

Suspension of the Rules, the Order Of Business, and the Development Of Congressional Procedure

The legislative procedures of Congress are the result of two centuries of continuity and change. This study illustrates this process in the House of Representatives by examining the development of the procedure now known as suspension of the rules. A series of changes in the House's standing rules and precedents during the nineteenth century combined to transform the suspension procedure from a means for the House to escape from the rigidities of its regular order of business into a device by which representatives could secure floor votes on issues of their choice and finally into a well-regulated way in which the House now acts on much of its annual legislative workload.

From 1975 through 1986, during the 94th through 99th Congresses, the House of Representatives passed 6,122 bills and joint resolutions, of which 1,990 or almost one-third were considered on the House floor under the procedure known as suspension of the rules (Bach 1986, 1988).¹ The House uses the suspension procedure so often because it enables members to act expeditiously on legislation that enjoys overwhelming support on the floor. In brief, on any Monday or Tuesday the Speaker has discretionary authority to recognize representatives (usually committee or subcommittee chairs) to make motions to suspend the rules and pass a bill, even if the bill has not yet been reported from committee.² The House then debates both the motion and the bill for no more than 40 minutes, during which members cannot offer any floor amendments.³ After the debate, they cast a single vote on suspending the rules and passing the bill, with a two-thirds vote required for passage.⁴ The suspension motion also has the effect of waiving any points of order that members otherwise could make during the bill's consideration.

This procedure is well established, well known, and well used. Yet it involves two anomalies. First, the House's standing rules include a rule to govern how the House conducts its business when its rules are suspended. Second, this rule takes effect as soon as a representative

moves to suspend the rules, not after the House has voted for that motion. The explanation for these anomalies lies in the development of the House's legislative procedures during the nineteenth century. The suspension procedure that all members recognize today is quite different in form and purpose from the original procedure. And the development of this procedure has been inextricably linked to the more general issue of how the House arranges its order of business by deciding what matters it will consider and when. Moreover, the changing relationship between suspension of the rules and the order of business also sheds some light on other important aspects of the history of the House as a legislative body, including the powers of the Speaker and the prerogatives of individual representatives.⁵

Nineteenth-Century Changes

The rules the House adopted during the 1st Congress did not explicitly provide for an order of business. According to McCall (1911, 67), "There was ample time in those days for the transaction of all business that was offered, and it was not necessary for the House to discriminate between measures." "To avoid favoritism," Alexander (1916, 182) concludes, "all bills were considered in the order of their introduction unless otherwise specially directed." But the House could not sustain this approach for long. Initially, "the House being able to dispose of all that came before it, the question of order and precedence was not important"; but "as the business of the House enlarged and became more than could be comfortably transacted, order and selection became vital questions" (Hinds 1907, 4:142). "Certain simple usages" evolved by custom and practice until 1811, when the House adopted its first rule on the order of business.

Under this rule, the House first disposed of the Journal each day and any petitions that members presented from private citizens. Then it received and considered measures from its committees, after which it returned to any unfinished business from the previous day (Alexander 1916, 214). Instead of acting immediately on each bill its committees reported, however, the House often decided to make a particular measure an "order of the day" for consideration on another date. So the House could deviate from its rule on the order of business and decide for itself whether and when it would consider each of the measures from its committees. Over the following years, the House limited the time it devoted to measures its committees had reported that day and reserved more of its time for considering bills that it already had designated as orders of the day (Hinds 1907, 4:142-43).

One problem with orders of the day was that they evidently were arranged at first only by unanimous consent. This was probably one reason why the House decided in 1822 to permit its rules to be suspended by a two-thirds vote. The relationship between suspending the rules and creating an order of the day—or a special order, as it came to be known—was made more explicit six years later when the House again amended the same rule: “Nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two-thirds of the Members present” (Hinds 1907, 5:902). The House parliamentarian observes that this development “marks the great purpose of the motion, which was to give a means of getting consideration for bills which could not get forward under the rule for the order of business” (U.S. Congress 1987, 644).

Thus, in 1834, the House suspended its rule on the order of business, by a two-thirds vote, so that James K. Polk (D.-TN) could offer the following resolution: “Resolved, That the report of the Committee on Ways and Means on the removal of the public deposits from the bank of the United States, made on the 4th of March, 1834, and the resolutions thereto appended, be the standing order of the day for Tuesday next, at 1 o’clock, and on each succeeding day in every week, Saturdays excepted, at the same hour, until disposed of.” Hinds (1907, 4:193–94) also reports that “special orders for disposing of particular matters of legislation, such as appropriation bills and other important measures, began to be used quite frequently in the first session of the Twenty-fourth Congress (1836).”⁶ The requirement for a two-thirds vote protected the standing rule on the order of business from being set aside by a mere majority; on the other hand, a single member no longer could prevent the House from making special arrangements for individual bills.

