first ballot." (Schouler VI, p. 73) He received 99 votes out of a possible 159.
President Lincoln's influence on speakership elections continued in the Thirty-eighth Congress (1863-1865). It continued because of Lincoln's enduring desire to have a strong supporter elected. Lincoln contacted members and encouraged them to exercise discretion in voting. The following statement written by Lincoln in 1862 to Representative Henry Winter Davis (MD) illustrates Lincoln's attempts to encourage legislators to select a Speaker he could work with:

"There will be in the new House of Representatives, as there were in the old, some members openly opposing the war, some supporting it unconditionally, and some supporting it with 'but,' 'if,' and 'and.' They will divide on the organization of the House -- on the election of the Speaker. As you ask my opinion, I give it, that the supporters of the war should send no man to Congress who will not pledge himself to go into caucus with the unconditional supporters of the war, and to abide the action of such caucus and vote for the person therein nominated for Speaker." (Seitz, p. 391)

When Schuyler Colfax (IN) carried every vote of his party and received 101 votes out of 181 on the first ballot, Lincoln got what he had asked for, a loyal Speaker. (Seitz, p. 391)

Colfax's election was not, however, totally determined by the President's expressed desires. The Representative had already proven himself adept in the exercise of political power when he
served as Chairman of the Post Office and Post Roads Committee in the Thirty-sixth Congress (1859-1861). According to Reverend A. Y. Moore, it was

"[t]hrough [Colfax'] special efforts and ability in carrying the measure through the House ahead of the routine order of business, the many thousands of emigrants to Pike's Peak, as Colorado was then called, who were paying twenty-five cents to a dollar to express agents and others, for letters to and from the post offices of the frontiers, had extended to them the great benefits of the United States mail service a year sooner than they otherwise would. To him the credit is given of the establishment, by Congress, of the Daily Overland Mail from the western boundary of Missouri to San Francisco, on the great central route through Pike's Peak and Utah. The Overland Telegraph was also carried through Congress through his agency; a measure which was considered a greater parliamentary achievement as most of the members seemed absolutely opposed to it." (Moore, p. 111)

Colfax's success as Chairman of the Committee on Post Offices and Post Roads combined with Lincoln's support certainly increased other Representatives' respect for him.

Subsequent Speakers owed their elections to strong party support. In each of the Congresses throughout the late 1860s and 1870s, only two contestants were nominated and the majority party candidate was elected on the first ballot. In the Thirty-ninth
Congress (1865-1867), Colfax (IN) beat James Brooks (NY), 139 to 36. In the Fortieth Congress (1867-1869), Samuel Marshall (IL) received only 30 votes compared to Colfax's 127. Republican James G. Blaine (ME) was elected in the Forty-first (1869-1871), Forty-second (1871-1873) and Forty-third (1873-1875) Congresses. He beat Michael Kerr (IN) in his first election, G. W. Morgan (OH) in his second and Fernando Wood (NY) in his third. Blaine's luck ran out in the Forty-fourth Congress (1875-1877) when he was beaten by former opponent Michael Kerr (IN). In the Forty-fifth Congress (1877-1879), Samuel Randall (PA) and James Garfield (OH) were nominated and Randall won.

Two other developments in the selection of congressional leaders is evident from the data presented in Tables 4-4 and 4-5. First, partisanship, while dominant in the 1840s and 1850s, was apparently mandatory for appointment by the 1860s and 1870s. (see Table 4-4)

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
<tr>
<td>Type of Committee</td>
<td>S</td>
<td>s</td>
<td>S</td>
<td>s</td>
<td>S</td>
<td>s</td>
</tr>
<tr>
<td># of Chairmen who were members of the Speaker's party</td>
<td>24</td>
<td>25</td>
<td>34</td>
<td>6</td>
<td>36</td>
<td>5</td>
</tr>
<tr>
<td>% of All Chairmen</td>
<td>77</td>
<td>74</td>
<td>97</td>
<td>75</td>
<td>97</td>
<td>83</td>
</tr>
</tbody>
</table>

Source: Biographical Index of US Congressmen.
Second, considerably more senior Representatives were appointed in the Forty-second Congress (1871-1873) than in previous decades. (see Table 4-5)

<table>
<thead>
<tr>
<th>Committee</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
<tr>
<td>first</td>
<td>-</td>
<td>8</td>
<td>6</td>
<td>3</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>second</td>
<td>10</td>
<td>12</td>
<td>13</td>
<td>1</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>third</td>
<td>8</td>
<td>5</td>
<td>8</td>
<td>-</td>
<td>8</td>
<td>-</td>
</tr>
<tr>
<td>fourth</td>
<td>3</td>
<td>3</td>
<td>7</td>
<td>3</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>fifth</td>
<td>1</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>sixth</td>
<td>4</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>seventh</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>eighth</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>ninth</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>tenth</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

S=standing, s=select
Source: Biographical Index of US Congressmen.

The increasing importance of party membership in the selection of chairs in the 1860s and 1870s suggests that political parties were becoming more influential in House operations.

While similar party membership became a predominant characteristic of members appointed to chairmanship positions, tenure in the House varied. In the Twenty-seventh Congress (1841-1843) 42 percent of the standing committee chairs had served four or more terms. In both the Thirty-first (1849-1851)
and Thirty-second (1851-1853) Congresses that percentage dropped to around 25. By the Forty-second Congress (1871-1873), seniority was again a more common characteristic of standing committee chairmen, with more that forty percent serving at least four terms.

**PARTY COMPOSITION**

Regional representation, executive branch support, experience and partisanship were important legislative characteristics. At the start of the Civil War, the Republican party had a large membership and control of both the executive and legislative branches. In the Thirty-sixth Congress (1859-1861), the House had 114 Republicans, 92 Democrats, and 31 others. Representatives who were neither Republican or Democratic, were leftovers of the Whig and Know-Nothing parties. The strength of the Republican party increased in the following Congress after most Southern Democrats resigned. In that Congress there were 105 Republicans, 43 Democrats and 30 others. James Schouler's description of the Thirty-seventh Congress (1861-1863) shows the great strength and direction of the Republican majority:

"Through the self-effacement of seceding states the political color of both Senate and House was now decidedly Republican; and most present were fresh from loyal constituencies, earnest and determined to put down the rebellion at whatever cost, and flushed with the confidence that it would be done speedily. Hence, a ready
disposition largely prevailed to vote all measures needful for a vigorous prosecution of the President's policy. (Schouler VI, p. 74)

By the second session of the Thirty-seventh Congress (1861-1863), however, Republicans from Vermont, Maine, Massachusetts and Michigan, states considered to have the strongest Republican supporters, lost races. In New York, Ohio and Pennsylvania, states considered moderate in their support, Republicans also lost a total of 25 districts. (Schouler VI, p. 274) The losses were blamed on the President's policies rather than on the legislative performance of Republicans. In response to the situation, Republicans divided into factions, some supportive of the President, others, in opposition. Overtime, the number of Republicans in opposition to the President increased in number, but did not represent a larger percentage of Republicans. In fact, the number of Radical Republicans increased from 50 in the Thirty-eighth (1863-1865) to 72 in the Thirty-ninth (1865-1867) Congress. The increase of 22 members did not lead to total dominance of the party as the Radical Republicans made up 49 percent of the party in the earlier Congress and 48 percent in the later Congress. (Cox, p. 25)

By the end of the war, Radical Republicans held a common opinion that Confederate states should suffer during their reconstruction. That component of the Republican party was
further divided into three groups: Radicals, Independent Radicals and Ultra Radicals. Each of the factions was led by able Representatives. Washburne (IL) and Potter (WI) led one extreme, while Barksdale (MS) and Lamar (MS) led the other. Moderates organized around the leadership of several men, including: Davis (MD) and Holman (IN), McClernand (IL) and Logan (IL), Pendleton (OH) and Vallandingham (OH), and Mallory (KY) and Stevenson (KY). (Cox, p. 25) The division of the Republican party influenced Reconstruction programs, as illustrated in the following excerpt from Donald's writings on Johnson's veto of the Freedmen's Bureau Bill:

"Without a veto, [Johnson] knew that he and his party would almost certainly lose to the Democrats in 1868. With a veto, Johnson calculated that he might maintain a coalition of the center, composed of Moderate Republicans, War Democrats, and Southerners, and he might even profit by reading Sumner, Stevens, and a handful of other articulate Radicals from his party, just as Lincoln had gained from the Fremont defection in 1864." (Donald, p. 25)

The Democrats, in contrast, were such a small minority by 1866 they had few options in their policy pursuits. They could support President Johnson by introducing lenient Reconstruction policies or associate with Moderate and Conservative Republicans trying to limit the Radicals' power. (Donald, p. 59) According to
Charles Coleman, "[i]t [was] hard to explain why the Democratic party in the four years following the Civil War, having the support of some 45 percent of the voters of the Northern States and with a President in office who sympathized with their program, was able to exert such a limited influence in shaping the policies of the nation." (Coleman, p. 45)

After Grant's administration, both parties experienced major changes. Slavery, the issue on which the Republican party was organized, had been settled so patronage became the basis for party organization. (Hofstadter, p. 167) Richard Hofstadter went so far as to say that there were no differences between the parties, save the fact that the Republicans won more elections. (Hofstadter, p. 167) Power was, therefore, on the side of the Republican party but limited by party disunity. In fact, during Grant's administration, "[i]t was not the president who gave the machine its dynamic force, but the factional leaders and bosses of the Republican party, men like Roscoe Conkling (NY) and James G. Blaine (ME)." (Hofstadter, p. 171) Blaine, of course, was elected Speaker in the Forty-first (1869-1871), Forty-second (1871-1873) and Forty-third (1873-1875) Congresses. His power within the Republican party was proven by the strength of his victories. He did not lose a race until the Republicans became the minority party in the Forty-fourth Congress (1875-1877). Then, for the rest of the 1870s, the Democrats controlled the House.
The previous sections of this chapter showed that during the 1860s and 1870s the House experienced fluctuations in its size, regional biases in policies it pursued and inter-party and intra-party conflicts in its selection of leaders. The House has been shown to be fairly unstable in many of its characteristics. The rule changes adopted in 1860 affected House procedures as much as its size, regional and partisan characteristics did. The rule changes of the Thirty-sixth Congress (1859-1861) and subsequent rule changes passed by the House will, therefore, be described in the following sections.

RULE CHANGES OF THE THIRTY-SIXTH CONGRESS (1859-1861)
AFFECTING BILL INTRODUCTION

In the midst of a debate during the first session of the Thirty-sixth Congress (1859-1861), Representative Bocock (VA) explained the problems associated with previous attempts to change the rules. He said that:

"[n]othing is more common, nothing is more fashionable, both here and in the country, than to bring up the Rules of the House of Representatives, and subject them to prompt trial and condemnation. Whatever goes wrong in the House of Representatives, whatever a man has to explain to his constituents he is very apt to attribute to the Rules of the House of Representatives." (Globe 36-1, p. 1182)

Bocock continued, saying that members were afraid that they would be left without a scapegoat if they adopted radical rule
changes. Earlier in the session, Washburn (ME) offered two such changes. His first resolution asked for the adoption of the rules of the previous House until otherwise ordered. His second resolution asked that a committee of five be appointed with leave to report at any time. That resolution was similar to one that passed unanimously in the second session of the Thirty-fifth Congress (1857-1859). (Globe 36-1, p. 655)

As in the previous Congress, debate over the second resolution arose. Members were concerned that the committee would have too much power if its reports were considered special orders. They feared that the committee would only make reports at opportune times, when its supporters made up a majority of members present. Because of their concern, Representatives Vallandingham (OH) and Niblack (IN) tried at first to modify the resolution and then offered a substitute. Representative Branch (NC) agreed with Niblack's substitute, saying that, according to the rules, the rules could not be changed unless one day's notice was given. Branch (NC) was worried that committee members would have more power than others since committee members would have "the power to alter or suspend rules at their whim." (Globe 36-1, p. 655) He did not want the committee to stand over the House the entire session.

Winslow (NC) questioned the necessity of Branch's resolution, saying that, according to parliamentary law, the committee's function ceased once it reported regardless of the wording of
Washburn's resolution. Bocock replied that "we on this side of the House know that the rules of the House, as they have been for a number of years, ought to be amended," and that contrary to Branch's statement, "the only way the rules are ever going to change is if the clause allows reporting at any time." (Globe 36-1, p. 655) He offered a modification that required the committee to dissolve after reporting. Washburn and Branch (NC) both accepted the modification and the revised resolution was adopted. (Globe 36-1, p. 655) The following members were appointed to the committee: Bocock (VA), Washburn (ME), Grow (PA) and Winslow (NC) and Speaker Pennington (NJ). (Globe 36-1, p. 661)

In contrast to the committee report of the previous Congress, the report made by the select committee on rules in the Thirty-sixth Congress (1859-1861) was discussed and debated. The debate began when the report was offered, about six weeks after the committee had been formed. Washburn (ME) presented the report, saying that "if we carry into execution the amendments proposed, we shall save at least one day in every week, that is, we shall do more business in five months than we can do, under the rules at present, in six months." (Globe 36-1, p. 1177) He said that time would be saved because the new rules would eliminate the "great complaint in the House, [that had grown] out of the obstruction to business under the rules." (Globe 36-1, p. 1177) He said that instead of the previous situation in which "nearly all the business transacted by the House [was] done through the good
nature of members, outside the rules of the House, by unanimous consent," the new rules would create an ordered environment maintained by continuous application of the rules. (Globe 36-1, p. 1177) He concluded his address with a justification of the committee's report, saying that "[n]early all [of the amendments] were contained in the report of the committee on the subject at the last session and received the unanimous consent of that committee, on which was Mr. Speaker Orr (SC) of the last Congress." (Globe 36-1, p. 1178)

The select committee on rules in an attempt to provide more time and better protection for committee reporting offered a revision prohibiting motions to suspend the rules during the hour following the reading of the Journal on the Mondays on which the regular order of business was followed. (Globe 36-1, p. 1179) In previous Congresses, members offered motions to suspend the rules to disrupt the conduct of business in order to introduce debate on a controversial issue. Such frequent interruptions prevented committees from reporting during the regular order of business, thus encouraging a further disruption in the conduct of business as committees were forced to offer their reports through unanimous consent.

The select committee also suggested that committee-reported bills brought in during the first hour after the reading of the Journal on the Mondays not reserved for the call of states and territories be committed to committees of the whole
without debate or motions to reconsider. (Globe 36-1, p. 1179) All to frequently in Congresses prior to the rules changes, a bill would be discussed immediately after its reporting, prior to its commitment to a committee of the whole. Such discussion wasted time in the call of committees that could have been used reporting other committees' bills. Thus, the select committee on rules' proposal was offered to facilitate the presentation of bills by preventing the discussion of a bill during the regular call of committees for reports.

Washburn (ME) justified the proposed rule changes, saying that a Congress' first call of committees could easily take sixty to ninety days to complete. He continued by saying that committees placed at the end of the call were not able to print their bills or have them placed on a calendar until called. According to Washburn, such delays forced committees to ask daily for unanimous consent permission for reference of their reports to Committees of the Whole. (Globe 36-1, p. 1179) Washburn added that in the amendment, "we simply propose to provide a means by which the committees of this House may, upon alternate Mondays, have leave to report bills and joint resolutions upon which they do not contemplate action." (Globe 36-1, p. 1179)

Apparently, members wanted to eliminate opportunities for interruptions during the call for committee reports on the Mondays in which the regular order of business was followed. The rule changes they adopted made such breaks impermissible during the
first hour of the call.

The ability of individual members to introduce leave bills was also facilitated through another revision offered by the select rules committee. As was the case with committee reporting, the call of states and territories for leave bills was often interrupted by motions to suspend the rules and motions to go into committees of the whole. An amendment to Rule #26 offered protection to leave bills introduced during the first hour on alternate Monday reserved for the call of states and territories. Such bills would be referred without debate to their appropriate committees and could not be brought back to the House on a motion to reconsider. (Globe 36-1, p. 1179) Like the amendment for committee-reported bills, this proposal for leave bills was adopted without much debate. De Alva Alexander wrote the following as an explanation for the lack of division among members over the rule change:

"No sooner had petitions been relegated to the files without action by the House (1844) than members clamored for more time for the introduction of bills. At first bills were not numerous. The modern habit of using them to advertise a member's activity did not then obsess the legislative mind. To the House a bill was inchoate law, to be treated with much deliberation . . . But when the fact developed that a bill introduced, though not passed, benefited the member, since it evidenced a disposition to serve his constituents, the House (1860) set aside each alternate Monday for their introduction and ordered them referred without debate." (Alexander,
The select committee on rules also suggested that the call of states and territories for leave bills be placed before the call for resolutions on alternate Mondays. According to Richard Damon, that reorganization provided members with more opportunity to introduce leave bills. However, since leave bills continued to be referred to committees, the rules reinforced the preeminence of committees in the process of bill introduction. Damon said that "sending bills to committee before considering them on the floor was a convenient means of modifying controversial items and preserving committee control over minor matters involving patronage, local works and so forth." (Damon, p. 166)

**RULE CHANGES AFFECTING BILL INTRODUCTION FROM THE THIRTY-SIXTH (1859-1861) THROUGH FORTY-FIFTH (1877-1879) CONGRESSES**

After the rule changes of 1860, problems still existed in the introduction and reporting of bills. More rule changes were adopted to eliminate some of those problems. In 1867, the House adopted a revision of Rule #51, providing for a call of states and territories for leave bills and resolutions on every Monday, rather than alternate Mondays. That revision was suggested in a report offered by Washburne (IL) of the select committee on rules. *(Globe 39-2, p. 416)* In passing this rule, the House eliminated the procedure adopted in 1860 that protected committee reports and bills from motions for suspension, reconsideration or debate if presented on
the Mondays on which the regular order was followed. That rule change was most likely adopted because of the membership's agreement with the select committee on rules that Mondays were better spent calling state and territories for bills and resolutions than calling committees for reports and bills. It thus testifies to the premium now placed on leave bills.

In the Forty-first Congress (1869-1871), a few more rule changes were adopted which allowed some bills to receive different treatment than others. For example, bills reported by the District of Columbia Committee were omitted from the regular call. Instead, they were reported and considered during the afternoon hours of the third Friday of each month.

When Garfield (OH) a member of the select rules committee reported that rule change, he was questioned by Ingersoll (IL), Cook (IL) and others who thought that the designation was unreasonable. (Globe 41-2, p. 1804) Garfield (OH) told them that instead of being unreasonable the limitation was actually beneficial to other committees which would have one less committee to compete with during the regular call. Niblack (IN) then suggested that Friday afternoon sessions would relegate the District of Columbia to stepchild status. Representative Cook, a member of the District of Columbia Committee, countered Niblack's suggestion, saying that it was the best the committee members could expect. The rule was then adopted. (Globe 41-2, p. 1804)

Post route bills were also given special status through a
suggestion offered by Cox (NY) in a report from the select committee on rules of the Forty-first Congress (1869-1871). The new rule, adopted without debate, required any motion for leave to introduce a bill or a joint resolution concerning a postal route to be referred as a petition to the Post Office and Post Road Committee. (Globe 41-2, p. 3262)

Congestion in the call for and reporting of bills led not only to special handling for District of Columbia bills and post route petitions, but also to the use of unanimous consent by individual members. In response to the interruptions caused by the increased use of unanimous consent motions by members wanting to introduce bills, the House in 1872 passed a rule providing bills introduced through unanimous consent protection against motions to reconsider after their reference. Previously, the same protection was given to leave bills introduced during the first hour of the Monday call of states and territories. That rule obviated the members' need to move to lay on the table a motion to reconsider when they had permission to introduce a bill by unanimous consent. (Globe 42-1, pp. 211-214) After Holman (IN) expressed his approval of the proposal, the House adopted it. (Globe 42-2, p. 359)

All of the rule changes of the 1860s and 1870s tended to benefit the committees' authority over the production of legislation through limitations on motions for debate and reconsideration. Ironically, the greater freedom members had to introduce bills led to more control for committees over the
ultimate fate of legislation. This was more true with minor legislation. Here a member's influence was limited by rules requiring some of his key local concerns, such as the construction of post roads and offices in his district, to be referred off the floor as petitions or requests.