In one important respect, then, the House used suspension motions during the first half of the nineteenth century for much the same purpose they are used today: to bring bills to the floor sooner than they would be reached (if reached at all) under the regular order of business. But there was an equally important difference. Before the Civil War, the usual purpose of a suspension motion was to make consideration of a measure in order, not to bring it to the House floor and pass it at the same time. After the House agreed to the motion, it then would act on the measure itself according to its regular legislative procedures. In 1868, however, Elihu Washburne (R.-IL) moved to suspend the rules and adopt, not merely consider, a resolution establishing procedures for debating the impeachment of Andrew Johnson. Speaker Colfax overruled a point of order that the House had a right to vote separately

on suspending the rules and then on agreeing to the resolution (Hinds 1907, 5:925).⁷ The practice of joining both actions under one motion apparently became increasingly common and marked an important transformation of the suspension procedure.

Another difference from contemporary procedure made suspension motions a mixed blessing for the House's majority party leaders throughout the middle decades of the nineteenth century. During this time, the Speaker did not control use of these motions through his power of recognition. Instead, members could propose to suspend the rules at their own discretion, and they evidently did not hesitate to take advantage of the opportunity. So while suspension motions remained useful devices to overcome the rigidities of the regular order of business, they also were used frequently by individual members of both parties for their own purposes—purposes that, from the perspective of the Speaker and his allies, distracted the House and disrupted the timely and orderly consideration of major legislation. As Hinds concludes (1909, 589), "Formerly the Speaker was compelled to recognize any Member who first got his attention on the motion to suspend the rules. The result was that the motion was greatly abused. Men would prepare resolutions on subjects of no practical standing in the House, sometimes so artfully worded as to be political traps, condemning many Members to political danger in their districts, whether they voted for or against them."

Suspending the rules by two-thirds votes also became less essential for arranging the order of business as the House devised other ways to call up bills outside of the regular order (Damon 1971, 174–80).⁸ Alexander (1916, 216) notes that "revenue and appropriation bills became intermittently privileged after 1837, and in 1850 the Speaker held conference reports in order at any time. Setting apart certain days of the week for the consideration of specified legislation [e.g., District of Columbia and private bills] rooted itself early in the House procedure." With such developments, the majority had less need to rely on suspension motions to promote its preferred order of business, so it could afford to limit the opportunities for making them. And because the motions were made so often by members pursuing their own legislative or political interests, the House also had an incentive to control their use. Probably for these reasons, the House amended its rules in 1847 to permit most suspension motions only on Mondays and during the closing days of a session. Then in 1880, as part of a general revision of the rules, the motions were restricted to the first and third Mondays of each month and the closing days of the session, with preference given

on the first Monday to members acting at their own initiative and on the third Monday to members acting at the direction of committees.

During the 1880 debate, William Frye (R.-ME) spoke for a majority of the Rules Committee when he argued that members were not using suspension motions for serious legislative purposes.

In the first place, it is understood that any gentleman under the present rule may bring before the House any resolution he may see fit, and compel us to vote upon it. Political resolutions are in order, and to prevent their being offered to the House every now and then we adjourn immediately after the call of the States has been completed, and the remainder of that Monday is wasted. . . . It seems to me that we have been sent here for some useful purpose, to do some good, not to be compelled to go upon the record on foolish propositions, on propositions the majority of which are mere humbug propositions—simply, thin attempts at demagoguery. That is true of two-thirds of the individual resolutions which have been offered on Monday (*Congressional Record*, 27 February 1880, 1195).

To address this problem, the 1880 rules revision also changed the suspension procedure by reinstating a rule that the House had adopted in 1874 but then abandoned two years later: “All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.” According to Hinds (1907, 5:906), this requirement “was intended to prevent the offering of ‘buncombe’ resolutions, the idea being that a proposition which could not receive such a second should not take the time of the House.”

The 1873 and 1874 debates on the requirement for seconding suspension motions clearly indicate that such motions posed problems for majority party control of the order of business and of the issues on which members were to vote. Members of the Rules Committee contended that suspension motions often had been offered, and roll-call votes had been demanded on them, merely to delay proceedings or create political embarrassment. The demand for a second, which could be rejected by an unrecorded majority vote, would enable members to avoid considering a suspension motion and so avoid going on record as being for or against “political conundrums” that do not “affect one single item of the legislation of the country” (*Congressional Record*, 18 December 1873, 318).⁹

Opponents of the proposal argued that suspension motions offered individual members and the minority party their only way to raise issues of their choice and compel the House to vote on them. This opportunity would be lost if the House could vote against considering their motions and could do so by unrecorded teller votes. As William O’Brien (D.-MD) explained (*Congressional Record*, 18 December 1873, 314), “Under the existing rule I may have a resolution—for instance, a resolution of inquiry—upon which I desire the action of the

House; and, moving a suspension of the rules to adopt the resolution, I can demand the yeas and nays upon the motion, and even though I know the resolution will be defeated, yet if one-fifth of the members present should consent to order the yeas and nays, I can obtain a record in that form. The position that prevailed, however, was that of Horace Maynard (R.-TN), who defended the Rules Committee's proposal (*Congressional Record*, 18 December 1873, 318): "If any gentleman has a measure which he regards as of such consequence that the rules of the House should be suspended and immediate action had upon it, let him appeal to the House, in the first place, and see whether he can get a majority vote; because if he cannot it is utterly idle to suppose that he could ever get two-thirds to vote with him."

Also before 1880, motions to suspend the rules had not been debatable (Hinds 1907, 5:209, 915).¹⁰ This prohibition did not seriously constrain members during earlier decades, when they typically moved to suspend the rules only so that a particular measure could be considered under the regular procedures of the House, which did permit debate.¹¹ But shortly after the Civil War, as was noted earlier, members had begun to offer motions to suspend the rules and pass a measure (or take some other action) by one vote. Under these circumstances, prohibiting debate on a suspension motion became a more significant restriction on members' rights because it also precluded debate on the bill itself. And House rules did not restrain members from presenting major bills for consideration in this way in order to protect them against debate and amendment.¹² In 1880, the House addressed this aspect of suspension procedure by agreeing, without discussion or opposition, to permit 30 minutes of debate on each suspension motion, the time to be equally divided between proponents and opponents. By the turn of the century, the period for debate had been extended to 40 minutes (Hinds 1907, 5:916).

Writing shortly before the 1880 rules changes, George Frisbie Hoar (1879, 122) offered this critique of the suspension procedure and its consequences: "In this way, if two-thirds of the body agree, a bill is by a single vote, without discussion and without change, passed through all the necessary stages, and made law so far as the consent of the House can accomplish it; and in this mode hundreds of measures of vital importance receive, near the close of exhausting sessions, without being debated, amended, printed, or understood, the constitutional assent of the representatives of the American people."

To recapitulate, the general rules revision responded to such criticisms in three ways. First, by creating a majority vote on seconding each suspension motion, the House gave itself a way to vote against con-

sidering the motion and, therefore, to avoid considering the bill to which it was coupled. Second, by permitting debate on the motion, the House allowed itself time to discuss any bill it was willing to consider in this way. And third, by authorizing members to make suspension motions at their own initiative only on the first Monday of each month and at the end of sessions, the House protected itself against these motions at all other times.

At roughly the same time the House was making these formal changes in its rules, another change was taking place in its practices—a change which proved to be at least as important as the rules changes for transforming the suspension motion into the generally well-regulated device it has become for considering relatively noncontroversial measures. The Speaker assumed the authority to decide whether he would recognize a member to move to suspend the rules. “About that time, Mr. Speaker Randall, without complaint of the House, began to exercise the right to determine when he would recognize for the motion, thus still further placing it under control” (Hinds 1909, 589).¹³ Randall’s claim to discretion was repeated by later Speakers on a number of occasions during the next several decades (Follett 1902, 262–65; McCall 1911, 137–38), as in this 1893 statement by Speaker Crisp (quoted in Hinds 1907, 5:905): “The Chair fully appreciates the fact that according to the practice which has always prevailed the motion to suspend the rules has been one depending on recognition; that is, it can not be made unless the Member is recognized to make it. The Chair, in speaking of this motion as one of the highest privilege, did not mean to convey the idea that necessarily when the day comes for motions to suspend the rules the Chair must recognize a gentleman to make such motion.”

This assertion seems at odds with the earlier practices of the House.¹⁴ If the Speakers preceding Randall had enjoyed such a discretionary power, they surely would have exercised it in order to avoid, or at least minimize, the problems that ultimately led to the rules changes of 1880.¹⁵ Nonetheless, the authority first claimed by Randall was enforced by his successors to such an extent that Follett (1902, 253–54) could describe the condition of the House at the end of a session in the following terms: “During the last ten days of Congress, when the rules may be suspended at any time, the power of the Speaker is at its height. Tremendous power is brought to bear upon him. Day and night his room is crowded with members begging for recognition. The struggle on the floor is severe. The time is brief. Twice on March 3, 1887, Carlisle had the minute-hand of the clock turned back. The last moments often

show a scene of disorder and confusion, but the able Speaker guides this tumultuous body to the accomplishment of his own ends.”