ATTEMPTED RULE CHANGES IN THE THIRTY-SIXTH (1859-1861) THROUGH FORTY-FIFTH (1877-1879) CONGRESSES

As has been suggested previously, the rule changes of 1860 provided some solutions to the House's procedural problems. The changes did not, however, solve all of the problems. More revisions were offered throughout the 1860s and early 1870s. Those that were adopted were discussed in the previous section. Some of the proposed changes that were offered but not adopted will now be described in order to describe the nature of member discontent.

One proposed rule change of the Thirty-eighth Congress (1863-1865) would have facilitated both committees and members attempting to develop both internal and external support for a bill, resolution, or report. Representative Yeaman (KY) proposed that "when any bill, resolution, or report is ordered to be printed, there shall be 25 extra copies printed for use of the member introducing it." (Globe 38-1, p. 134) The select committee on rules never reported on the proposal which would have enabled members to, at government expense, inform their constituents of their work. Yeaman's suggestion was countered later in the Forty-fifth Congress (1877-1879), when Foster (OH) presented a unanimous
consent resolution instructing the select committee on rules "to prepare rules that will prevent useless printing and publication of memorials in the bound copies of the Record and useless printing and distribution of private bills." (Globe 45-2, p. 450)

In the Fortieth Congress (1867-1869), Representative Lawrence (OH) offered the following resolution to increase the amount of information available to members:

"It shall be the duty of every committee to report to the House, as early as practicable, every bill and joint resolution referred to such committee, with the report or recommendation of the committee thereon; and no committee shall fail or neglect to make such report unless it shall be rendered impossible for want of time. But nothing herein shall change the existing rules regulating the order in which the committees are called for reports or enlarge the two morning hours now allowed to committees to report." (Globe 40-1, pp. 119-120)

Lawrence's resolution would have required committees to quickly issue reports or be prepared to justify the absence of a report. After the select committee on rules offered an adverse report for the resolution, it was tabled. (Globe 40-1, pp. 119-120) Since committee reports reached 151 in the Thirty-ninth (1865-1867), 136 in the Fortieth (1867-1869) and 187 in the Forty-first (1869-1871) Congresses, issuing a report on every bill and joint
resolution referred to every committees would have been impractical.

In the second session of the Fortieth Congress (1867-1869), Eliot (MA) offered a resolution instructing the select committee on rules to "provide an amendment to the rules that consent of the House shall not be asked for leave to print bills or joint resolutions before they are reported on by committee." (Globe 40-2, p. 91) That restriction would have given committees with more control over the bills referred to them since printed versions of the bills would not be readily available to non-committee members. Washburne (IL) asked Eliot to withdraw the resolution so that he could offer an amendment on the hour rule. Eliot yielded when his resolution was voted down by a vote of 64-71, with 52 not voting. (Globe 40-2, p. 92)

In the next Congress, the following resolution to facilitate the legislative productivity of the House and its committees was offered by Democratic Representative Paine (GA):

"Bills and resolutions ordered by committees to be reported shall be presented to Clerk and shall thereupon be entered upon the Journal and printed and their titles entered upon a special calendar which shall be printed and laid upon the tables of Representatives on Monday of each week; and on the next Saturday, immediately after the reading of the Journal, and before the House shall proceed to any other business the Speaker shall cause the same to be called for action by unanimous consent. All bills and resolutions to which no
objections shall then be made shall pass without amendment; all others shall be placed in their order upon the next special calendar. Bills and resolutions so presented may be brought before the House for action in the regular call of committees for reports. No debate shall be in order pending the proceedings provided for." (Globe 41-2, p. 3342)

After Paine presented the resolution by unanimous consent, it was sent to the select committee on rules which never issued a report. (Globe 41-2, p. 3342) Had Paine's resolution been adopted House operations would have been facilitated in much the same way as the Unanimous Consent Calendar did in 1909. The resolution would have helped members as well since they would have been better able to obtain consideration of minor bills for their districts.

In response to the assertion that committees needed more time to report, Representative Cullom (IL) offered a unanimous consent resolution requesting the select committee on rules to inquire into the expediency of changing the rules to devote two hours instead of one hour to the business of the morning hour Tuesday, Wednesday and Friday of each week. (Globe 41-2, p. 590) The committee apparently did not consider Cullom's suggestion as a solution to the congestion of each morning hour and therefore did not report.

Due to the continued institutional pressure caused by lengthy committee reports and associated interruptions, Representative Coburn (IN) offered a unanimous consent resolution in the
Forty-second Congress (1871-1873) instructing the select committee on rules "to inquire into the expediency of so amending rules as to allow to each committee two whole days in which to make reports upon their regular call." (Globe 42-2, p. 2168) No report of the resolution was issued.

The same fate was afforded a resolution presented by Representative Brooks (NY). His resolution stated "that in all committees of the House all business shall be done in committee; that a quorum . . . shall agree to report bills before any report can be made; that no bill or resolution shall be put on its passage by general consent unless one day's notice is first given in the Globe except on the last three days of the session." (Globe 42-2, p. 2885)

The problems associated with committee reporting were discussed during the second session of the Forty-second Congress (1871-1873), when Representative Banks (MA) offered a resolution giving a select committee on the rules the authority to sit during recess to revise rules and to make report at opening of session in the following December changes that would: (1) facilitate the present reporting of committees, (2) enlarge means for an intelligent transaction of general business and (3) secure to every member a proper opportunity to examine all legislative measures before those measures were subject to consideration and action by House. Dawes (MA) questioned the resolution's lack of restrictions. It was, however, adopted after Wood (NY) and Brooks (MA) offered support for the measure, believing it would facilitate the
presentation of reports, thus making House's operations more efficient. (Globe 42-2, p. 3819)

Representatives of the late 1870s were also troubled by members who habitually offered motions to reconsider and motions to suspend the rules. For example, in the Forty-fourth Congress (1875-1877), Representative Wilson (IO) offered the following resolution: "That all reports so made and committed to a Committee of the Whole House on the State of the Union or Committee of the Whole or recommitted to a standing or select committee and all reports that may be at any time by unanimous consent reported for commitment shall not be brought back to the house on a motion to reconsider." (Globe 44-2, p. 510)

Representative Kelley's (PA) proposed, but unadopted, revision of Rule #145 in the Forty-fifth Congress (1877-1879) serves as another example of the resolutions members offered to facilitate proceedings. The resolution stated that "the Speaker [shall not] entertain a motion to suspend the rules except during the last six days of the session and on the second and fourth Mondays of each month at expiration of one hour after Journal is read." (Globe 45-2, p. 99)

Later in the second session of the Forty-fifth Congress (1877-1879), another attempt was made to assist members in their handling of House paperwork. At that time, Representative Buckner (MO), by unanimous consent, offered a resolution which, if adopted, would have required the Clerk, on every Monday, to prepare
and print for the use of members an index of House and Senate bills, showing their number, any House or Senate action on them and the name of the committee receiving them. (*Globe* 45-2, p. 1048)

**THE IMPACT OF RULES CHANGES OF THE 1860S AND 1870S**

Previous sections have described rules and proposals related to House operations in general, and to bill introduction specifically, during the 1860s and 1870s. The sections showed that through the period members were concerned about efficiency.

Beyond the 1860s procedural changes were several other alterations that encouraged more efficient House operations. The decision in Forty-first Congress (1869-1871) to treat District of Columbia bills and postal route petitions in different ways are two examples of the continued concern for performance and productivity.

Even the unadopted resolutions that were discussed in earlier sections illustrate the desire of members to more closely follow prescribed rules. From the attempt to have bills and resolutions printed before being reported by committees to the suggestion that unanimous consent votes be taken on Saturdays for a calendar of bills when no objections were offered for them, the Representatives continued to stress efficiency. Even the resolution suggesting that each committee be allowed two days to report when called during the regular call of committees had a potential for making the House more productive.
In the following paragraphs, the effects of all the rule changes on actual House operations in the 1860s and 1870s will be described. The first section provides information on how the rules affected the presentation of petitions. The second section focuses on how they influenced the presentation of resolutions and the third section will describe how rule changes further revised the process of introducing bills.

THE PRESENTATION OF PETITIONS IN THE 1860S AND 1870S

Throughout the 1860s and 1870s, members introduced petitions through automatic reference to the Clerk for entry in the Journal, a procedure first available to members in the Twenty-seventh Congress (1841-1843) and made mandatory in the rules of the Thirty-third Congress (1853-1855). (Journal, 27-2, pp. 367, 612 and Journal 33-1, p. 284) Representatives continued to offer petitions on behalf of their constituents for the provision of private benefits. As is apparent from the information provided in Table 4-6, the varying number of petitions is reflective of the prevailing problems and issues of the period.

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<td>216</td>
<td>245</td>
<td>229</td>
<td>242</td>
<td>186</td>
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Source: Journals of the US House of Representatives, Indexes.
As the second line in Table 4-6 illustrates, the huge increase in petitions presented in the Forty-second Congress (1871-1873), when compared to Civil War Congresses, cannot be totally explained by the larger membership of the later Congress. The increase, however, was clearly associated with the many pension requests from Civil War soldiers after the War. Also, after the War Congresses, Representatives could concentrate on constituency problems rather than national issues.

John L. Thomas testified to the serious constituency demands placed on Representatives in the Thirty-ninth Congress (1865-1867), saying that,

"when I was in Congress two-thirds of my time was occupied either in going around the departments as a claim agent for somebody or in looking out for a place for somebody. This not only was self-degrading, but it degraded the Congressman even in the estimation of his constituents when he could not succeed in getting them what they wanted him to get." (White, p. 71)

Due to the environmental pressure to introduce, over four times as many petitions were reported as committee bills in the later Congress. Those private bills, however, constituted close to the same percentage of petitions found in the Thirty-seventh Congress (1861-1863). As Table 4-7 shows committees handled similar percentages of petitions in each of the Congresses, but introduced more public bills in the later Congresses.
Private bills constituted less than twenty percent of the committee bills reported in the Thirty-seventh (1861-1863) and Forty-second (1871-1873) Congresses while they had made up almost half of all committee bills reported in earlier Congresses.

In the Forty-second Congress (1871-1873), members presented 6,788 petitions and introduced 1,351 private leave bills. As mentioned previously, the number of petitions presented in the later Congress was four times the number presented in the Thirty-seventh Congress (1861-1863). The number of private leave bills introduced in the Forty-second Congress (1871-1873), in comparison, represented an increase of 220 percent, or almost 1,300 more bills than the number introduced in the Thirty-seventh Congress (1861-1863).

The fact that petitions did not fare well in the 1860s and 1870s leads to the expectation of a similar fate for the resolutions presented in those decades. The following section will
show that, indeed, similar situations did arise in the handling of resolutions.

THE PRESENTATION OF RESOLUTIONS IN THE HOUSE

As Table 4-8 illustrates, resolutions in the 1860s and 1870s increased almost fivefold. That growth occurred despite the fact that the call for resolutions was often preempted by the call for bills on alternate Mondays and members were forced to rely on unanimous consent and suspension in order to actually present resolutions.

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<td>1859-61</td>
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<td>Resolutions</td>
<td>908</td>
<td>1183</td>
<td>398</td>
<td>360</td>
<td>194</td>
<td>524</td>
<td>714</td>
<td>677</td>
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Source: Journals of the US House of Representatives, Indexes.

Apparently, members still felt that the presentation of resolutions was a worthwhile and effective method for instructing standing and select committees.

In all actuality, the war was a major cause of the increase in resolutions. Directly before, during and immediately after the Civil War, much of the House's legislative activity was taken up with the presentation, discussion and passage of war-related and slavery-related resolutions. Before the War actually started, members presented many resolutions opposing slavery. During the War, resolutions directing the President to deploy Union soldiers in
a specific way were common. After the war, many resolutions were presented in an effort to clarify the Union's readmission policies. Because these resolutions were significant, many had more influence than bills. The following paragraphs show how important some of those resolutions actually were.

During the lame duck session of the Thirty-sixth Congress (1859-1861), members divided over the House's role in maintaining the Union. Some like Washburne (IL) and Sherman (OH), wanted to pass over the "storm" that had been addressed in President Buchanan's messages of that session. Others, like Boteler (VA), wanted to confront the problem directly by organizing a select committee to investigate the problem, with representation from every state. That committee, though appointed, was never able to wield much power. One of its members, Representative Phelps (MO), said that the committee members were not the reason for its failure. He placed blame with the President, saying that "[a]fter all, the solution of this matter rests with Lincoln, rather than the Corwin group." (Barringer, p. 220) The committee did offer an answer to the slavery problem through a compromise report allowing New Mexico, which had in the past ten years garnered 22 slaves, twelve residents and ten transients, to enter as a slave state. (Barringer, p. 233)

By the second session of the Thirty-sixth Congress (1859-1861), the slavery issue reached a critical stage. Lincoln urged Congress to pass a joint resolution to insure that the United
States government would cooperate with any state attempting to gradually abolish slavery. On March 10, 1861, nine days after Lincoln expressed his desires to Congress, Roscoe Conkling (NY) presented a resolution. The House passed it by a vote of 89 to 31. The Senate also approved it by a vote of 32 to 10. No state, however, made a 'gradual attempt' to abolish slavery, and so the resolution actually did nothing. (Seitz, p. 321)

Resolutions of opposition to slavery were common throughout the Civil War. Representative Windom (MN) offered a resolution prohibiting "slavery or involuntary servitude, except as a punishment for [a] crime". (Burgess, p. 28) That resolution was referred to the Judiciary Committee which, when issuing a report on it, added a concluding phrase, "in the United States and all its Territories." (Burgess, p. 28) Windom's resolution ended up, as did most of the period, having no actual impact on the nation's affairs. Such resolutions, however, allowed Representatives to express their opinions that Confederate states had forsaken their rights and privileges when they left the Union. Besides serving as outlets for Representatives' opinions, resolutions also were used by the House to answer questions asked in presidential messages.

Majorities often blocked the introduction of seemingly less controversial resolutions, like one presented by Holman (IN), a Democrat. His resolution simply stated that "[t]he sole object of the Government . . . is, and ought to be, to maintain the integrity of the Union." (Globe 37-1, p. 117)
After the Battle of Bull Run, more resolutions regarding the war aims of the Union were accepted and passed. (Belz, p. 24) Only days after the battle, for example, Representative Cox offered a resolution calling for the creation of a congressional committee with Representatives from each state and for a citizens' committee composed of former presidents Van Buren, Pierce and Fillmore, along with other notable politicians. (Seitz, p. 266) Crittenden's Resolution, presented directly after the battle, declared that:

"[t]he present deplorable civil war has been forced upon the country by disunionists of the Southern States . . . the war is not waged . . . in any spirit of oppression, or for any purpose of conquest of subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those states, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired. As soon as these objects are accomplished, the war ought to cease." (Globe 37-1, p. 223)

Crittenden (KY) had attempted to introduce the same resolution before the battle, on July 19, but was stopped by Representative Stevens (PA). On Crittenden's second attempt to present the resolution, on July 22, directly after the House was notified of the results of Bull Run, he heard no objection. The resolution was voted on and adopted, with only ten members abstaining and two
dissenting. (Globe 37-1, p. 223) Diven (NY), one of the dissenters, felt that since such resolutions were not plans of action, they would likely end up embarrassing the House. (Seitz, p. 267)

Few resolutions received further attention from either the House or one of its committees. For example, Representative Ashley (MO) "offered measure after measure after measure, in an effort to conciliate the President's friends while asserting the general principle of supremacy in Congress." (Schouler VI, p. 532) The House never acted on any of Ashley's resolutions. They, like most of the resolutions of the 1860s and 1870s, did not fare well. Only a select few actually influenced the development of legislation.

THE EFFECT OF RULES ON BILL INTRODUCTION

As stated in the earlier discussion on rules, a call of states and territories for bills was placed in the order of business on alternate Mondays before the call for resolutions in 1860. (Globe 36-1, p. 1179) The 1860's rules also protected the reference of member-introduced bills from debate or motions to reconsider. (Globe 36-1, p. 1179) As the rule changes created more opportunities for the introduction of member-introduced bills, more bills would certainly be expected after 1860. This is especially so since after 1867 the call of states and territories for leave bills and resolutions was conducted every Monday rather than alternate Mondays.

As Table 4-9 shows, considerably more bills were introduced
in the Thirty-sixth Congress (1859-1861) than in the Thirty-second Congress (1851-1853). In the later Congress, the total number of member-introduced bills more than tripled, although the increase represented only a 4.5 percent increase in member-introduced bills as a percent of all bills introduced.

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<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
<tr>
<td>Total # of bills</td>
<td>829</td>
<td>494</td>
<td>368</td>
<td>1020</td>
<td>792</td>
<td>4052</td>
</tr>
<tr>
<td># that were Member-introduced</td>
<td>54 (6.5)</td>
<td>110 (22.3)</td>
<td>141 (38.3)</td>
<td>437 (42.8)</td>
<td>428 (54.0)</td>
<td>3295 (81.3)</td>
</tr>
<tr>
<td># that were Committee-reported</td>
<td>775 (93.5)</td>
<td>384 (77.7)</td>
<td>227 (61.7)</td>
<td>583 (57.2)</td>
<td>364 (46.0)</td>
<td>757 (18.7)</td>
</tr>
<tr>
<td>Members Active Committees+</td>
<td>245</td>
<td>229</td>
<td>237</td>
<td>242</td>
<td>186</td>
<td>253</td>
</tr>
<tr>
<td>Reports</td>
<td>1,413</td>
<td>612</td>
<td>183</td>
<td>773</td>
<td>216</td>
<td>297</td>
</tr>
</tbody>
</table>

+Committees either receiving or reporting bills

Source: Journals of the US House of Representatives, Indexes.

With the large increase in member-introduced bills by the Thirty-sixth Congress (1859-1861), another large increase might be expected in the Thirty-seventh Congress (1861-1863) since that Congress was the first in which the rule was applied in both the first and second sessions. As Table 4-9 shows, however, slightly fewer leave bills were introduced in the latter Congress. That decrease can easily be explained when the number of members who left the House when their states seceded is considered. With the
exodus of over fifty members and with the attention of the House focused on the Civil War, a decrease by only nine of the total number of member-introduced bills is rather remarkable and could even be considered as evidence that the rule change afforded the fewer members more time to introduce bills on leave.

Over seven times the number of leave bills introduced by members of the Thirty-seventh Congress (1861-1863) were introduced one decade later in the Forty-second Congress (1871-1873), the final Congress presented in Table 4-9. In comparison, only twice the number of committee-reported bills were presented in the latter Congress than had been reported in the former Congress. Crediting the return of the Southern Representatives with such a significant increase would be risky. Instead, the rule change adopted in the Thirty-ninth Congress (1865-1867) that reserved every Monday, rather than alternate Mondays, for the call of states and territories for bills led to the increase. *(Globe 39-2, p. 417)*

As that rule change eliminated the call for committee reports on the Mondays not committed to a call of states and territories for bills, a decrease in the number of committee reports between the Thirty-sixth (1859-1861) and Forty-second (1871-1873) Congresses would be expected due to the fact that less time was available for committee reports. Instead, Table 4-9 shows that committees reported 500 bills in the earlier Congress and 596 in the latter. The allocation of less time did not
discourage committees from reporting since they had more leave bills being referred to them and thus more on which to develop their own reported bills.

The involvement of members in the presentation of bills was quite different than it had been in previous decades. In the 1840s and 1850s more members reported bills on behalf of their committees without participating in the introduction of leave bills. Relatively small numbers of members either introduced leave bills only or introduced leave bill and reported bills out of committees. A change in the percentages and numbers occurred, however, in the 1860s, when a significantly larger percentage of members became involved in both activities. As Table 4-10 shows one hundred percent of the members introduced and/or reported bills in the Forty-second Congress (1871-1873), an increase of over fifty percent since the Thirty-second Congress (1851-1853).

If the members involved in the introduction of leave bills is specifically considered, the data provided in Table 4-10 shows that: (1) in the Twenty-seventh Congress (1841-1843) fifteen percent of the members introduced such bills, (2) in the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses over twenty-five percent were involved in that type of introduction, (3) in the Thirty-sixth (1859-1861) and Thirty-seventh (1861-1863) Congresses over fifty percent were involved and (4) by the Forty-second Congress (1871-1873), ninety-nine percent of the members introduced leave bills.
TABLE 4-10
MEMBERS INVOLVED IN BILL INTRODUCTION

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
</tbody>
</table>

Members only introducing bills on leave
12 (5%) 36 (16%) 36 (13%) 56 (23%) 50 (27%) 124 (49%)

Members both report & introducing bills
25 (10%) 30 (13%) 30 (15%) 81 (34%) 69 (37%) 127 (50%)

Members only reporting bills
122 (50%) 66 (29%) 44 (19%) 40 (17%) 24 (13%) 2 (1%)

Total participating
159 (65%) 132 (58%) 110 (47%) 177 (74%) 143 (77%)
253 (100%)

*% given is % of entire membership of the House during that Congress

Source: Journals of the US House of Representatives, Indexes.

Table 4-11 illustrates that party membership did not differentiate the members who introduced leave bills from those who did not. As had been the case in the 1840s and 1850s, the majority parties of the 1860s and 1870s did not dominate the leave method. The Speakers of those decades obviously did not, or maybe could not, use that procedure to advance the desires of their parties.

TABLE 4-11
PARTISANSHIP OF MEMBERS INVOLVED IN BILL INTRODUCTION

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
</tbody>
</table>

Majority Party Member*
14 (10%) 39 (34%) 38 (30%) 54 (51%) 68 (61%) 138 (99%)

Minority Party Members*
8 (9%) 22 (21%) 27 (15%) 54 (55%) 28 (53%) 102 (98%)

*% given is % of all members of the party
In comparison to the findings in Table 4-11, Table 4-12 presents evidence that partisanship did matter when committees offered reports. Many more members of the majority party were active in reporting committee bills, especially during the Forty-second Congress (1871-1873) when the number of majority party members reporting bills constituted four times the number of minority party members reporting. Beyond numbers, the percentages provided in Table 4-12 also prove that the majority party members were advantaged in their reporting capabilities. When almost three-fourths of one group is able to participate in an activity and only one-fourth of another group is given the same opportunity, the difference is substantial.

<table>
<thead>
<tr>
<th>TABLE 4-12</th>
<th>PARTISANSHIP OF MEMBERS INVOLVED IN COMMITTEE REPORTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congress</td>
<td>27th</td>
</tr>
<tr>
<td></td>
<td>1841-43</td>
</tr>
<tr>
<td>Majority Party Member*</td>
<td>81(58%)</td>
</tr>
<tr>
<td>Minority Party Members*</td>
<td>38(40%)</td>
</tr>
</tbody>
</table>

**% given is % of all members of the party

Since the characteristics of individual members who introduced leave bills are not that different from those of members who did not, the characteristics of the bills they introduced will now be discussed in order to determine if the topic of leave bills was in any way different from that of
committee-reported bills. As is evident from Table 4-13 throughout the 1840s and 1850s, a large percentage of all member-introduced bills were constituency related. By the Thirty-seventh Congress (1861-1863), the percentage of all member-introduced constituency bills decreased to less than fifty percent of all the public leave bills. More constituency bills were introduced in the Forty-second Congress (1871-1873). They, however, represented less than half of all the public bills introduced by either committees or individuals.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
<tr>
<td>Constituency bills$</td>
<td>116</td>
<td>116</td>
<td>152</td>
<td>286</td>
<td>205</td>
<td>951</td>
</tr>
<tr>
<td>Member-introduced*</td>
<td>20(42%)</td>
<td>66(70%)</td>
<td>91(73%)</td>
<td>228(65%)</td>
<td>137(37%)</td>
<td>860(44%)</td>
</tr>
<tr>
<td>Committee-reported+</td>
<td>96(33%)</td>
<td>50(38%)</td>
<td>61(53%)</td>
<td>58(41%)</td>
<td>68(28%)</td>
<td>91(36%)</td>
</tr>
<tr>
<td>Private bills</td>
<td>491</td>
<td>267</td>
<td>129</td>
<td>529</td>
<td>179</td>
<td>1845</td>
</tr>
<tr>
<td>Member-introduced#</td>
<td>9(16%)</td>
<td>15(14%)</td>
<td>17(12%)</td>
<td>87(20%)</td>
<td>59(14%)</td>
<td>1340(41%)</td>
</tr>
<tr>
<td>Committee-reported@</td>
<td>252(66%)</td>
<td>112(49%)</td>
<td>442(76%)</td>
<td>120(33%)</td>
<td>505(67%)</td>
<td></td>
</tr>
</tbody>
</table>

$ constituency bill examples: river and/or harbor developments, Indian protection and relief from Indian depredation, land grants, post office construction, railroad construction, courthouse construction

* percent given is percent of all public member-introduced bills
+ percent given is percent of all public committee-reported bills
# percent given is percent of all member-introduced bills
@ percent given is percent of all committee-reported bills

The trend toward introducing more public, non-constituency oriented, leave bills was also made apparent when the percentages of all leave bills that were private are presented. In the
Thirty-sixth (1859-1861) and Thirty-seventh (1861-1863) Congresses, private bills represented less than one-fourth of all leave bills, while they represented less than half of those introduced in the Forty-second Congress (1871-1873). In comparison, over two-thirds of the bills reported by committees were private in the Thirty-sixth (1859-1861) and Forty-second (1871-1873) Congresses.

Member-introduced bills, no matter what their topic, still received less attention from the House than committee-reported bills. As shown in Tables 4-14 and 4-15, fewer and a smaller percentage of bills introduced by individual members, when compared to committee-reported bills, were ever discussed in a committee of the whole or voted on by the House and/or the Senate. Apparently members continued to introduce leave bills, regardless of their fate, for personal advertising or credit seeking.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
<tr>
<td>Action taken by a committee of the whole</td>
<td>32(60%)</td>
<td>45(41%)</td>
<td>91(65%)</td>
<td>171(39%)</td>
<td>190(44%)</td>
<td>730(22%)</td>
</tr>
<tr>
<td>Passed in House</td>
<td>25(46%)</td>
<td>11(10%)</td>
<td>32(23%)</td>
<td>52(12%)</td>
<td>86(20%)</td>
<td>471(14%)</td>
</tr>
<tr>
<td>Passed in House and Senate</td>
<td>20(37%)</td>
<td>7(6%)</td>
<td>18(13%)</td>
<td>33(8%)</td>
<td>64(15%)</td>
<td>300(9%)</td>
</tr>
</tbody>
</table>

* percent given is percent of all member-introduced bills

Committee control can be at least partially blamed for the fate of member-introduced bills since committees were not as
likely to promote leave bills as their own committee bills. Committees also began introducing substitute bills for leave bills referred to them.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
<tr>
<td>Action taken by a committee of the whole</td>
<td>625(81%)</td>
<td>237(62%)</td>
<td>197(87%)</td>
<td>323(55%)</td>
<td>263(72%)</td>
<td>737(97%)</td>
</tr>
<tr>
<td>Passed in House</td>
<td>54(70%)</td>
<td>162(42%)</td>
<td>169(75%)</td>
<td>260(45%)</td>
<td>207(57%)</td>
<td>672(89%)</td>
</tr>
<tr>
<td>Passed in House and Senate</td>
<td>43(56%)</td>
<td>75(20%)</td>
<td>138(61%)</td>
<td>164(28%)</td>
<td>168(46%)</td>
<td>398(53%)</td>
</tr>
</tbody>
</table>

* percent given is percent of all committee-reported bills

---

**LEGISLATION IN THE HOUSE**

The Civil War and Reconstruction constrained House operations to a large extent during the 1860s and 1870s. Those issues were not only national problems but were also associated with each member's district and constituency responsibilities. Because of this concentration of attention, much of the legislation of those decades was related to the War and Reconstruction. The following paragraphs will discuss how committees dominated the development of war- and Reconstruction-related legislation.

House committees controlled financial legislation throughout the period. Prior to the Civil War, the Ways and Means Committee reported all appropriations bills. The number of such appropriations bills ranged from one in 1789 to 21 in the 1850s. The War, however, created such a strain on the committee's
membership that the Committees on Appropriations and Banking and Currency were created in 1865. The Appropriations Committee was formed to examine "the estimates of the Departments and exclusively the consideration of all appropriations." (Globe 38-2, p. 1312) Banking and Currency was established to charter and oversee national banks, issue bank loans, and issue, tax and redeem national bank notes. (p. 65)

In the Thirty-seventh Congress (1861-1863), committees "provided with unstinted generosity" for the war by reporting large military appropriations bills. (Schouler VI, p. 86) One such bill provided $3,000,000 for temporary increases in the navy's size and for the building and purchases of vessels. Another bill appropriated $1,500,000 for experimentation on iron and steel-clad steamboats and floating batteries.

The Military Affairs and Naval Affairs Committees were also especially active due to the War. Bills reported by these committees that became law increased the efficiency of the War and Navy Departments, abolished flogging in the army, provided equipment for gunboats in the Western waters, built new fortifications, and even raised the pay of soldiers to thirteen dollars a month. (Schouler VI, p. 86)

After the Civil War, committees reported bills to organize Reconstruction plans and to rehabilitate the nation's economy. A Joint Committee on Reconstruction developed proposals between 1865 and 1867 and a Select Committee on Reconstruction
continued the activities until 1871. The majority of post-war legislation, however, came from other committees, such as the various claims committees which reported the following numbers of bills during the Thirty-sixth Congress (1859-1861): Invalid Pensions reported 133 bills; Revolutionary Claims reported 51, Revolutionary Pensions reported 38 and Claims reported 29.

Committees also introduced bills for public works and public buildings. According to Roy Nichols, through such committee-reported legislation, the Union was...

"transformed into a nation with a grand idea of Federal subsidy, encouragement and protection to corporate enterprise. These grants and subsidies, added to the giant war expenditures, were to stimulate the national economy to take great strides in the mobilization and accumulation of wealth." (Nichols, p. 47)

Individual Congressmen addressed the issues of slavery and the war through numerous resolutions and leave bills, most of which were not reported from the committees to which they were referred. In the Thirty-sixth Congress (1859-1861) the Commerce Committee received 67 bills, the Public Lands was referred 65, the Judiciary Committee was referred 45 and the Military Affairs Committee received 38.

One Representative, through the presentation of resolutions, made repeated attempts to pacify Congressmen who though that
during the War Lincoln had seriously abused his power to execute the laws. Republican James M. Ashley (OH) "offered measure after measure, in an effort to conciliate the president's friends while asserting the general principle of supremacy in Congress." (Schouler VI, p. 532) The House, however, did not act on any of Ashley's proposals.

Congressmen were unsuccessful in their introduction of Reconstruction-related measures due to the strong preferences of the various factions in the House. For example, on January 3, 1867, Republican Stevens (PA) introduced drastic Reconstruction proposals. Immediately after Stevens introduced resolutions concerning reconstruction in Texas and Southern voting qualifications, Ashley introduced substitutes calling for the division of Texas into two states, the permanent voting disqualification of Confederate military and civilian leaders, and the provision of free education for all children in the South. (Donald, p. 65) Bingham (PA) found another way of addressing Stevens' resolutions. He wanted to simply kill such actions in committee. (Donald, p. 67) Stevens (PA) soon realized the animosity over his proposals and warned the Radicals that if they did not support him and his measures they would ruin any chance they had of passing sound Reconstruction legislation. (Donald, p. 68)

While war- and Reconstruction-related leave bills were not likely to be reported by committees or passed into law, members
did have some success in introducing domestic development bills which in a previous section were shown to be a major concern of members when introducing leave bills. Many such bills should be credited to a man who was never elected to Congress but heavily influenced its operations. Greenville Dodge, a railroad engineer, realized early that a Congressman's power could be exploited. Through his friendships, he received preferential treatment in land grants for railroad construction. (Sage, p. 42) In particular, his friendship with Republican William Allison (IO) provided specific benefits.

Allison became known as the "railroad Congressman" when in the Thirty-eighth Congress (1863-1865) on January 20, 1864 he introduced a land grant bill for the McGregor Western and Cedar Falls and Minnesota Railroad Companies. Both companies wanted to build railroads in Iowa, Allison's home state. (Globe 38-1, p. 281) That bill was referred to the Public Lands Committee, of which Allison was a member. In committee, the bill was altered to propose a Sioux City-Minnesota railway instead of a Cedar Falls-Minnesota railway. Allison wrote of this action to his hometown newspaper. He proudly stated that he had performed a constituency service, saying, "I have succeeded in getting through the House for you my McGregor land grant bill." (Sage, p. 65) That was not the only time he used the bill to build political clout. In fact, Allison continued to use the land grant bill as late as 1908 when he was running for Iowa's US Senate seat. (Sage, p. 347)
According to Leeland Sage,

"Allison had been serving the railroad interests with another bill, introduced on February 17, 1864. This was an amendment to the original Iowa railroad land grant act of May 15, 1856, and incorporated, among other things, a provision sponsored by James F. Wilson that the Mississippi and Missouri railroad must run through the cities of Des Moines and Council Bluffs. General Dodge, not too busy winning the war to keep up with the proceedings in Washington when railroads were at stake, sent an inquiry to Kasson, asking why Allison and not Wilson, had introduced the bill. His query was answered by the ubiquitous Herbert M. Hoxie, who had come to Washington in connection with this legislation. Hoxie explained to Dodge that "Allison introduced the bill for two reasons. One that he was on the Land Committee, the other that we wanted to commit him by provisions." (Sage, p. 65)

Allison's actions were common. Sage even said that the real business of Congress was not that "which appeared in the Congressional Globe" nor that "which was conducted according to the rules contained in the 500-page Speaker's Manual" but was, in fact, done outside the chambers confines and dominated by railroad lobbyists. (Sage, p. 77) Men like Dodge and Platt Smith of the Dubuque and Sioux City Railroad Company used Congressmen as "legislative agents", "intermediaries between the railroads and the Eastern financial interests." (Sage, p. 78)
CONCLUSION

This chapter has described the House during the decades of and immediately after the Civil War. Evidence has shown that the House during those years was under a great amount of stress. Its members were also wearied by the many different issues they were forced to address.

The rules changes passed in the 1860s and 1870s emphasized efficiency in House organization and operations. The changes were most often initiated by the select committee on rules and passed with little debate since the critical state in which the nation warranted immediate responses. Two such rule changes extended the opportunity for members to introduce leave bills, thus leading to increases in their number each Congress.

No one party benefited from the changes regarding bill introduction. The true beneficiaries of the alterations were, in fact, difficult to discern since one of their results was an explosion in the number of bills introduced each Congress. Since House committees could not consider the numerous leave bills they were referred, many private pension or constituency-related member-introduced bills were actually dead upon their reference. Representatives, on the other hand, benefited from the publicity they received for introducing leave bills but were not able to reap credit for actual providing the benefit to their constituents.

The explosion of bills did not stop in the 1870s, but reached unmanageable numbers and further increased in the 1880s and
1890s. Chapter Five will describe the Congresses of the last two decades of the nineteenth century. That chapter will also describe the ultimate triumph of leave bills and the consequences of their triumph on House procedures.
CHAPTER 5
OFF FLOOR BILL INTRODUCTION
THE FORTY-SIXTH (1879-1881) THROUGH THE
FIFTY-THIRD (1893-1895) CONGRESSES

CHAPTER INTRODUCTION

In the Forty-sixth Congress (1879-1881), the House continued to be plagued with problems associated with inefficiency and Representatives continued to deal with such procedural problems by offering proposals to revise the rules and by accepting informal revisions in the conduct of business. As the numbers of both members and bills had increased since the last major revision of the rules in 1860, members used alternative methods to force the House to consider their preferred issues. The need for an overhaul of the rules in 1880 is further proved by increased use of unanimous consent in the introduction of bills.

By 1880 members realized that as leave bills reached an uncontrollable number, committees gained more power over legislation through their ability to choose from thousands of bills which to consider. Thus, as members over a century incrementally improved their introduction opportunities, committee control over legislation increased. The growing dominance of leave bills as well as growth in the House's membership and its business led to important rules changes in 1880. Those changes reorganized over 160 rules into forty general categories in an effort to maximize efficiency.
Among the rule changes was a reformulation of the procedures for introducing and referring legislative business. The rule on bill introduction was eliminated, as were references to leave bills and committee bills. (*Journal* 46-2, pp. 1547-1550)

The rules also totally removed the opportunity for motions to reconsider bills, resolutions and petitions once referred and attempted to protect the order of business by prohibiting suspension motions and debate during the Monday call for bills and resolutions, allowing them only after the call on the first and third Mondays, instead of every Monday. (*Journal*, 46-2, pp. 1551, 1546, 1549-1550) With regard to the order of business, the new rules resuscitated the daily morning hour call for committee reports. (*Journal* 46-2, p. 1544, 1546, 1549-1550)

A desire to be bound by procedures was emphasized in the revisions for adherence to a calendar system with specific times when motions to go into committees of the whole to take up bills on a calendar were in order. (*Journal* 46-2, p. 1544, 1548-1549) Challenging adherence to the regular order of business on the calendar required a roll-call vote without debate except when motions to consider general appropriations or revenue bills or rivers and harbors bills were offered. Another provision eliminated the opportunity for a few objectors to force bills to be passed over during calls of the private calendar. Instead, a roll call vote on the floor had to sustain a motion to go against the order of the calendar. (Hinds 4:4729) Additionally, the vote to
dispense with private business on Fridays was raised to
two-thirds. (Record 46-2, pp. 201, 1208)

In general, the revisions of 1880 were not radical in that
their intent was to better organize the rules and encourage
obedience to their prescribed procedures. Some members did
complain that the changes provided standing committees and the
Speaker too much power. This complaint was valid due to the
limited opportunity members had to influence committees.

Debate over the revisions involved party considerations,
policy divisions and organizational and institutional concerns. The
background of these divisive elements must be discussed before
their actual impact can be understood. The following sections will
therefore describe characteristics of the House and its members.
Thereafter, a discussion of the rules' influence over the House's
production of legislation will be presented.

HOUSE CHARACTERISTICS IN THE FORTY-SIXTH
(1879-1881) THROUGH FIFTY-FIRST (1889-1891)
CONGRESSES

The House in the decade between the Forty-second
(1871-1873) and Forty-seventh (1881-1883) Congresses grew by
almost fifty and by another 35 in the Fifty-second Congress
(1891-1893). Table 5-1 shows the increases in membership during
the last decades of the nineteenth century. As the data illustrate,
in the Fifty-second Congress (1891-1893) the House was 81
percent larger than it had been in the Thirty-seventh Congress
(1861-1863) and 33 percent larger than it had been in the Forty-second Congress (1871-1873). Table 5-1 shows that by the Fifty-second Congress (1891-1893) the number of delegates dropped to an insignificant one percent.

<table>
<thead>
<tr>
<th>Congress</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
<th>47th</th>
<th>52nd</th>
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</thead>
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<tr>
<td></td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
<td>1881-83</td>
<td>1891-93</td>
</tr>
<tr>
<td>Members</td>
<td>242</td>
<td>227</td>
<td>237</td>
<td>178</td>
<td>243</td>
<td>293</td>
<td>333</td>
</tr>
<tr>
<td>Delegates</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>8</td>
<td>10</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>245</td>
<td>229</td>
<td>242</td>
<td>186</td>
<td>253</td>
<td>301</td>
<td>337</td>
</tr>
</tbody>
</table>

Source: *Journals of the US House of Representatives*, Indexes.

As a result of the substantial increase in members, emphasis on formality and standardization in procedures should be expected.

The increase in membership was caused by the admission of new territories and states. Table 5-2 shows that between the Thirty-sixth (1859-1861) and Fifty-second (1891-1893) Congresses the number of states increased by 33 percent.

<table>
<thead>
<tr>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
<th>47th</th>
<th>52nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
<td>1881-83</td>
<td>1891-93</td>
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<tr>
<td>33</td>
<td>33</td>
<td>33</td>
<td>27</td>
<td>36</td>
<td>38</td>
<td>44</td>
</tr>
</tbody>
</table>


Though the number of states increased by less than one-fourth between the Forty-seventh (1881-1883) and Fifty-second
(1891-1893) Congresses, the new states, Washington, South Dakota, North Dakota, Montana, Idaho, and Wyoming, created new concerns for the House as they were all part of the Great West. Along with the admission of new states was a substantial increase in the nation's population. Between the censuses of 1870 and 1880 the population grew by 26 percent, from 39,818,449 to 50,155,783 and between the census of 1880 and that of 1890, grew by another 26 percent to 62,947,714. (Bailey and Kennedy, p. xxi) Population increases led to larger constituencies and more challenges for Representatives. For example, in the Forty-seventh Congress (1881-1883), Horr (MI) complained about his constituency-related work, saying:

"I think it is safe to say that each member of this House receives fifty letters each week; many receive more. . . One-quarter of them, perhaps, will be from soldiers asking aid in their pension cases, and each soldier is clear in his own mind that the member can help his case out if he will only make it a special case and give it special attention; and each one of them will request that you shall call personally at the Pension Department and urge his particular case forward. . . Another man writes you to look up some matter in reference to a land patent. Another says his homestead claim should be looked after and he wants you to learn and let him know why he does not receive his full title. Another has invented some machine and the department have declared his discovery to be already supplemented by some former inventor and have refused his patent."
Another has a son or brother in the Regular Army whom he would like to have discharged. Another has a recreant son whom he would like to get into the Regular Army. . . . Another wants you to drop into the Treasury Department and see about some claims. . . . Another has had his boat tied up and he wants her released. Another would like . . . you go to the Post-Office Department and see if extra clerk hire cannot be allowed his office. Another wants a new post-route established, and now and then some strange, singular man will seek an appointment as postmaster . . . " (White, p. 72)

According to Norris and Shaffer's analysis of twelve years of correspondence between Garfield (OH) and his political lieutenant in Ohio's 19th congressional district, the Congressman received many requests. The two editors present correspondence that leads to the conclusion that Garfield was sensitive to constituent needs, attempting to provide specialized benefits, in particular postmaster appointments, to his supporters. (Norris and Shaffer, p. xvi) The following quote from Norris and Shaffer questions the varying constituency-related responsibilities:

"How did the 19th century Congressman maintain his base of power at home without benefit of mass communication and rapid transportation? How did he use his patronage to build and operate local political organizations? How did he gauge the effects of national issues on his constituents? And to what extent did the interests and aspirations of his constituents affect his actions in Congress?" (Norris and Shaffer, p. ix)
In spite of continuing regional problems and increased constituency pressures, members sought reelection more often in the last decades of the 1800s. In fact, in the 1880s the terms of service for members averaged 2.43 terms, compared to 1.94 terms in the 1860s and 2.05 terms in the 1870s.

<table>
<thead>
<tr>
<th>TABLE 5-3</th>
<th>PERCENTAGE OF FRESHMEN REPRESENTATIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>31st 1849-51</td>
<td>32nd 1851-53</td>
</tr>
<tr>
<td>53%</td>
<td>53%</td>
</tr>
</tbody>
</table>

Source: *Journals of the US House of Representatives*, Indexes.

However, as Table 5-3 shows, the percentage of freshmen remained high throughout the final thirty years of the nineteenth century, constituting over forty percent even in the Fifty-second Congress (1891-1893).

As should be apparent from the newly admitted states listed in the earlier paragraph, states became more varied in their cultural, geographic and economic characteristics. The next section will describe how these regional issues further stymied House procedures.

**REGIONALISM**

While Reconstruction was within the recent past, a new sectionalism developed with the admission of western states. That sectionalism was related to party politics as Republican
majorities quickly admitted territories with Republican biases, but were slow in admitting territories with Democratic preferences. (Mayer, p. 223) Proof of this assertion is found when both Arizona and New Mexico, states with strong Democratic party affiliations, were denied admission when Republicans held a controlling majority in the House. North Dakota, Wyoming, South Dakota, Idaho, Montana and Washington, in comparison, had often elected Republicans and were quickly granted statehood. (Mayer, p. 223)

The new states brought with them new problems, such as droughts, low agricultural prices, and the depressed silver mining industry, issues which distinguished the new Republican Representatives from non-western Republicans. (Mayer, p. 223)

PARTY COMPOSITION

Republicans held considerable support in western states, but faced Democratic competition elsewhere. From 1876 through 1892, the Democratic party was strongest in the southern and border states while Republicans were strongest in both the New England and Upper Mississippi Valley regions of the country. (Mayer, pp. 171-172)

The South's solid support kept the Democratic party in the majority in every Congress between 1872 and 1888, except for the Forty-seventh (1881-1883) and Fifty-first (1889-1891) Congresses, when Republicans held slim majorities. Table 5-4 shows that Democrats held 52 to 62 percent majorities before the
Fifty-second Congress (1891-1893), when its representation soared to 72 percent.

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<thead>
<tr>
<th></th>
<th>45th</th>
<th>46th</th>
<th>47th</th>
<th>48th</th>
<th>49th</th>
<th>50th</th>
<th>51st</th>
<th>52nd</th>
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<tbody>
<tr>
<td></td>
<td>1877-79</td>
<td>1879-81</td>
<td>1881-83</td>
<td>1883-85</td>
<td>1885-87</td>
<td>1887-89</td>
<td>1889-91</td>
<td>1891-93</td>
</tr>
<tr>
<td>Republicans</td>
<td>140</td>
<td>130</td>
<td>147</td>
<td>118</td>
<td>140</td>
<td>152</td>
<td>166</td>
<td>88</td>
</tr>
<tr>
<td>Democrats</td>
<td>153</td>
<td>149</td>
<td>135</td>
<td>197</td>
<td>183</td>
<td>169</td>
<td>159</td>
<td>231</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
<td>14</td>
<td>11</td>
<td>10</td>
<td>2</td>
<td>4</td>
<td>-</td>
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</tbody>
</table>

Source: Biographical Index of the US House of Representatives.

The issues addressed by both parties during the 1880s and 1890s were reminiscent of a previous era. Republicans frequently waved the bloody shirt, avoiding more relevant economic and social issues. Republicans, in fact, went so far as to elicit concern among veterans, warning them that Democrats would drastically cut their pensions. (Mayer, p. 203) Republicans also defamed the Democrats, proclaiming them the party of Rum, Romanism and Rebellion.

Beyond the superficial, politically-motivated variances between the parties were relevant policy differences. During this period of intra-party cohesion and inter-party competition, Republicans supported a high tariff while Democrats vehemently opposed one. The following quote, an inflammatory statement by Democrat John Collin (NY), illustrates the extreme partisan conflict over the issue:
"I . . . am cheered by the hope that the intelligence and integrity of the people will enable them to burst the chains with which this corruptive protective tariff party has bound them, and by restoring the States not a mere shadow and a name, but the full possession of sovereign power over their moral, civil and industrial interests, and thereby become a happy, prosperous and united people, setting a noble example to the will of mankind." (Collin, p. 84)

Collin further justified his distaste for Republican tariff proposals with the following statement:

"The census shows that labor constitutes only twenty percent of the cost of manufactures, and yet Republicans claim that a fifty percent duty should be imposed in order to protect manufacturers against cheap foreign labor." (Collin, p. 149)

Beyond the tariff argument, the Democrats and Republicans were divided by personality conflicts as well. The next section will describe how those personalities affected the House's legislative potential.

**LEADERSHIP**

Members questioned the control party leaders had over the conduct of business when they revised the rules in 1880. Reasons for such questions were many. For example, controversy surrounded Democrat Speaker Samuel Randall's (PA) support of high Republican-backed tariff legislation in the Forty-fourth
(1875-1877), Forty-fifth (1877-1879) and Forty-sixth (1879-1881) Congresses. With committee appointments, on the other hand, Randall exemplified a high degree of partisanship. The following quote suggest that regardless of his opposition to his party's position on the tariff, Randall performed his duties competently:

"The most conspicuous service rendered by Mr. Randall, whose great talents of leadership in the Speaker's chair were exercised in a period when the executive head of government belonged to a party other than his own, was in the drastic interpretation of the rules of the House to prevent a filibuster and compel the House to abide by the result of the report of the Presidential Electoral Commission, in 1877, thus preventing a disputed succession to the presidency." (Brown, 1922, p. 78)

When Republicans became the majority in 1881, intra-party problems prevailed. (Mayer, p. 198) In the Speaker's elections, Joseph Keifer (OH), a Republican Stalwart was elected after competing against both Half-breed and Independent Republicans. Intra-party division persisted after Keifer favored Stalwarts in his committee appointments. (Kennon, p. 175) In the Forty-eighth (1883-1885), Forty-ninth (1885-1887) and Fiftieth (1887-1889) Congresses, on the other hand, bipartisan support was achieved through Democrat John Carlisle's (KY) election to the Speakership. Carlisle was noted not only for his advocacy of tariff reform but
also for his command of House procedures. (Kennon, p. 178)

In the Fifty-first Congress (1889-1891), Republicans controlled both Houses and the Presidency, but were still divided as the contest for the Speakership in its party caucus suggests. Thomas Reed (ME) was elected, but not without facing serious challenge from fellow Republicans. Because of this dissension, Reed was concerned about his party's legislative performance and began promoted majority party responsibility. (Galloway, 1936, p. 136)

The partisan and regional preferences of Speakers Randall (PA), Keifer (OH), Carlisle (KY) and Reed (ME) were apparent in their committee chairmen appointments. For example, Reed's appointments in the Fifty-first Congress (1889-1891) not only benefited Republicans over Democrats but also advantaged northern Republicans over southern and western Republicans. Of the 49 appointments Randall made in the first session of that Congress, 25 came from north central states, fifteen from mid-Atlantic states, seven from New England, one from the South and one from the West. (Galloway, 1969, p. 135)

The previous sections have shown that the House grew in its membership, as well as in the spectrum of its members' concerns. That members on average were serving more terms was described as was the fact that they were deeply divided by partisan emotions. The rule changes of 1880 affected House procedures and policies as did the characteristics that have already been
described. The rule changes will, therefore, be described in the following sections. Both successful and unsuccessful attempts to change the rules in subsequent Congresses will also be mentioned for their actual or potential impact on House productivity. The discussion will conclude with a description of the 1890's rules changes that forever altered the method of bill introduction.

DISCONTENT WITH THE RULES IN THE FIRST SESSION OF THE FORTY-SIXTH CONGRESS (1879-1881)

In the first session of the Forty-sixth Congress (1879-1881), members expressed their dissatisfaction with House rules and procedures and suggested changes to facilitate committee reporting and member bill introduction. Most proposals were never reported by the Rules Committee. For example, on the first day of the session, Springer (IL) offered a revision of Rule #77 requiring the Committees on Appropriations, Foreign Affairs, Military Affairs, Naval Affairs, Indian Affairs and Post Office and Post Roads to report thirty days after appointment every second session. According to Springer's proposal, if a committee did not report, it would have leave to at any time. (Record 46-1, p. 10-11) Hooker (MS) amended Springer's resolution by including the Commerce, Invalid Pensions, and Public Buildings and Grounds Committees. (Record 46-1, p. 10-11) Both Springer's resolution and Hooker's amendment were not reported by the Rules Committee.

Springer (IL) also attempted to increase efficiency in the
introduction of private business by resolving that:

"All private bills granting pensions shall hereafter be presented with an accompanying petitions of the claimant, and both petition and bill shall be deposited in the petition box and referred to an appropriate committee without printing; which committee shall consider all such petitions and bills and shall report from time to time a general bill which shall include therein the names of all persons whom said committee shall find to be entitled to pensions, and accompanying each bill with a report upon each case included therein briefly stating the facts thereof; which general bills and accompanying report shall when reported to the House be printed and referred to a Committee of the Whole House on a private calendar." (Record 46-1, p. 337)

Cox (NY) suggested a similar method for introducing some public as well as private business, resolving to amend Rule #9, Clause 3 to read as follows: "All bills for improvement of Rivers and Harbors, for the establishment or change of postal routes and private bills shall be delivered to the Clerk, as in the case of petitions and memorials for reference to the appropriate committees." (Record 46-1, p. 1327) During the Forty-sixth Congress (1879-1881), neither Springer's and Cox's proposals were reported by the Rules Committee.

Members were not only dissatisfied with reporting and introduction procedures, they were also concerned about the
overall operations of the House. Morrison's (IL) presentation of the following revisions serves as an example of this discontent: (1) that each Monday after the Journal was read, states and territories be called for bills and resolutions, whether concurrent or joint or for inquiry of an executive branch department, for printing and reference without debate; (2) that after the Journal was read and approved on all days except Mondays, the Speaker lay before the House for reference presidential messages, departmental reports and other communications, along with Senate bills, resolutions, and messages received on the previous day; (3) that after the Speaker's Table was disposed of on all days except Mondays, and after the call of states and territories on the second and fourth Mondays, a morning hour be provided for committee reports; (4) that copies of committee reports no longer be sent to members and delegates; and (5) that after the hour for committee reports expired or was completed, committees, in regular order for one hour, could call up bills on the House or Union Calendars for consideration. (Record 46-1, p. 139) Morrison's last proposal included several restrictions. First, when a committee occupied the hour for one day it could not designate another proposition until all other committees were called. Second, if a proposition occupied two hours of the call, it would be placed on a Calendar of Unfinished Business. Finally, when the hour ended, unfinished business would be considered. (Record 46-1, p. 139) As with the
previously mentioned suggestions, Morrison's was not reported by the Rules Committee.

Like Morrison, Davis (NC) attempted to improve the conduct of House business by offering a resolution that the House act immediately and without debate upon members' requests for information from the executive branch. (Record 46-1, p. 741) Mills (TX) offered the following support for Davis' suggestion:

"What is the necessity of having a resolution calling for information from one of the Executive Departments referred to a committee? What is the use of my offering a resolution of that kind and having it referred to a committee and then buried? If I or my constituents want information and I offer a resolution for that purpose, it is useless to ask it if it has to go to a committee." (Record 46-1, p. 1018)

Garfield (OH) opposed the proposal for two reasons. First, a danger of duplicating calls existed. Second,

"[i]t is thought better . . . to say that on Monday morning during the call of states there may also be admitted and referred to committees requests for executive information and that the committees shall have leave to report at any time that will give everybody a fair chance to get his call for executive information once a week and also give us some order about this matter . . . so as [not] to put the [executive branch] departments to the necessity of employing a large number of clerks for a useless purpose." (Record 46-1, p. 1018)
Mills (TX) disagreed with Garfield (OH), saying that though he had only been a Representative for "six or seven years" he never saw abuse in the requests for executive branch information. (Record 46-1, p. 1018) He thought that when a member requested information affecting his district, "one gentleman sitting upon the floor, perhaps a little dyspeptic" should not be able to deprive him the right. (Record 46-1, p. 1018) Speaker Randall settled the matter, saying that "if each and every member of the House possessed the right to introduce at any time a resolution calling for executive information it might lead to abuse; it might lead to an obstruction of public business. A skillful member might use such a power so as to prevent the views of the majority from being shaped into legislation." (Record 46-1, p. 1019) Stephens (GA) agreed, saying that in 1843, it was common "every morning to introduce resolutions calling for this kind of information as it was to ask leave to introduce a bill." (Record 46-1, p. 1019)

Unlike other members, Fort (IL) was successful in his attempt to revise the morning hour. He offered the following amendment to Rule #51: "and the morning hour shall not be dispensed with upon any day for any purpose except by a vote of two-thirds of the members present". (Record 46-1, pp. 337-340) After the amendment was adopted, Townshend (IL) asked that states be called alphabetically for bills and resolutions. His
revision was not adopted. (Record 46-1, pp. 337-340)

Throughout the first session of the Forty-sixth Congress (1879-1881) disagreements over House rules occurred. Some arguments were motivated by partisan conflict, others by institutional concerns. Even though general agreement existed that the rules needed to be revised, an attempt offered late in the first session to allow the Rules Committee to sit during the recess in order to codify and simplify the rules was thoroughly debated. After Blackburn (KY) offered the privileged report, major opposition developed. Conger (MI) contended that "as the occasion arises, if we have a Speaker in the chair capable of discriminating in regard to the necessities of business and the proprieties of rules, he will necessarily himself work into the best system of rules that can be obtained." (Record 46-1, p. 2329) The Speaker then reminded members that the rules to "restrict and chain" the minority were introduced before he became Speaker and that his party, once in the majority, repealed the rules that had "fettered" the minority. (Record 46-1, p. 2329) Mills (TX), however, argued that the Speaker's party had not improved the rules since:

"[t]he difficulty that the Rules now throw in the way of a majority of the House, it makes no difference which party has it . . . is almost insurmountable. Now here is the morning hour. All committees have to report in the morning hour; and there is only one hour. It has been called the "nine holes" [since when] a bill comes
in which is distasteful to the minority . . . they can delay it a whole Congress if they want, keeping it in the morning hour and preventing other committees from reporting. They ought not to have the power. We should have the rules so drawn that all the committees can report; that their reports may go on the Calendar and that the Calendar shall be called in regular order and disposed of." (Record 46-1, p. 2330)

As a majority of the members supported the rule changes, Blackburn's resolution was ultimately adopted. (Record 46-1, p. 2330)

THE RULES COMMITTEE'S REPORT OF 1880

As mentioned in the first section of the chapter, members were generally receptive of the Rules Committee's revision. Members had become all too aware of the problems associated with the increased reliance on unanimous consent, the uncontrollable number of leave bills and the growing dominance of committees in the legislative process. The members therefore wanted the rules to better organize and simplify House procedures. Among the significant changes was a reformulation of the procedures for introducing and referring legislative business. The old rule on bill introduction was eliminated, as were all references to leave bills. The revisions, in fact, did not explicitly refer to bill introduction by members. Instead Rule XXIV simply provided that each Monday after the reading and approval of the Journal, states and
territories would be called for bills and joint resolutions for printing and referral. Because of these exclusions, the Rules were void of the requirement that members needed permission to introduce bills, a requisite long ignored by the House. Like leave bills, committee-reported bills were not directly referred to in the Rules. (*Journal* 46-2, pp. 1547-1550)

The rules restricted bill referral by tightening the jurisdictional authority of standing committees. The new rules stated that all proposed legislation "shall be referred" to the standing committees in accord with the "subjects" assigned to them. (*Journal* 46-2, pp. 1541) These phrases made referral less discretionary even though introduction and reference were still conducted on the floor. Prohibiting motions to reconsider bills, resolutions and petitions after referral strengthened committee power in another way, through eliminating members' opportunities to question committee authority over policy areas. (*Journal* 46-2, pp. 1546, 1549-1550)

In an attempt to require adherence to a standard order of business, the revised rules limited suspension motions and debate during the Monday call for bills and resolutions. They were no longer allowed until the call's completion. According to the new rules, motions to suspend were permitted on the first and third Mondays after the call was completed, instead of every Monday. Motions from members were given preference on the first Mondays;
those from committees were given preference on the third Mondays. *(Record 46-2, p. 1551)* Also, the rules eliminated the already extinct call for resolutions and bills in the daily morning hour.

With regard to the order of business, the revisions offered limitations on the members' abilities to disrupt the conduct of business to advantage themselves or their parties. The new rules made interruptions of the morning hour for committee reports more difficult by prohibiting suspension motions during the hour. Members were also limited in their ability to disregard the calendar system since motions to consider bills out of their calendar order had to be supported by a roll-call vote. *(Journal 46-2, pp. 1544, 1546, 1549-1550)* Challenging adherence to the regular order of business on the Union calendar required a roll-call vote on the floor without debate except when motions to consider general appropriations or revenue bills or motions to consider rivers and harbors bills were offered. A related provision eliminated the opportunity for a few objectors to force bills to be passed over during calls of the Private calendar. Instead, a roll call vote on the floor had to sustain a motion to go against the calendar's order. *(Hinds 4:4729)* Additionally, a vote to dispense with private business on Fridays was raised to two-thirds. *(Record 46-2, pp. 201, 1208)*

In general, the revisions were not radical. Their intent was
to organize the rules and offer efficiency in House procedures. Members, however, complained that the rules provided standing committees and the Speaker too much discretion since members were not given many opportunities to instruct committees. Members were limited in their ability to influence committees through rule suspension motions since such motions were permitted on only the first and third Mondays, with members having preference only on the first Mondays. They no longer had the ability to instruct committees during the daily morning hour call for resolutions since the call was never reached. Also, members were unable to offer resolutions during the Monday call of states and territories since the call was no longer for bills and resolutions but was for bills and joint resolutions instead. The more restrictive definition of committee jurisdictions diminished an individual's ability to influence committees. Members were less able to influence a committee after a subject's reference since motions to reconsider were banned. Although introduction and reference continued to be conducted on the floor, the stricter rules regarding reference provided committees with almost unchallenged control over their jurisdictional subject matters.

Even after the revisions were adopted, members were still frustrated with the processes for introducing and referring bills. Because of the continued frustration, Hawley (CT) offered a resolution to amend the rules so that "[n]o bills or joint resolutions
shall embrace more than one subject and matters directly and properly connected therewith, which subject shall be expressed in the title thereof, and a bill proposition to repeal or amend a section or sections of the Revised Statutes shall write the number of such section or sections, and also the language of said section or sections if so amended." (Record 46-2, p. 1935) With similar concern, Fisher (PA) offered a resolution to revise Clause 1 of Rule XXI so that "no bill shall be introduced and referred to any committee, unless the subject-matter is clearly expressed in the title." (Record 46-2, p. 1940) Both resolutions were sent to the Rules Committee, but no reports were issued.

Members of the Committee on the District of Columbia were also unsatisfied with the revisions and tried to gain more authority in reporting bills. Committee member Hunton (VA) proposed that since:

"Congress has assumed to itself the sole power of legislating for the District of Columbia, and it is therefore, in the opinion of this committee, the solemn duty of committees to provide ample time and facilities for the proper consideration of the business of the District; and Whereas, under the present rules it is evident that sufficient time will not be afforded for the due consideration of legislation absolutely necessary for the good of the government of the District; Therefore, Resolved, That the Chairman of this committee be and he is hereby, instructed to give notice to the House, as required by the rules, of his intention to
move an amendment of the rules providing that hereafter every second and fourth Monday of each month, after the reading of the Journal shall be devoted to the consideration of business pertaining to the district." (Record 46-2, p. 2325)

Hunton's resolution was sent to the Rules Committee but was never reported. (Record 46-2, p. 2325)

Serious problems remained after the 1880's revisions were implemented. Debates over the rules occurred soon after the changes were passed. Since problems still existed in the House's handling of legislation, debate frequently arose over the order of business, the power of committees and the introduction and referral of legislation.

THE ORDER OF BUSINESS IN THE FORTY-SEVENTH (1881-1883) THROUGH THE FIFTIETH (1887-1889) CONGRESSES

Even after the 1880's revisions, the House still had problems with its conduct and order of business. Indeed, in several ways the rigidity of the new rules had encouraged, rather than eliminated, inefficiency. In fact, by the very next Congress, the 1880 changes were found to be insufficient and ineffective in their provision for a morning hour for committee reports. Therefore in that Congress, the Forty-seventh (1881-1883), Reed (ME) proposed the following to facilitate the conduct of business during the morning hour:

"First, we shall have a morning hour and that . . . hour may last all day, if the House chooses, and sixty minutes whether the House chooses it or
not. During that morning hour any committee can report bills until it gets through and demand present consideration of them, but with this limitation, that if they have taken up one day in reporting bills they may go on and finish the bill under consideration, but after that the next committee shall have a chance . . . [That order might] not afford the House a great deal of relief; but it will afford it the relief of steady, systematic work." (Record 48-1, pp. 867-868)

Reed (ME) said that if his proposal was adopted members from both parties could inform colleagues of their committee's upcoming morning hour activity. (Record 48-1, p. 869)

Reed then explained that originally the morning hour could extend all day and that only during Randall's (PA) Speakership was it limited to sixty minutes. He added that it was then that "the choke of business began." (Record 48-1, p. 869) Randall replied to Reed's insinuation, saying that the same rules as those suggested by Reed were pending in the last session of his Speakership but a minority prevented their consideration. (Record 48-1, p. 869) Randall also disagreed with Reed's accusation that he was the first Speaker to hold the morning business to sixty minutes, saying that before he became Speaker a dial was placed on the Clerk's desk so that members could see when the hour expired. (Record 48-1, p. 869)

Randall added that when a daily call of all committees was suggested in the Forty-sixth Congress (1879-1881), he supported
the proposal for two reasons: (1) members would have more time to examine bills and reports, and (2) the morning hour would be protected against filibusters. (Record 48-1, p. 869) Randall said that his suggestion was not partisan but simply necessary since consideration of appropriations and tariff bills took up nearly the entire second session of the last Congress. (Record 48-1, p. 869)

Reed (ME) continued his assault on previous operations, saying that "the old system that prevailed before I became a member . . . somehow curbed and controlled [its affairs] because the whole business [was] placed in charge of the appropriate committees of the House." (Record 48-1, p. 869) Since that system no longer operated, Reed believed that the order of business needed to be changed in order for committees to be better utilized. (Record 48-1, p. 869) Belford (CO) disagreed, saying that the "select oligarchy" of the Rules Committee was only trying to "place a yoke on our backs" by greatly disturbing the order of business. (Record 48-1, p. 869)

Members did feel that some committees needed more opportunities to report during the morning hour. Randall (PA) reported that the Rules Committee was in unanimous agreement that two days each month were needed to conduct the business of the Committee on the District of Columbia. (Record 48-1, p. 868) Delegate Maginnis' (MT) later suggested that the second and fourth Monday of each month be reserved for the consideration of reports
from the District of Columbia and Territories Committees as long as no propositions for the admission of new states or the creation of new territories were included. (Record 48-1, p. 871) The following week, Randall (PA) reported that adopting the resolution would restore a portion of a rule of the Forty-third Congress (1873-1875) which reserved the third Monday of each month to the consideration of District business. The rule was dropped and restored in the Forty-sixth Congress (1879-1881) as the committee could not conduct its business without the rule. Members accepted Randall's advice and adopted the resolution. (Record 48-1, p. 1526)

Later in the session, Mills (TX) resolved that one hour every Tuesday, Wednesday and Thursday be reserved for an alphabetical roll call of members to consider bills on any calendar. (Record 48-1, p. 1981) Beach (NY) offered a similar resolution on two other occasions in the same session. (Record 48-1, pp. 5590, 5798) His resolutions, however, provided for calls of committees rather than members and allowed committees to call up bills reported by other committees. Mills' resolution and Beach's first were tabled while Beach's second resolution was referred to the Rules Committee but never reported. (Record 48-1, p. 5798)

In the Forty-ninth Congress (1875-1877), Barbour (VA) asked for an additional day each month for the business of the District of Columbia Committee and Delegate Joseph (NM) offered a resolution
to reserve every fourth Monday after the call of states and territories for the consideration of business from the Territories Committee. Barbour's resolution provided more time to the District of Columbia's business than had Randall's (PA) or Maginnis' (MT) proposals in the preceding Congress. The Rules Committee never reported on Barbour's or Joseph's proposals. (Record 49-2, pp. 120, 959)

A major revision in the order of business was adopted in the Forty-ninth Congress (1885-1887). At that time Representative Reed (ME), as a member of the Rules Committee, suggested a second morning hour "for action" during which any committee could call up a bill for consideration without regard to its order on either the House Calendar or the Calendar of the Committee of the Whole on the state of the Union. (Record 49-1 p. 337) This hour, according to the Rules of the House for the Fiftieth Congress (1887-1889), came after the first morning hour for committee reports. The first morning hour, it should be remembered, came after the call of states and territories for bills and resolutions on Mondays and after the business on the Speaker's Table had been disposed of on all other days. (Record 50-1, p. 2068) According to the debate over the second morning hour, members were concerned that committees might gain too much power with the adoption of this proposal. In the end, the revision was adopted because of the institutional need to consider business after placement on a
calendar. Too often in previous Congresses bills reported and placed on a calendar were never discussed. The creation of the second morning hour was an attempt to eliminate such backlog problems. (Record 49-1 p. 196, 295, 337)

COMMITTEE POWER IN THE FORTY-SEVENTH (1881-1883) THROUGH FIFTIETH (1887-1889) CONGRESSES

After the adoption of the 1880's revisions, members continued to be disenchanted not only with the order of business, but also with the extensive power committees held over the production of legislation. Suggestions to curb committee power through discharge motions were, therefore, made in the Forty-seventh (1881-1883) and Forty-eighth (1883-1885) Congresses. These suggestions were similar to proposals offered in the Forty-sixth Congress (1879-1881). In both the Forty-seventh (1881-1883) and Forty-eighth (1883-1885) Congresses, Turner (GA) proposed the following addition to Rule XXIV:

"[W]hen a public bill or resolution or proposition shall have been referred to a standing or select committee of the House for thirty days and no report has been made thereon, it shall be in order for the the member who introduced said bill, resolution or proposition on any Monday immediately after the expiration of the morning hour, to offer a resolution or move to place said bill, resolution or proposition on the proper calendar which resolution shall then be
considered and disposed of either by final action on the bill, resolution or proposition, or by placing the same upon the proper Calendar, as the majority of the House may determine, and the committee discharged from further consideration of the same." (Record 47-2, p. 1196, Record 48-1, p. 238)

This resolution offered members control over their public bills after reference through motions to discharge committees. Upon the presentation of Turner's proposals, members debated the scope of such motions. Some thought that all public bills should be subject to discharge motions while others thought that the discharge should be used only for bills related to revenue, coinage, interstate commerce, and/or internal improvements. In the Forty-seventh Congress (1881-1883), Turner's resolution was referred to but never reported by the Rules Committee. In the Forty-eighth (1883-1885), the resolution was offered and amended but was again disagreed to by a majority of the House. (Record 48-1, pp. 238, 973)

Reasons for the continued disagreement over discharge motions went beyond confusion over the types of bills subject to them. Members thought that the House might not be able to handle all of the bills that could come to the floor through discharge. Those bills that were brought to the floor through discharge were, according to some members, more likely to be under-developed. Also, some bills might need more committee consideration than
would be allowed before the discharge motion could be adopted. Beyond these institutional concerns were partisan concerns that because certain controversial policies, such as the tariff, would more likely be subjected to discharge motion than would other noncontroversial policies.

Committee power was questioned in another way during the Forty-eighth Congress (1883-1885) when Dunn (AR) presented a resolution to split the Commerce Committee. After Blackburn (KY) reported favorably on the proposal, Horr (MI) asked why the Rules Committee did not divide the Ways and Means Committee, making "one on ways and one on means" and "giving to one committee all the bills that tend to build up and strengthen our home industries and to the other committee all the bills that tend to break up and destroy these home industries." Hoar also suggested that the Judiciary Committee should be split since, "[t]hose who are familiar with the work in the House will recollect with what generosity that committee has always spread its protecting wings over ever chicken hatched in this House or anywhere else on any and all subjects." Finally, if the Commerce Committee was split in two, he suggested that the Claims Committee be divided into four. (Record 48-1, pp. 214-215) In the end, the Commerce committee was not divided. The threat of its division did, however, illustrate the potential vulnerability of House committees in the hands of its members.
Grants of reporting privileges for appropriations committees also concerned members. O'Neill (PA) wanted to provide the Select Committee on Levees and Improvements of the Mississippi River the same grant of privileges when reporting appropriations bills for the river and its tributaries. The resolution was referred to the Rules Committee, but was never reported. (Record 48-1, pp. 346, 389)

Unlike the suggestions for the Mississippi River committee, a suggestion to make certain Mondays special days for the consideration of the business of the District of Columbia and Territories Committees was adopted in the Forty-eighth Congress (1883-1885). It should be remembered that unlike the other suggestions, that revision received a favorable report from the powerful Rules Committee. (Record 48-1, p. 368)

On the first day of the Forty-ninth Congress (1885-1887), Springer (IL) suggested several revisions regarding committee power. He resolved to grant the Committees on Enrolled Bills, Printing and Accounts the power to report at any time and to allow the Committee on Public Lands the power to report bills forfeiting unearned land grants. (Record 49-1, p. 140) Springer (IL) also wanted appropriations committees and committees with jurisdiction over subjects appropriated for to be able, at any time during the morning hour, to report retrenchment bills. Springer said that, "the Committee on Appropriations is so overloaded and
overlooked that many bills are not brought in until the very last days of the session. It happens frequently that bills covering millions of dollars are brought into the House at so late a period in the session that it becomes necessary to suspend the Rules and pass them in order to avoid the necessity of a called extra session of Congress." (Record 49-1, p. 148)

In conjunction with his idea that the Appropriations Committee was overloaded, Springer brought up the idea of distributing appropriations responsibilities. In his resolutions, Springer suggested that the appropriations for the Post Office Department, Army and Navy be made by the committees that handled all of the other legislation for the different government institutions. (Record 49-1, p. 148)

Springer also wanted some committees eliminated, including the Committees on Mileage, Manufactures, Militia, Revision of the Laws and Levees and Improvement of the Mississippi River and the committees on expenditures for eight different departments. The Illinois Representative felt that the move to consolidation and simplification would enable members to perform their duties more responsibly. He felt that members would be less distracted by the nonessential tasks considered by the committees he wanted eliminated. When Springer's resolutions were adopted, appropriations powers were further split and several committees were eliminated. (Record 49-1, p. 149)
On the first day of the second session of the Forty-ninth Congress (1885-1887), Herbert (AL) offered a resolution to give the Rules Committee ability at any time, by a majority vote of its members, with one day's notice, to order the consideration of any bill or resolution on the calendar. The Rules Committee had informally exercised that power by this time, but apparently could have used the formal legitimation that would have been provided through passage of the resolution. The resolution designated that "[w]hen the Hour fixed by such order shall have arrived the bill or resolution designated thereby, shall be taken up, and . . . disposed of, no other business shall be in order, except questions affecting the privileges of the House or a Member of the House." (Record 49-2, p. 24) The Rules Committee received Herbert's resolution but never reported on it.

From the Forty-seventh (1881-1883) through the Fiftieth (1887-1889) Congresses, the problems faced by the House with regard to committee power were solved not by increasing individual power over committees but by securing power within the committee system. Suggestions to decrease committee power through the creation of the discharge motion or through the division of committee jurisdiction were not adopted. Revisions that increased committee power, on the other hand, were passed during the years after the rules revision of 1880. Those provisions included: (1) the creation of special days for the consideration of
District of Columbia business, (2) the distribution of appropriations powers to several committees and (3) the provision of reporting and appropriation privileges to standing committees

BILL INTRODUCTION IN THE FORTY-SEVENTH (1881-1883)
THROUGH FIFTIETH (1887-1889) CONGRESSES

As with the problems associated with the order of business and committee jurisdictions, problems continued to exist in the introduction of both private and public bills after the revisions of 1880. Therefore, in the Forty-seventh Congress (1881-1883), Reed (ME) submitted a resolution to amend Clause 5 of Rule XXI so that public buildings construction bills and pension and claim bills be handled the same as petitions. (Record 47-1, p. 215) Burrows (MI) submitted a similar resolution to revise Clause 5, providing that all bills "for the improvement of rivers and harbors, for the establishment of post routes and pension bills shall be delivered to the Clerk, as in the case of petitions and memorials for reference to the proper committee." (Record 47-1, p. 284) Burrows also wanted Rule XXI to require pension bills to be reported "in groups of not less than ten names each, and as far as practicable they shall be divided into classes according to the rank and disabilities of the claimant and shall be accompanied by a report setting forth the facts of each case included in any bill." (Record 47-1, p. 284) Reed's and Burrow's resolutions were referred to the Rules Committee, but neither was reported.
Randall agreed that too much time was consumed by bill introduction but thought that changing rules had not and would not alter the House's "ability to get through with its business". (Record 48-1, p. 1000) He thought that sending private war claims and pension bills to tribunals would solve the problem. His suggestion, however, was not adopted. (Record 48-1, p. 1001)

Another suggestion to provide efficiency in the consideration of private bills was offered by Storm (PA). His resolution stated that:

"any committee of the House that shall cause any claim or matter pending before it to be transmitted to the Court of Claims under the provisions of the act of March 3, 1883, entitled, "An act to afford assistance . . . to Congress and to the Executive Department in the investment of claims and demands against the government," shall report the fact of such transmission to this House, and such report shall be entered upon this Journal." (Record 48-1, p. 1757)

Storm's resolutions was also never reported by the Rules Committee. Through its dismissal of Storm's resolution, the Rules Committee permitted repetition in the introduction of adversely reported private bills from various claims committees, allowing committees to be overburdened by work that a court could accomplish efficiently. The Court of Claims, though, had long been a source of tension as members had since the 1820s been
concerned about the transfer of a finance-related power to a judicial body. Their concerns arose from the idea that a judicial body might be imprudent in the issuance of awards to claimants.

Springer (IL) also thought that private bills caused congestion in the House's conduct of business, saying that:

"[w]hen the last Congress adjourned 10,000 bills had been introduced and printed, nearly all of which had been introduced also in the preceding Congress, from which they had come over as a legacy, exhibiting the inefficiency of our rules and the impossibility of transacting business under them. In this way bills have been piled up almost mountain high, while the House has been unable to reach measures of legislation which it desired to consider." (Record 49-1, p. 149)

Springer suggested that private bills be handed to the Clerk just as rivers and harbors and post route bills were and printed only once, saying "I have endeavored to eliminate from the old rules all those provisions which have tended to obstruct legislation and prevent the majority of the House from bringing forward and considering such bills as their constituents desired them to consider." (Record 49-1, p. 149) Rules Committee members reported Springer's resolution favorably, with the exception of Hiscock (NY) and Reed (ME) who said that the proposal exemplified a "discrimination against one class of legislation which ought not to be tolerated and which is a vicious practice." Despite the objections, this rule was
adopted. (Record 49-1, p. 3126)

As members became more interested in introducing private bills rather than presenting petitions, taking their introduction off the floor was determined essential in order for the House to conduct other business. As will be discussed in the next section, members found that the off-floor introduction of private bills was so successful that they soon accepted the off-floor introduction of public bills.

Constituency pressure to introduce bills continued after the introduction of private bills was taken off the floor. Due to these pressures, in the Fiftieth Congress (1887-1889), Representative O'Neill (PA) resolved to allow inclusion of the term "by request" on bills and resolutions when the introducer instructed. O'Neill (PA) also resolved that the term be entered on the Journal when the bills were listed. (Record 50-1, p. 279) The Rules Committee reported the resolution favorably and it was adopted. (Record 50-1, p. 1187) This phrase allowed members to escape some of the responsibility that had previously been associated with bill introduction. No longer did a member have to be affiliated, ideologically or politically, with a measure he introduced.

**THE REED RULES OF THE FIFTY-FIRST CONGRESS (1889-1891)**

In contrast to increases in the numbers of bills first introduced by members, the number of bills moved by committees decreased in the 1880s. Galloway explained the problems
committees faced in moving bills in the following statement:

"During the Forty-eighth, Forty-ninth, and Fiftieth Congresses (1884-1889) the House of Representatives had been reduced to a condition of legislative impotence by abuses of its then existing rules of procedure. Not only was its legislative output small and insignificant, but the use of dilatory motions combined with the disappearing quorum and a series of filibusters to make the House an object of public ridicule and condemnation. . . [D]efects of the existing system of congressional procedure were repeatedly demonstrated during these years and evoked widespread public criticism." (Galloway, p. 132)

Galloway noted that he was not alone in his opinion of House operations, quoting the Washington Post's January 19, 1888 editorial, "Slowly Doing Nothing." The article stated that the House had passed only four unimportant bills in the previous six weeks, and explained that:

"The system of rules is the prime cause of the wonderful inertia of this unwieldy and self-shackled body. . . In stalling legislation and keeping everybody else from doing anything a few members are all powerful, but when it comes to passing laws little can be done except by what is practically unanimous consent." (Galloway, pp. 132-133)

Because of the continuing procedural problems, in 1890
members were ready for an overhaul of the rules that would allow the majority party to administer the House's conduct of business with less interference from the minority party. Since dilatory motions were primary mechanisms for obstructing business, the Reed Rules offered several provisions for handling them. With specific reference to dilatory motions, Section 4 of Rule XVI stated that:

"[w]hen a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question." (Record 51-1, p.1128)

The new rules also limited the opportunity members had to delay business through motions to adjourn. Section 8 of Rule XVI stated that "Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension." (Record 51-1, p.1128)

The Reed Rules also addressed the problems created by disappearing quorums. In Rule XXIII, the number of members
required for a quorum was defined as one hundred, rather than the two-thirds requirement of previous Congress. Of more importance to the abusers of previous quorum rules, the Reed Rules provided in Section 2 of Rule XV that

"In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the doors shall be closed, the names of the members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, . . . and the House shall determine upon what condition they shall be discharged." (Record 51-1, p.1128)

The severity of that rule was supplemented by the following provision in Section 3 of Rule XV:

"On the demand of any member, or at the suggestion of the Speaker, the names of members sufficient to make a quorum in the hall of the House who do not vote, shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the members voting, and be counted and announced in determining the presence of a quorum to do business." (Record 51-1, p.1128)

Both of these provisions imposed strict limitations on the minority
party's ability to obstruct House operations.

Passage of other provisions allowed the majority party leadership to bring in business when it wished through special procedures it controlled. According to the Reed rules, the majority party dominated Rules Committee, which was made a standing committee in 1880, could bring in resolutions affecting the order of business with passage of such resolutions requiring only a majority vote. The Reed rules promoted majority party control of the floor through other revisions affecting use of the previous question, motions to reconsider and the five minute rule.

Members suggested other changes that would increase committee control over the legislative process. In the first session, McKinley (OH) offered a resolution to lay bills receiving adverse reports on the table unless the committee or a member requested its reference to a calendar within three days. *(Record 51-1, p. 1711)* McKinley (OH) issued an adverse report from the Rules Committee on his resolution. McKinley attempted to clarify the current rules stating that as the rules then stood "a bill reported adversely would of necessity go on the Calendar." After Lawler (IL) unsuccessfully attempted to amend the resolution to allow ten days instead of three, the original was adopted. *(Record 51-1, p. 1781)*

With specific reference to bill introduction, the Reed rules took the introduction of public bills off the floor as the 1887
revision had done with the introduction of private bills. According to the Rules Committee's report,

"[p]rior to the Forty-ninth Congress (1885-1887) all bills, private and public, were introduced in the House and received their appropriate reference to committees. In the Forty-ninth Congress (1885-1887) it was provided by this rule that bills of a private nature, with petitions and memorials could be delivered to the Clerk for reference, etc. This saved much valuable time and has operated well; and the Committee on Rules have provided in Clause 3 that all other bills, memorials, and resolutions may in like manner be delivered, indorsed, etc., to the Speaker, to be by him referred to appropriate committees, with provision for correction of reference in case of error. I have no doubt the adoption of Clause 3 will add to the convenience of members and result in the saving of much time in the House." (Record 51-1, p. 1176)

Through the revision, members' rights over choosing and instructing committees on referral of both public and private bills were limited. In an attempt to provide members with some power, Townsend (CO) offered the following amendment to Rule IX:

"whenever four members of a committee shall sign a statement in writing that said committee has . . . after five meetings have been devoted to the consideration of a bill, except a tariff or general appropriations bill, [refused] to report such a bill either favorably, with an amendment,
or adversely, it shall be in order at any time after the approval of the Journal for a member to move to discharge said committee from its further consideration and refer the same to the proper calendar." (Record 51-2, p. 2368)

Though Townsend's provision would have provided Representatives with more control over bills considered by committees to which they were members, his motion was not adopted. The chaos already associated with discharge motions was certainly one reason that led to its failure. Also, members were apparently more concerned with majority rule through the development of committee powers than they were with the protection of individual rights.

MORE REVISIONS IN THE FIFTY-SECOND CONGRESS (1891-1893)

In the Fifty-second Congress (1891-1893), members were still uncertain as to the acceptability of off-floor bill introduction and there was even an attempt to change the rules back to their former state. During that Congress, in which the majority party status was held by the Democratic Party, Catchings (MS) suggested that after the first few Mondays of a session, one hour would be ample for the introduction of bills on the floor. He went so far as to say that he thought "not more than 15 to 20 minutes would ordinarily be consumed, even at this early stage in the session, on those Mondays in the introduction of bills calls." (Record 52-1, p. 556)

Reed then countered Catchings, saying that bill introduction
Mondays in the introduction of bills calls." (Record 52-1, p. 556)

Reed then countered Catchings, saying that bill introduction before the Fifty-first Congress (1889-1891) had been "clumsy and unsatisfactory". (Record 52-1, p. 557) He described the system after the rule change in that Congress as one that allowed both public and private bills to be handed to the Clerk at any time and referred by the Speaker "in accordance with the will of the House as expressed in the rules already framed", or according to the jurisdictions given committees by House rules. (Record 52-1, p. 557) Reed also thought that,

"If any error was made in a reference, the committee who ought to have it had the right to demand the bill, or the committee who ought not to have it had the right to bring before the House the question of whether the duty of considering it should be imposed upon them." (Record 52-1, p. 557)

Reed stated that some members objected to the suggestion because they thought it would deprive the House of the right of controlling the reference of bills. He, on the other hand, thought their objections were "more technical than rational," as

"the House had already defined the direction in which it intended the bills to go, and in the early days, when bills were referred publicly and openly, the proposition to refer to another committee than the one deemed suitable by the
Speaker was not only of rare occurrence, but of the very rarest." (Record 52-1, p. 557)

Reed then admitted that he had seen House reference of bills abused and that he expected the trend to continue. To make his point he referred to "the beautiful transaction of the reference of a bill on education, not to the Committee on Education, but to the Committee on Labor." (Record 52-1, p. 557) However, Reed expressed his concern over any further alteration in the procedure for bill introduction, saying that if members wanted to reinstate its formality, they should know that:

"[w]aste of time is [an] unjustifiable [act], and yet you propose to waste hours and hours of the time of this House on the mere introduction and reference of bills in open House on the false and injurious supposition that men who are selected as the chiefest among 30,000 voters will be exalted in their little minds, by getting up here and saying, "Mr. Speaker, I present the following bill for reference," when every instant of that time could be saved by having the bill referred by the Speaker in accordance with the Rules of the House." (Record 52-1, p. 647)

Reed also thought that if members accepted the time consuming practice they would "wear upon the strength of the Speaker himself by forcing him to give opportunities to men to introduce bills for reference by unanimous consent." (Record 52-1, p. 647)

Although Reed was successful in keeping bill introduction an
off floor process, one provision of pre-Fifty-first Congresses was revived. The morning hour for the call of committees for reports was resurrected and placed after the Speaker's Table in the order of business. The call was protected by a restriction that stated that it "shall not be dispensed with except by a vote of two-thirds of those present and voting thereon." (Record 52-1, p. 496) The morning hour continued to be provided for by the Rules of the House in the Fifty-third Congress (1893-1895). (Journal 53-1, p. 607) Not until the Fifty-fourth Congress (1895-1897) was the call for reports eliminated. In that Congress the morning hour for consideration of bills called up by committees was the only call of committees provided. (Journal 54-1, p. 619)

Debate over the rules continued. One point of controversy, however had apparently been settled by the Fifty-third Congress (1893-1895): bill introduction would be conducted off the floor by simple presentation to the House Clerk.

The following section will describe how committees continued to dominate the production of legislation even though members dominated the introduction process through their ability to introduce bills off the floor.

**LEGISLATION**

In 1885, Woodrow Wilson commented on the large number of bills regularly introduced each session and on the House procedures used to handle them, stating that "[a]s a rule, a bill committed [to
committee] is a bill doomed. When it goes from the Clerk's desk to a committee room, it crosses a parliamentary bridge of sighs and dim dungeons of silence whence it will never return." (Wilson, p. 63) As suggested by Wilson, although members were encouraged to utilize the new procedures for bill introduction because the new rules enabled members to introduce as many bills as they wished, the result of the new rules was that committees clearly dominated the production of legislation because they were able to sift through and reject most member-introduced bills. The selection process used by a committee in determining which bills it would consider, therefore, become a much more important process than the procedure used by members to introduce bills.

Table 5-5 shows that both member-introduced bills and petitions grew by one hundred percent over the 32 years from the Thirty-sixth (1859-1861) to the Fifty-second (1891-1893) Congresses. The increases were countered by decreases in committee-reported bills, which declined by 86 percent between the Forty-second (1871-1873) through Fifty-second (1891-1893) Congresses. Member-introduced bills were certainly predominant, composing over ninety percent of all bills introduced by the Forty-second Congress (1871-1873). The data in Table 5-5 also shows that almost every member introduced bills in each of the Congresses throughout the 1880s and 1890s.
TABLE 5-5
BILLS, PETITIONS AND MEMBERS

<table>
<thead>
<tr>
<th>Congress</th>
<th>36th (1859-1861)</th>
<th>37th (1861-1863)</th>
<th>42nd (1871-1873)</th>
<th>47th (1881-1883)</th>
<th>52nd (1891-1893)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Bills</td>
<td>1,020</td>
<td>792</td>
<td>4,052</td>
<td>7,685</td>
<td>10,623</td>
</tr>
<tr>
<td>Member Bills as a % of all Bills</td>
<td>43%</td>
<td>54%</td>
<td>81%</td>
<td>97%</td>
<td>99%</td>
</tr>
<tr>
<td>Committee Bills as a % of all Bills</td>
<td>583</td>
<td>364</td>
<td>757</td>
<td>231</td>
<td>106</td>
</tr>
<tr>
<td>Total Petitions</td>
<td>2,913</td>
<td>1,535</td>
<td>6,788</td>
<td>15,059</td>
<td>26,348</td>
</tr>
<tr>
<td>Members &amp; Delegates</td>
<td>242</td>
<td>186</td>
<td>253</td>
<td>301</td>
<td>337</td>
</tr>
<tr>
<td>% of Members Introducing bills</td>
<td>57%</td>
<td>64%</td>
<td>99%</td>
<td>97%</td>
<td>99%</td>
</tr>
</tbody>
</table>

Source: Journals of the US House of Representatives.

As is evident from Table 5-5, by the Fifty-second Congress (1891-1893), the total number of bills was certainly unmanageable. Member-introduced bills were to blame for that state, since committee-reported bills decreased by over thirty percent from the Thirty-sixth (1859-1861) to the Fifty-second Congress (1891-1893). Petitions experienced similar increases between the same Congresses. Apparently the automatic introduction and reference capabilities provided by the rules changes facilitated the processing of greater numbers of petitions and bills. That petitions continued to be so abundant is interesting since so few were ever reported by a committee in the
form of a bill.

Member-introduced bills became more varied in their topics as they became more numerous. Thousands of public and private bills were introduced by members in each of the later Congresses. As Table 5-6 illustrates, by the 1880s and 1890s members introduced three times as many private bills as public, thus lending credibility to the assertion that members began to introduce bills to claim credit and gain popularity with individual constituents.

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**TABLE 5-6**

<table>
<thead>
<tr>
<th>Congress</th>
<th>36th 1859-1861</th>
<th>37th 1861-1863</th>
<th>42nd 1871-1877</th>
<th>47th 1881-1883</th>
<th>52nd 1891-1893</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Bills</td>
<td>491</td>
<td>613</td>
<td>2,207</td>
<td>2,398</td>
<td>2,812</td>
</tr>
<tr>
<td>Member Bills as a % of Public Bills</td>
<td>71%</td>
<td>60%</td>
<td>89%</td>
<td>93%</td>
<td>97%</td>
</tr>
<tr>
<td>Private Bills</td>
<td>529</td>
<td>179</td>
<td>1,845</td>
<td>5,287</td>
<td>7,811</td>
</tr>
<tr>
<td>Member Bills as a % of Private Bills</td>
<td>16%</td>
<td>33%</td>
<td>73%</td>
<td>99%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: *Journals of the US House of Representatives.*  
Note: Data used for 47th and 52nd Congresses is based on a sample of 10% of all bills.

The table also shows that over five times as many private bills were introduced in the Fifty-second Congress (1891-1893) than had been introduced in the Forty-second Congress (1871-1873). That fact suggests that not only were the Representatives more interested in introducing private legislation than public but also that by the Fifty-second Congress (1891-1893) there were five
times as many requests from constituents that were actually considered worthy of introduction as a bill. That one hundred percent of the large number of private bills were introduced by members is also relevant as it shows that by the Fifty-second Congress (1891-1893) committees no longer had an obligation to initiate private legislation, a duty that they had obliged in pre- and post-Civil War Congresses.

CONCLUSION

The procedures for bill introduction that emerged by the Fifty-second Congress (1891-1893) thus created a new set of responsibilities for committees and individual members. While it might appear that individuals controlled the topics of legislation since they dominated the introduction process, the opposite situation had resulted. Due to the fact that member-introduced bills were still referred to committees, their large numbers gave committees monopoly power over legislation.

Other rule changes passed in the nineteenth century further limited the opportunity for individuals to influence committees. Members no longer had the ability to instruct committees after bills were referred. A member also could not challenge referrals by the Speaker unless he was recognized by the Speaker and supported by a committee. Members also needed the Speaker's help in order to move to discharge bills from committees.

By the end of the nineteenth century then members had gained
introduction capabilities through rule and procedural changes at the expense of their ability to influence the House's conduct of business and development of legislation. Members had unlimited opportunities to introduce bills but they were limited in their ability to influence committees once the bills were referred. No longer was it easy for a member to move the reconsideration of a bill's reference. Nor was it easy for a member to have a bill considered immediately after its introduction through unanimous consent or to discharge a bill from a committee after its reference. Taking the introduction of both public and private bills off the floor in the end limited the power of members in their relation to committees. The price for the unrestricted ability to introduce bills was great when associated with the other privileges and powers of Representatives which were diminished by increased powers of the House and its committees.
CHAPTER SIX
CONCLUSION
THE EVOLUTION OF BILL INTRODUCTION: 1825-1895

INTRODUCTION

Chapter One of this dissertation began with an extremely basic comment. It stated that "[r]ules are important to an organization for a number of reasons." (see p. 1) Reasons for the assertion include such institutional and organizational concepts as: productivity, routinization, stability, structure and function. Next, the chapter discussed the many ways in which organization members misinterpret and misuse rules. Members could disregard or wrongly apply an organization's rules if the rules were too complex, too formal, time-consuming, contradictory and/or irrelevant. Because of the problems associated with rules, informal practices might replace the prescribed rules as the norms for operations. The first chapter also described how participants, either as leaders or followers, have the potential for greatly influencing an organization's future capabilities through the formulation and application of rules.

The chapter next described the potential effects of rules on the processes of organizations whose sole products were decisions. An agenda was said to be critical in such organizations, especially if that agenda was controlled or able to be manipulated by segments of the organization's membership. Any rules that determined an organization's division of labor were also said to be important, again because of their potential determination of
decisions. For these reasons, the rules and procedures of the United States House of Representatives were found to be of special import. The fact that the House has had few major procedural overhauls in spite of great fluctuations in the House's internal and external environments, only serves as further proof of the importance of rules. The continuity and stability of the House's operations adds to the intrigue of a study of its rules.

Chapter One determined that any discussion of House rules and procedures needed to include facts about the House's organization, its Representatives' characteristics and concerns, and its internal and external environments. Macro characteristics, such as the House's relations with the executive branch and the general public and its party composition and internal structure were considered relevant to any study of rule and/or procedural changes due to their influence on the House's legislative performance. Micro characteristics, such as the party membership, regional representation and seniority of individual members, were also expected to be important since individuals working in an institution influence its actual activities.

Also, bill introduction was described as each of the following: an integral step in the House's division of labor and decision-making processes, a response to the external demands for legislation, the first stage in the development of legislation, a product of the combined reception and analysis of petitions, memorials, resolutions, executive messages and reports. Any
procedure-based power held by committees or members was therefore considered highly influential in the production of legislation. The fact that bill introduction changed from committee-controlled to member-dominated was then suggested as being a result of: (1) institutional constraints and organizational mandates and (2) the desires of individual Representatives and the pressure they and their constituents exerted on the organization over time. That the transformation occurred over time was considered to be due to a combination of institutional stress and individual desires.

This dissertation has provided information on the phases of the transition toward member dominance and suggests that it was driven by a combination of institutional stress and member desires. This research, therefore, associates macro and micro characteristics of the nineteenth century House with its rules and procedures. The following sections will provide summaries of the information previously presented in this dissertation. Through this review, it should become evident that the only logical method of introduction that could have evolved over the nineteenth century was one in which members held numeric control but committees held substantive control.

BILL INTRODUCTION IN THE EARLY CONGRESSES

As Chapter One pointed out, bill introduction was, throughout the House's two hundred year history, the procedure through which the House received information from its external
environment via its members and committees. During the nineteenth century, the procedure gradually changed. In the first few Congresses, all members were able to participate in the development of bills. Representatives were given that opportunity through their participation in Committees of the Whole, maximization of member participation encouraged while structural constraints were minimized. The Committee of the Whole became the primary organization used by the House to discuss subjects, including petitions, memorials, resolutions, executive branch messages and reports. In fact, in the earliest Congresses, a subject would be referred to either a standing or select committee only after having been discussed in a Committee of the Whole. Finally, the smaller committee charged with the subject would, if given permission, issue both a report and a bill on the subject.

Three assumptions underlie that original method of legislating. First, a bill was seen as a law inchoate, therefore only allowed when the House approved its introduction. Second, since a bill was viewed as inchoate law, its development should be the result of the entire membership's wishes, or at the very least the desires of a House sub-unit.

As the variety of subjects addressed by the House increased, however, the procedure that encouraged the entire membership's involvement became too complicated. That situation led to the development and usage of a standing committee system.
Under that division of labor, however, the House still closely guarded bill introduction, requiring committees to have first received a subject and then House permission before introducing a bill. By the Fifteenth Congress (1817-1819), standing committees numbered nineteen. Associated with the House's increased reliance on committees was its granting to them discretionary power to report by bill on all subjects they were referred.

By 1820, Committees of the Whole were no longer used for the initial discussion of subjects. Instead, subjects were initially referred on the floor to committees which would then report bills. This was necessary because of the increasing number of subjects presented each session. The House still had a great deal of power over committees since its reference of subjects was not limited by strict rules regarding committee jurisdiction.

Debates over the reference of subjects were frequent and motions to reconsider, discharge, or recommit subjects were often made, debated, and passed by a majority vote. The House also attempted to organize its order of business on the basis of the subjects it was receiving. In 1822, for example, the House passed a rule allowing the presentation of petitions only on Mondays after the first thirty days of a session and another rule creating a new category of business, the Speaker's Table, which included: Senate bills, messages and other communications. (Annals, Volume 39, pp. 1299-1304) Also at that time, the presentation of both committee reports and resolutions was
limited to one hour each day. (Annals, Volume 39, pp. 1299-1304)

In the next few years, the House's membership grew. The numbers of petitions, resolutions and executive reports it received also increased. These increases made it impossible for committees to report all of the subjects they were referred in the form of a bill. Members became frustrated with the limitations imposed by the rules and procedures and complained about their ineffectiveness. The debates led to new procedures for handling subjects and introducing bills.

BILL INTRODUCTION IN THE TWENTIETH (1827-1829)
THROUGH TWENTY-FOURTH (1835-1837) CONGRESSES

By the Twentieth Congress (1827-1829), the size of the House had grown to over two hundred members and its committee system included more than 25 standing and select committees. In spite of the increased size and growing complexity of the House's work, House rules had changed only slightly. In fact, the original rule for bill introduction was still in operation. That rule stated that every bill had to be "introduced by motion for leave or by an order of the House, on the report of the committee; and in either case a committee to prepare the same [had to] be appointed. In cases of a general nature, one day's notice at least [had to] be given of the motion to bring in a bill; and every such motion [had to] be considered." (Journal, 17-1, Rules of the House #65) During the first session of the Twentieth Congress (1827-1829), numerous interpretations of the original rule were offered after a member tried to introduce a leave bill. Speaker Taylor, settled the
argument, saying that according to his interpretation of the rules a bill could be introduced by a member on motion for leave as long as the House gave permission and a committee actual drafted the bill. \textit{(Globe} 20-1, pp. 824-827)\textit{)}

The proper time for the presentation of leave bills was not determined during that debate and remained unclear since no provision in the order of business provided time for their presentation. In its original form, the order of business began with a reading of the previous day's \textit{Journal}, followed by a call of the states and territories for petitions and then a call for reports from standing and select committees. The remainder of the day was left for the Speaker's table and orders of the day. \textit{(Hinds IV, p. 3056)} By 1822, as stated previously, resolutions had become so numerous the House determined that the time for committee reports should be shared with resolutions. In that same year, the time for committee reports and resolutions was limited to one hour each day. \textit{(Hinds IV, p. 3056)}

The presentation of committee reports and resolutions during the daily order of business was debated on several occasions leading, in the second session of the Twentieth Congress (1827-1829), to a separate call for resolutions, after the presentation of committee reports. \textit{(Debates, 20-2, p. 162)} This action showed that the House recognized resolutions as legitimate forms of request. Even with this change, members did not have enough time to present their petitions and resolutions on
the floor. The time provided for the presentation of committee reports was also inadequate. Members, however, voted against a rule offered in the Twenty-first Congress (1829-1831) to increase the time for committee reports, and instead relied frequently on motions to extend the hour for committee reports. *(Globe 21-1, pp. 542-550)*

Pressure on the House increased throughout the 1820s and 1830s. Table 6-1 shows the increases in petitions, resolutions and executive reports from the Seventeenth (1821-1823) to the Twenty-second (1831-1833) Congresses.

<table>
<thead>
<tr>
<th>Congress</th>
<th>17th 1821-1823</th>
<th>22nd 1831-1833</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitions</td>
<td>2,129</td>
<td>5,153</td>
</tr>
<tr>
<td>Resolutions</td>
<td>908</td>
<td>1,183</td>
</tr>
<tr>
<td>Executive Reports</td>
<td>245</td>
<td>456</td>
</tr>
</tbody>
</table>

It should be noted that even though the number of petitions was large, very few were reported by committees as bills. In fact, only 6.4 percent of the petitions presented during the Seventeenth Congress (1821-1823) and 9.2 percent of those presented in the Twenty-second Congress (1831-1833) were reported as bills by committees. Since less than one of every ten petitions was reported, Representatives had to realize that when they presented a petition, they had only a slight chance of receiving committee or House consideration.
Along with the increases in petitions, resolutions and executive reports was an increase in bills. Table 6-2 shows this increase between the Seventeenth (1821-1823) and the Twenty-second (1831-1833) Congresses.

<table>
<thead>
<tr>
<th>Congress</th>
<th>17th (1821-1823)</th>
<th>22nd (1831-1833)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bills</td>
<td>317</td>
<td>762</td>
</tr>
</tbody>
</table>

All of the bills introduced in the Seventeenth (1821-1833) and Twenty-second (1831-1833) Congresses were reported by committees for two basic reasons: the rules still placed restrictions on the introduction of leave bills and the order of business still did not allow a specific time for their introduction. Not until the second session of the Twenty-fourth Congress (1835-1837) was a decision made to provide for the introduction of leave bills during the regular order of business. After a member tried to introduce a bill when committees were reporting, Speaker Polk ruled that since member-initiated bills were introduced on motion for leave they were in order during the presentation of resolutions. He thought that the instructions included in motions for leave were similar to those of resolutions and should, therefore, be presented at the same time. (Debates 24-2, 13:1340-46) That decision gave rise to a new phase in the evolution of bill introduction, one in which the introduction of
leave bills was allowed, though not encouraged.

BILL INTRODUCTION IN THE TWENTY-FIFTH (1837-1839) THROUGH THIRTY-FIFTH (1857-1859) CONGRESSES

By the late 1830s and throughout most of the 1840s and 1850s, the work of the House was constrained by partisan and regional problems. In an attempt to alleviate the frustrations and create a better working environment, Representatives, in the first session of the Twenty-Fifth Congress (1837-1839), adopted some rule changes in accordance with Speaker Polk's ruling of the previous Congress. (Globe 25-1, p. 34) The phrases, "brought in by committee" and "by order of the House" were omitted from the rules. The rules were also altered to assign a proper time for the introduction of leave bills. Thereafter, the rules stated that leave bills could, after one day's notice, be introduced during the time reserved for the presentation of resolutions and then referred to committees.

The regular order of business was further altered when the House limited the presentation of petitions to alternate Mondays after the first thirty days of a session, with the other Mondays being reserved for a call for both resolutions and leave bills. (Globe 25-2, p. 162) The rule change decreased the time allowed for the presentation of petitions and increased the opportunities for introducing resolutions and bills. Table 6-3 shows that regardless of the rule change in the Twenty-fifth Congress (1837-1839), petitions increased, while resolutions decreased.
The number of petitions did not dramatically decrease after their method of presentation changed. The presentation of petitions continued to conflict with the other business of the House until another rule was adopted that simplified their presentation. The decline in resolutions can be explained by their increased complexity. Apparently, members began to include more instructions and information in their resolutions. Table 6-2 also shows that after the Twenty-seventh Congress (1841-1843), the number of petitions declined. That decline was likely caused by a decrease in their prestige after a rules was revised to allow members to presented petitions to the Clerk. (Globe 27-1, p. 620)

The rules changes of the 1830s and 1840s provided members with more opportunities to introduce leave bills. Motions for leave to introduce bills were, however, often debated because of their controversial topics. Table 6-4 shows that regardless of those debates the number of member-introduced bills increased from 54 in the Twenty-seventh Congress (1841-1843) to over 140 in the Thirty-second Congress (1851-1853).
TABLE 6-4
BILL INTRODUCTION BY MEMBERS AND COMMITTEES

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
</tr>
<tr>
<td>Bills first introduced by members*</td>
<td>54(6.5%)</td>
<td>110(22.3%)</td>
<td>141(38.3%)</td>
</tr>
<tr>
<td>Bills first reported by committee*</td>
<td>775(93.5%)</td>
<td>384(77.7%)</td>
<td>227(61.7%)</td>
</tr>
<tr>
<td>Members in the House</td>
<td>245</td>
<td>229</td>
<td>237</td>
</tr>
<tr>
<td>Active Committees in the House+</td>
<td>45</td>
<td>23</td>
<td>24</td>
</tr>
</tbody>
</table>

*% given is % of all bills of that Congress
+Committees which either reported bills or received bills introduced on leave

As shown in Table 6-4, during the 1840s and early 1850s, member-introduced bills steadily grew in number, even though the number of members did not grow in a similar increment. The drop in the number of committee-reported bills by nearly 400 from the Twenty-seventh (1841-1843) to the Thirty-first (1849-1851) Congresses was, in comparison, surely related to a decrease in the number of active committees. The decrease between those Congresses was probably a response to the time committees spent investigating the increasingly various and complex resolutions, executive reports and petitions they received.

Along with the gradual increase in the number of member-introduced bills, was an increase in the variety of topics covered in those bills. During the Twenty-seventh Congress (1841-1843), members introduced bills for individual relief, the military, trade, Indian depredations, and land claims. In the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses, the topics of both committee-reported and
member-introduced bills were more varied. Commerce, diplomatic relations, the organization of state and territorial governments, House affairs and railroad construction, as well as those topics mentioned previously, were included in both.

The number of members introducing leave bills also increased, climbing from 37 in the Twenty-seventh Congress (1841-1843) to 66 in the Thirty-second (1851-1853). As shown in Table 6-5, not only was there an increase in the number of introducers, there was also an increase in the percentage of members introducing: 28 percent compared to 15 percent in the earlier Congress. That increase is even more dramatic when compared to the sharp decline in the number of committee members reporting bills. During the Twenty-seventh Congress (1841-1843), 147 members, or sixty percent of the members, reported at least one bill by committee. By the Thirty-second Congress (1851-1853), however, that number had been cut almost in half and constituted only 34 percent of the membership.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
</tr>
<tr>
<td>Members only introducing bills on leave*</td>
<td>12(4.9%)</td>
<td>36(15.7%)</td>
<td>36(12.7%)</td>
</tr>
<tr>
<td>Members both reporting and introducing bills*</td>
<td>25(10.2%)</td>
<td>30(13.1%)</td>
<td>30(15.2%)</td>
</tr>
<tr>
<td>Members only reporting bills by committee*</td>
<td>122(49.8%)</td>
<td>66(28.8%)</td>
<td>44(18.6%)</td>
</tr>
</tbody>
</table>

*% given is % of entire membership of the House during that Congress

In contrast to the number of members reporting bills, the
number who introduced at least one leave bill increased by 29 across the ten year period. Those members, however, still comprised only a little over one-fourth of the entire membership. Since the rules had been revised to allow for the introduction of leave bills, the characteristics of members who took advantage of the provision should be compared to those of members who did not.

Across the 1840s and 1850s, a larger number and a greater percent of majority party members reported bills and introduced leave bills than minority party members. As Table 6-6 shows, during the Twenty-seventh Congress (1841-1843), only a small percentage of members of either the Whigs or Democrats introduced leave bills. In the Thirty-first (1849-1851) and Thirty-second (1851-1852) Congresses, the Democratic majority party's percentage introducing leave bills was greater. The party system of those Congresses was more developed than it had been in the Twenty-seventh Congress (1841-1843) and should, therefore, be expected to exert more influence over a member's participation in House activities.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
</tr>
<tr>
<td>Majority Party</td>
<td>Introduce</td>
<td>Report</td>
<td>Introduce</td>
</tr>
<tr>
<td></td>
<td>14(10.1%)</td>
<td>81(58.3%)</td>
<td>39(33.9%)</td>
</tr>
<tr>
<td>Minority Party</td>
<td>8(9.4%)</td>
<td>38(40.0%)</td>
<td>22(21.2%)</td>
</tr>
</tbody>
</table>

*% given is % of all members of the party
Seniority and careerism also provide some distinctions between members involved or not involved in bill introduction. As shown in Table 6-7, seniority only slightly differentiated members who introduced and/or reported from members who did not until the Thirty-second Congress (1851-1853) when more senior members were increasingly likely to report bills.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th 1841-43</th>
<th>31st 1849-51</th>
<th>32nd 1851-53</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freshman</td>
<td>8( 8.2%)</td>
<td>42(42.9%)</td>
<td>32(24.1%)</td>
</tr>
<tr>
<td>Sophomore</td>
<td>9( 7.4%)</td>
<td>57(47.1%)</td>
<td>29(34.5%)</td>
</tr>
<tr>
<td>Junior</td>
<td>6(18.8%)</td>
<td>18(27.6%)</td>
<td>3(12.5%)</td>
</tr>
<tr>
<td>Senior</td>
<td>0( 0.0%)</td>
<td>5(71.4%)</td>
<td>1(20.0%)</td>
</tr>
</tbody>
</table>

+Term serving during that Congress - Freshman=1st term, Sophomore=2nd or 3rd term, Junior=4th,5th or 6th term, Senior=7th or more terms
* % given is % of all members of the category

With regard to careerism, Table 6-8 shows that a larger percentage of members with several terms left to serve were likely to report bills in the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses. According to the data, members with more terms left to serve were also more likely to be involved in the introduction of leave bills in the Thirty-second Congress (1851-1853).
TABLE 6-8
CAREERISM AND BILL INTRODUCTION+

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
</tr>
<tr>
<td>Introduce</td>
<td>Report</td>
<td>Introduce</td>
<td>Report</td>
</tr>
<tr>
<td>0 Terms</td>
<td>13(7.4%)</td>
<td>82(48.8%)</td>
<td>31(23.7%)</td>
</tr>
<tr>
<td>1 Term</td>
<td>7(15.2%)</td>
<td>23(50.0%)</td>
<td>18(24.3%)</td>
</tr>
<tr>
<td>2 to 3 Terms</td>
<td>3(12.1%)</td>
<td>15(60.0%)</td>
<td>12(50.0%)</td>
</tr>
<tr>
<td>4 to 6 Terms</td>
<td>0(0.0%)</td>
<td>4(50.0%)</td>
<td>4(25.0%)</td>
</tr>
<tr>
<td>7 plus Terms</td>
<td>0(0.0%)</td>
<td>1(33.3%)</td>
<td>0(0.0%)</td>
</tr>
</tbody>
</table>

+Subsequent terms of service in the House after the present term
* % given is % of all members of the category

This data is, of course, clouded by the unknown numbers of members with House career goals who were unable to run for reelection, lost their reelection bid, or died. Also, some members could have used their involvement in bill introduction to advertise for other elected posts. Both groups of members might have introduced leave bills during their short careers, therefore, increasing the percentages of first term members introducing bills.

Since both partisanship and career patterns were only slightly associated with a member's introduction of bills, more constituency-oriented characteristics of members will be considered to see if they distinguished members who introduced from those who did not. The data in Table 6-9 show that individual Representatives were, across the time period, increasingly more likely than committees to introduce bills for state or district constituents. Whether the bill concerned a
specific land grant in his state or the building of a post office in his district, a member was more likely than a committee to introduce it. The leave method of introduction was evidently a vehicle used by members who wanted their specific constituencies to receive benefits from the national government. In comparison, Table 6-9 shows that while members presented many petitions, they left the presentation of individual relief bills to committees.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th (1841-43)</th>
<th>31st (1849-51)</th>
<th>32nd (1851-53)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Bills</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Member-introduced*</td>
<td>9 (15.8%)</td>
<td>15 (13.6%)</td>
<td>17 (12.1%)</td>
</tr>
<tr>
<td>Committee-reported+</td>
<td>482 (62.2%)</td>
<td>252 (65.6%)</td>
<td>112 (49.3%)</td>
</tr>
<tr>
<td>Constituency Public Bills</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Member-introduced*</td>
<td>20 (41.7%)</td>
<td>66 (69.5%)</td>
<td>91 (73.3%)</td>
</tr>
<tr>
<td>Committee-reported+</td>
<td>96 (32.7%)</td>
<td>50 (37.9%)</td>
<td>61 (53.0%)</td>
</tr>
</tbody>
</table>

* % given is % of all member-introduced bills  
+ % given is % of all committee-reported bills  
ț Constituency Public bills: River and/or harbor developments, Indian protection and/or depredation, Land grants, Post Office buildings, Railroad and/or Road construction, State courthouse construction within a particular state named in the bill

The fate of leave bills remained dreary during the decades of the 1840s and 1850s since those bills were still unlikely to receive subsequent attention. As Table 6-10 illustrates, bills reported by committees were much more likely than those introduced by individuals to be discussed in a Committee of the Whole, passed by the House, and passed into law. In fact, the fate of bills introduced by individuals worsened by the Thirty-first
(1849-1851) and Thirty-second (1851-1853) Congresses. More bills were introduced by members during those Congresses, but smaller percentages of them received subsequent attention than the bills introduced in the Twenty-seventh Congress (1841-1843).

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
</tr>
<tr>
<td>Action by Committee of the Whole</td>
<td>Committee+</td>
<td>Individual+</td>
<td>Committee+</td>
</tr>
<tr>
<td>Passed the House</td>
<td>625(80.6%)</td>
<td>32(59.3%)</td>
<td>237(61.7%)</td>
</tr>
<tr>
<td>Passed House &amp; Senate</td>
<td>54(70.2%)</td>
<td>25(46.3%)</td>
<td>162(42.2%)</td>
</tr>
</tbody>
</table>

*% given is % of all committee bills
+% given is % of all individual bills

Throughout the 1840s and 1850s, changes in the rules allowed for more bills to be introduced by individual members. The practice of introducing bills on leave, therefore, became more common. Representatives who introduced leave bills, however, cannot be easily distinguished from those who did not since the evidence shows that members who introduced could have been from either the majority or minority party, could have been freshmen or seniors in their terms of service, and could have been establishing or ending their House careers. The bills they introduced are, however, more easily distinguished since member-introduced bills were much more likely than
committee-reported bills to be concerned with constituency-related subjects. A member's drive to introduce leave bills can, therefore, be related to an assumption that he believed he could benefit from publicity for attempting to provide for his constituents even though he knew that the benefits he proposed would never be provided since member-introduced bills were not likely to be reported by committees, discussed in a Committee of the Whole, nor passed by the House.

The new rules passed during the 1840s and 1850s, in general, increased the ability of members to introduce bills through the leave and unanimous consent methods. The following section will show that those rules changes influenced the reporting and introduction of bills throughout the 1860s and 1870s and that further rule and procedural changes increased the individual Representative's opportunity to introduce measures independent of his committee membership.

BILL INTRODUCTION IN THE THIRTY-SIXTH (1859-1861) THROUGH FORTY-FIFTH (1877-1879) CONGRESSES

During the 1860s and 1870s, the House received more information in the form of resolutions than it had in previous Congresses. It, on the other hand, received fewer petitions than in earlier times. Not until the Forty-second Congress (1871-1873), when many Civil War veterans and their families sent petitions requesting assistance, did the number of petitions reach the total of earlier Congresses. In comparison, as Table 6-11 shows, the number of executive reports increased in the 1860s and 1870s,
reaching an all time high for the Congresses used in this sample in the Forty-second Congress (1871-1873).

<table>
<thead>
<tr>
<th>Congress</th>
<th>17th (1821-23)</th>
<th>22nd (1831-33)</th>
<th>27th (1841-4)</th>
<th>31st (1849-51)</th>
<th>32nd (1851-53)</th>
<th>36th (1859-61)</th>
<th>37th (1861-63)</th>
<th>42nd (1871-73)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolutions</td>
<td>908</td>
<td>1,183</td>
<td>398</td>
<td>360</td>
<td>194</td>
<td>524</td>
<td>714</td>
<td>677</td>
</tr>
<tr>
<td>Petitions</td>
<td>2,129</td>
<td>5,153</td>
<td>6,783</td>
<td>6,047</td>
<td>4,735</td>
<td>2,913</td>
<td>1,535</td>
<td>6,788</td>
</tr>
<tr>
<td>Exec. Repts</td>
<td>245</td>
<td>456</td>
<td>376</td>
<td>109</td>
<td>206</td>
<td>183</td>
<td>254</td>
<td>589</td>
</tr>
</tbody>
</table>

As Table 6-12 shows, besides increases in petitions and executive reports, there were also more bills introduced in the Thirty-sixth (1859-1861), Thirty-seventh (1861-1863) and Forty-second (1871-1873) Congresses. That increase in bills was definitely caused by increases in private leave bills. In general, member-introduced bills increased over 750 percent between the Thirty-seventh (1861-1863) and Forty-second (1871-1873) Congresses. With the exception of the Thirty-seventh Congress (1861-1863), a Congress in which the Representatives were preoccupied with war-related legislation, nearly half of the bills were of a private nature. Private bills, it should be remembered, were offered in response to petitions presented by members on behalf of their constituents.
<table>
<thead>
<tr>
<th>Congress</th>
<th>17th</th>
<th>22nd</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bills</td>
<td>317</td>
<td>762</td>
<td>832</td>
<td>494</td>
<td>368</td>
<td>1,020</td>
<td>792</td>
<td>4,052</td>
</tr>
<tr>
<td>Public Bills</td>
<td>178</td>
<td>472</td>
<td>338</td>
<td>227</td>
<td>239</td>
<td>491</td>
<td>613</td>
<td>2,207</td>
</tr>
<tr>
<td>Private Bills</td>
<td>139</td>
<td>290</td>
<td>491</td>
<td>252</td>
<td>129</td>
<td>529</td>
<td>179</td>
<td>1,845</td>
</tr>
<tr>
<td>Cmtee. Repts</td>
<td>591</td>
<td>1,413</td>
<td>612</td>
<td>183</td>
<td>773</td>
<td>216*</td>
<td>297</td>
<td></td>
</tr>
</tbody>
</table>

*In the 37th Congress 276 additional reports were submitted by the Court of Claims

The number of committee reports, on the other hand, did not directly relate to the increases in information received by the House. As shown in Table 6-12, committee reports increased in the Thirty-sixth Congress (1859-1861), then decreased in the Thirty-seventh Congress (1861-1863), and rebounded in the Forty-second Congress (1871-1873). The increase in committee-reported bills during the Forty-second Congress (1871-1873) should also be considered substantial, although not as overwhelming as the increase in member-introduced bills, as it represents an increase of 100 percent over the Thirty-seventh Congress (1861-1863).

Bills are categorized by their method of introduction in Table 6-13. As is evident from the data, members introduced more bills than committees by the Thirty-seventh Congress (1861-1863) and overwhelmed the introduction process by the
Forty-second Congress (1871-1873).

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
</tbody>
</table>

Member-introduced
54 (6.5%) 110 (22.3%) 141 (38.3%) 437 (42.8%) 428 (54.0%) 3,295 (81.3%)

Committee-reported
775 (93.5%) 384 (77.7%) 227 (61.7%) 583 (57.2%) 364 (46.0%) 757 (18.7%)

*% given is % of all bills of that Congress

One reason for the fluctuation in committee reports, shown in Table 6-12, and committee-reported bills, shown in Table 6-13, was their subject matters. The reports of the early 1860s concentrated on the administration's conduct of the war, while the committee reports of the 1870s dealt with a wider variety of issues, including: Reconstruction, war reparations, the nation's economy, executive branch departments' expenses and organizations, foreign policy and territorial governments.

Along with the increases in member-introduced bills each Congress were increases in the numbers of members introducing leave bills. During the Thirty-sixth (1859-1861) and Thirty-seventh (1861-1863) Congresses, over half of the members, introduced leave bills and by the Forty-second Congress (1871-1873) nearly every member introduced leave bills. Such increases, by the way, were apparently not related to decreases in the number of members reporting bills in the Thirty-first (1849-1851) and Thirty-second (1851-1853) Congresses. In the
later Congresses, many members introduced and reported bills. (see Table 6-14) After the Thirty-first Congress (1849-1851), there was also a slow growth in the number of committees either receiving or reporting bills.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1841-43</td>
<td>1849-51</td>
<td>1851-53</td>
<td>1859-61</td>
<td>1861-63</td>
<td>1871-73</td>
</tr>
</tbody>
</table>

| Only introduced bills on leave* | 12( 4.9) | 36(15.7) | 36(12.7) | 56(23.1) | 50(26.9) | 127(50.2) |
| Both reported & introduced bills* | 25(10.2) | 30(13.1) | 30(15.2) | 81(33.5) | 69(37.1) | 124(49.0) |
| Only reported bills by cmtee* | 122(49.8) | 66(28.8) | 44(18.6) | 40(16.5) | 24(12.9) | 2( .8) |
| Members | 245 | 229 | 237 | 242 | 186 | 253 |
| Active Committees+ | 45 | 23 | 24 | 32 | 35 | 42 |

*% given is % of entire membership of the House during that Congress
+Committees which either reported bills or received bills introduced on leave

In the late 1850s, 1860s and early 1870s, more members became involved in both the introduction and reporting of bills so that by the Forty-second Congress (1871-1873), nearly every member was active in at least one of the two activities. Since almost every member of the Forty-second Congress (1871-1873) introduced leave bills, only the characteristics of members who introduced during the Thirty-sixth (1859-1861) and Thirty-seventh (1861-1863) Congresses will be discussed in the following paragraphs.

According to Table 6-15, over half of the members of both
the majority and minority parties introduced leave bills by the Thirty-sixth (1859-1861) and Thirty-seventh (1861-1863) Congresses. These percentages, in comparison to the percentages of earlier Congresses, merely represent across the board increases, rather than specific gains by one particular party. The information provided in Table 6-15, therefore, rules out partisanship as a characteristic for differentiating members who introduced from those who did not during these Congresses. Apparently, majority party members did not enjoy preferential treatment by the Speaker since similar percentages of both the majority and minority parties introduced leave bills.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th (1841-43)</th>
<th>31st (1849-51)</th>
<th>32nd (1851-53)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Introduce</td>
<td>Report</td>
<td>Introduce</td>
</tr>
<tr>
<td>Majority Party Member*</td>
<td>14 (10.1%)</td>
<td>81 (58.3%)</td>
<td>39 (33.9%)</td>
</tr>
<tr>
<td>Minority Party Member+</td>
<td>8 (9.4%)</td>
<td>38 (40.0%)</td>
<td>22 (21.2%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Congress</th>
<th>36th (1859-61)</th>
<th>37th (1861-63)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Introduce</td>
<td>Report</td>
</tr>
<tr>
<td>Majority Party Member*</td>
<td>54 (50.9%)</td>
<td>59 (55.7%)</td>
</tr>
<tr>
<td>Minority Party Member+</td>
<td>77 (57.9%)</td>
<td>57 (42.9%)</td>
</tr>
</tbody>
</table>

*% given is % of all members of the party
+% given is a combination of all minority parties

Seniority also was, for the most part, irrelevant as a
source of distinction between members who introduced and those who did not in both the Thirty-sixth (1859-1861) and Thirty-seventh (1861-1863) Congresses. In fact, in the Congresses listed in Table 6-16, only slight differences between the introduction and reporting practices of freshmen and more senior members were evident. Only in the Thirty-seventh Congress (1861-1863) was there an increased potential for more senior members to introduce or report a bill rather than freshmen. That increased likelihood suggests that after the evolution of bill introduction began, a rather small selection bias that allowed senior Representatives more opportunities to introduce and/or report bills existed.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th 1841-43</th>
<th>31st 1849-51</th>
<th>32nd 1851-53</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freshman</td>
<td>8(8.2%)</td>
<td>42(24.1%)</td>
<td>46(34.6%)</td>
</tr>
<tr>
<td>Sophomore</td>
<td>9(7.4%)</td>
<td>57(34.5%)</td>
<td>38(29.5%)</td>
</tr>
<tr>
<td>Junior</td>
<td>6(18.8%)</td>
<td>3(12.5%)</td>
<td>8(33.3%)</td>
</tr>
<tr>
<td>Senior</td>
<td>0(0.0%)</td>
<td>1(20.0%)</td>
<td>2(25.0%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Congress</th>
<th>36th 1859-61</th>
<th>37th 1861-63</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freshman</td>
<td>59(52.7%)</td>
<td>52(46.4%)</td>
</tr>
<tr>
<td>Sophomore</td>
<td>67(59.8%)</td>
<td>64(72.7%)</td>
</tr>
<tr>
<td>Junior</td>
<td>7(35.0%)</td>
<td>11(73.3%)</td>
</tr>
<tr>
<td>Senior</td>
<td>2(40.0%)</td>
<td>0(0.0%)</td>
</tr>
</tbody>
</table>

+ Term serving during that Congress - Freshman = 1st term, Sophomore = 2nd or 3rd term, Junior = 4th, 5th or 6th term, Senior = 7th or more terms
* % given is % of all members of the category
In the 1860s and 1870s, careerism offered a somewhat clearer distinction between members who introduced from those who did not. As is evident from Table 6-17, a much larger percentage of members with four or more terms left to serve introduced leave bills than their counterparts with fewer than two terms left to serve. The numbers and percentages provided in Table 6-17 also show that members who had more terms left to serve were more likely to report bills from committees, thus proving that introducing and reporting bills were important activities for members with House career goals.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th (1841-43)</th>
<th>31st (1849-51)</th>
<th>32nd (1851-53)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Introduce</td>
<td>Report</td>
<td>Introduce</td>
</tr>
<tr>
<td>0 Terms</td>
<td>13(7.4%)</td>
<td>82(46.6%)</td>
<td>31(23.7%)</td>
</tr>
<tr>
<td>1 Term</td>
<td>7(15.2%)</td>
<td>23(50.0%)</td>
<td>18(24.3%)</td>
</tr>
<tr>
<td>2 to 3 Terms</td>
<td>3(12.1%)</td>
<td>15(60.0%)</td>
<td>12(50.0%)</td>
</tr>
<tr>
<td>4 to 6 Terms</td>
<td>0(0.0%)</td>
<td>4(50.0%)</td>
<td>4(25.0%)</td>
</tr>
<tr>
<td>7 or more Terms</td>
<td>0(0.0%)</td>
<td>1(33.3%)</td>
<td>0(0.0%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Congress</th>
<th>36th (1859-61)</th>
<th>37th (1861-63)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Introduce</td>
<td>Report</td>
</tr>
<tr>
<td>0 Terms</td>
<td>70(47.3%)</td>
<td>58(39.2%)</td>
</tr>
<tr>
<td>1 Term</td>
<td>25(50.0%)</td>
<td>31(62.0%)</td>
</tr>
<tr>
<td>2 to 3 Terms</td>
<td>23(79.3%)</td>
<td>19(65.5%)</td>
</tr>
<tr>
<td>4 to 6 Terms</td>
<td>14(77.8%)</td>
<td>10(55.6%)</td>
</tr>
<tr>
<td>7 or more Terms</td>
<td>3(75.0%)</td>
<td>2(50.0%)</td>
</tr>
</tbody>
</table>

+Subsequent terms of service in the House after the present term
* % given is % of all members of the category

Unlike membership characteristics, the types of bills introduced by members in the 1860s and 1870s distinguish
member-introduced bills from committee-reported bills. While member bills were more constituency-oriented in the 1840s and 1850s, the percentage of such bills was not high in the Thirty-seventh Congress (1861-1863), when the bills introduced by members were not as likely to be constituency-oriented as they had been in the past nor were they very likely to be requests for individual assistance. Member-introduced bills in that Congress were most likely to be concerned with the actual operation and financing of the national government and its military.

After the Civil War and Reconstruction member-introduced bills were not as likely to be constituency-related. Thereafter, member-introduced bills were almost as likely to deal with individual relief as constituency benefits. As shown in Tables 6-18 and 6-19, during the Forty-second Congress (1871-1873), just over forty percent of all member-introduced bills were constituency-oriented while another forty percent were concerned with individual requests for relief, marking a change in the types of bills introduced by individual members.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th 1841-43</th>
<th>31st 1849-51</th>
<th>32nd 1851-53</th>
<th>36th 1859-1861</th>
<th>37th 1861-1863</th>
<th>42nd 1871-1873</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Bills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Member-introduced*</td>
<td>9 (15.8%)</td>
<td>15 (13.6%)</td>
<td>17 (12.1%)</td>
<td>87 (19.9%)</td>
<td>59 (13.7%)</td>
<td>1,340 (40.7%)</td>
</tr>
<tr>
<td>Committee-reported+</td>
<td>482 (62.2%)</td>
<td>252 (65.6%)</td>
<td>112 (49.3%)</td>
<td>442 (75.8%)</td>
<td>120 (33.0%)</td>
<td>505 (66.7%)</td>
</tr>
</tbody>
</table>

* % given is % of all member-introduced bills
+ % given is % of all committee-reported public bills
TABLE 6-19
MEMBER-INTRODUCED AND COMMITTEE-REPORTED CONSTITUENCY BILLS

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th</th>
<th>31st</th>
<th>32nd</th>
<th>36th</th>
<th>37th</th>
<th>42nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841-43</td>
<td>20(41.7%)</td>
<td>66(69.5%)</td>
<td>91(73.3%)</td>
<td>226(64.6%)</td>
<td>136(36.9%)</td>
<td>858(43.9%)</td>
</tr>
<tr>
<td>1849-51</td>
<td>96(32.7%)</td>
<td>50(37.9%)</td>
<td>61(53.0%)</td>
<td>58(41.1%)</td>
<td>68(27.9%)</td>
<td>90(35.7%)</td>
</tr>
</tbody>
</table>

* % given is % of all member-introduced bills
+ % given is % of all committee-reported public bills

Constituency Public Bills:
- River and/or harbor developments
- Indian protection and/or depredation
- Land grants
- Post Office buildings
- Railroad and/or Road construction
- State courthouse construction

During the 1860s and 1870s, member-introduced bills, regardless of their subject matter, were still unlikely to receive subsequent attention from the House. Committee-reported bills, on the other hand, were less numerous than the member-introduced bills but were much more likely to be discussed in a Committee of the Whole, passed by the House and passed into law. As shown in Table 6-20, the fate of member-introduced bills in the Forty-second Congress (1871-1873) worsened when compared to committee-reported bills which by that Congress were much more likely to receive subsequent attention from the House. As Table 6-20 shows, in the Thirty-sixth (1859-1861) and Thirty-seventh (1861-1863) Congresses a larger number and higher percentage of committee-reported bills were considered by Committees of the
Whole. In the Forty-second Congress (1871-1873), in comparison, almost an equal number of committee-reported bills and member-introduced bills were discussed in Committees of the Whole. The percentages of all committee-reported and all member-introduced bills represented by those numbers, however, are dramatically different as almost one hundred percent of the committee-reported bills received subsequent consideration while less than a quarter of the member-introduced bills received similar consideration.

<table>
<thead>
<tr>
<th>Congress</th>
<th>27th 1841-43</th>
<th>31st 1849-51</th>
<th>32nd 1851-53</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee</td>
<td>Individual+</td>
<td>Committee* Individual+</td>
<td>Committee* Individual+</td>
</tr>
<tr>
<td>Action by Committee of the Whole</td>
<td>625(80.6%)</td>
<td>32(59.3%)</td>
<td>237(61.7%)</td>
</tr>
<tr>
<td>Passed the House</td>
<td>54(70.2%)</td>
<td>25(46.3%)</td>
<td>162(42.2%)</td>
</tr>
<tr>
<td>Passed House &amp; Senate</td>
<td>435(56.1%)</td>
<td>20(37.1%)</td>
<td>75(19.5%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Congress</th>
<th>36th 1859-61</th>
<th>37th 1861-63</th>
<th>42nd 1871-73</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action by Committee of the Whole</td>
<td>Committee* Individual+</td>
<td>Committee* Individual+</td>
<td>Committee* Individual+</td>
</tr>
<tr>
<td>Passed the House</td>
<td>323(55.4%)</td>
<td>171(39.1%)</td>
<td>263(72.3%)</td>
</tr>
<tr>
<td>Passed House &amp; Senate</td>
<td>260(44.6%)</td>
<td>52(11.9%)</td>
<td>207(56.9%)</td>
</tr>
<tr>
<td>Published</td>
<td>164(28.1%)</td>
<td>33(7.6%)</td>
<td>168(46.2%)</td>
</tr>
</tbody>
</table>

*% given is % of all committee bills
+% given is % of all individual bills
Further differences between the two categories of bills are evident when passage by the House and Senate is considered. Over half of the committee-reported bills were passed by both the House and the Senate while less than ten percent of the member-introduced bills were passed into law.

Throughout the 1860s and 1870s, bill introduction evolved from a particularistic to a universalistic procedure. It also changed from a method filled with opportunities for the leadership’s use of discretion to an automatic method with few opportunities for domination by the institution’s leaders. Even after these developments occurred, the procedure was still the subject of much debate. Throughout the 1880s and 1890s, several adjustments in bill introduction made the process even more automatic and non-discretionary. The results of those changes will be discussed in the following section.

BILL INTRODUCTION IN THE FORTY-SIXTH (1879-1881) THROUGH FIFTY-SECOND (1891-1893) CONGRESSES

When Representatives could introduce leave bills without any procedural restrictions and as leave bills grew in number, a trade-off between individual members and the House’s committees occurred. The trade-off basically involved the members' opportunity to introduce legislation at the expense of their ability to influence legislation. Evidence of this trade-off lies in the fact that as the number of bills introduced each Congress reached an uncontrollable number, only a very small percentage of member-introduced bills were passed into law.
Members lost power while committees retained their influence and domination over the House's legislative activities. Representatives realized this growing control and, in 1880, reformulated the rules in an attempt to limit committee power. Members knew by then that their opportunities to influence committees were limited since the daily morning hour call for resolutions was no longer offered. Their only opportunity to influence committees was during the Monday call of states and territories for leave bills and resolutions.

The rules, as revised in 1880 did not, however, provide members with a greater opportunity to influence committees and, thus, House legislation. House rules omitted specific references to bills on leave or to bill introduction. The only reference to such bills or actions was included in Rule XXIV which stated that after the reading and approval of the Journal each Monday, a call of states and territories for bills and joint resolutions would be conducted. The new rules of 1880 also omitted any specific reference to committee bills. (Journal 46-2, pp. 1547-1550) Through these omissions the House eliminated any requirement for specific permission to introduce bills. Instead of increasing individual power, the new rules limited individual members by reinforcing restrictions on one's opportunities to introduce resolutions, debate and offer motions to reconsider. The end result of the rule changes was the continued domination by committees over the House's legislative activities.
The 1880s revisions in bill introduction did not stand the test of time. In 1887 the introduction of private bills was taken off the floor and in 1890 public bills were afforded the same off-floor procedures. Once the method of introducing both types of bills was done by simply handing them to the Clerk for committee reference, their numbers exploded.

CONCLUSION

The movement toward off-floor introduction took over half a century. During those decades, members struggled for rule and procedural changes to facilitate their ability to introduce legislation even when that ability ran counter to their influence over legislation. Even after the Representatives had to have realized that their increased ability to introduce bills limited their influence over committees, they still encouraged rule changes to make the process more automatic and less discretionary. That continued promotion for increased introduction capabilities suggests that members did not always attempt to organize the procedures of the House for the production of legislation. Instead it must be accepted that since members continued to desire expanded and less restricted introduction opportunities at the expense of actual legislative influence, they regarded their introduction of bills as a means of advertising rather than as a positive step in the actual development of legislation.

That conclusion has interesting implications for current
research since many political scientists assert that Representatives have broad powers available to them for manipulating the House's environment to advantage their position with their constituents. Whether for future electoral gains or future financial security, members were introducing in satisfying their constituents through the introduction of bills that were dead upon referral to committee.

Had members had total control over their institution, however, the change would have occurred much more quickly than it did. Thus, this dissertation suggests that an organizational influence was held by the House over its members' procedural whims and wishes. That organizational control should be credited by current researchers for maintaining stability and continuity in House operations over the previous two hundred years and should be expected to remain influential for the next two hundred.
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