Whether or not Speakers were always (or ever) in such calm command as Follett suggests, they continued to insist on the prerogative Randall first had asserted.¹⁶ By the beginning of this century, therefore, Speakers had come to use their power of recognition to exert effective control over what measures might be considered under suspension motions. No longer could individual members or the minority party make these motions for their own purposes. Once Randall's innovative ruling took hold, suspension of the rules became a procedure to alter the regular order of business in favor of prompt action on measures supported by the leader of the majority party. But from the Speaker's perspective, it continued to have one severe disadvantage: the majority required to employ it successfully. Hinds (1907, 4:191-92) summarizes how the situation had developed:

Special orders have been in use in the House from the early days, but the method of making them has not always been the same. Often they were made by unanimous consent, and sometimes this method is used at the present time. If there was objection they were made by a suspension of the rules, which was in order more frequently in the earlier years than at present. This method was cumbersome, since on any question which involved party differences the attempt was very likely to fail. In 1882, in the first session of the Forty-seventh Congress, it was the usage, and apparently the only method in a case where there was opposition, to offer under motion to suspend the rules a resolution providing for consideration of a bill at a given time. This required a two-thirds vote, and a minority would sometimes refuse consent to the order until they had exacted terms as to kinds of amendments that should be permitted, etc.

Shortly thereafter, the House began to develop a way to create special orders by simple majority vote through resolutions reported for that purpose by its Rules Committee, which at that time was appointed and chaired by the Speaker. This new procedural device was more flexible than suspension of the rules. Each special order recommended by the Rules Committee could propose whatever procedural arrangements seemed most suitable or advantageous for the circumstances, whereas suspension motions permit consideration of bills under fixed and constraining floor procedures (limited debate and no floor amendments). At the same time, the Speaker's control over the Rules Committee gave him every bit as much leverage over special rules, as we now know them, as he had over suspension motions. But most important, the resolutions reported by the Rules Committee required only a simple majority vote for adoption on the floor.

At first, suspension motions evidently were involved in the developing technique for arranging the order of business through the

Rules Committee and the resolutions it reported. One such resolution in 1883, for example, proposed to permit the House to suspend the rules by a simple majority vote in order to take an action that otherwise would have required unanimous consent or a two-thirds vote (Hinds 1907, 4:194–95). As Alexander recounts the incident,

a House bill with Senate amendments reducing the internal revenue tax had rested upon the Speaker's table for several weeks, since the Republicans, lacking a two thirds majority, could not suspend the rules and send it to conference. It was a party measure. Although several Republicans opposed it, a desire for its passage found generous expression, and the delay created much anxiety. As the closing week of Congress appeared, it turned anxiety into exasperation. Suddenly, without notice, Reed startled the House by presenting a report from the Committee on Rules providing that it be in order at any time during the remainder of the session to suspend the rules by a majority vote, take the bill from the Speaker's table, declare a disagreement, and ask a conference thereon (1916, 202–03).

In effect, this resolution proposed a temporary change in one House rule (governing suspensions) to permit the House to suspend another rule (governing the order of business) by simple majority vote. But this two-stage approach did not persist, as the Rules Committee soon began to propose resolutions that affected the order of business directly, without reference or recourse to suspension motions (U.S. Congress 1983, 33–79).

Thus, the available evidence indicates that, between the 1820s and 1880, a significant change occurred in the purposes for which members moved to suspend the rules. Originally, this motion offered a means for the House to circumvent its regular order of business and agree, by a two-thirds vote, to consider a bill on the floor immediately or to make it a special order of business on a later day. House rules and precedents apparently imposed no constraints on which representatives could propose suspension motions or when they could do so. In time, members began to take advantage of the motion to force floor votes relating to measures of their choice—at least in the form of votes on whether or not to suspend the rules to take up the measures. This opportunity naturally was appealing to minority party members, and even to those in the majority whose bills were opposed by committee chairs and the Speaker. Ironically, a motion used at first to arrange and control the order of business came to be used to disrupt the order of business. In response, the House designated certain kinds of business as generally privileged and amended its rules during the 1840s to permit suspension motions only on Mondays. In 1880, the rules again were amended so that an opportunity which members originally had enjoyed every day was now available to them only one day each month.

By the late 1860s, the form of suspension motions also had

begun to change. Instead of moving to suspend the rules to permit consideration of a bill, members began to propose passing a bill as part of the motion, much as they do today.¹⁷ This development made suspension motions a more efficient means for acting on legislation, but it also must have made them even more attractive to the minority and to members pursuing their own legislative goals. Any representative could compel the House to vote on any bill of his choosing by moving to suspend the rules and pass it. Moreover, the House could not vote against considering the motion; there was no way for the House to avoid voting on it, except by adjourning. To compound the problem, the motion was not debatable.

The rules changes in 1880 dealt with two of these problems, by providing for majority teller votes on ordering seconds on suspension motions and by permitting 30 (later 40) minutes of debate on each motion the House agreed to consider. A few years later, Randall attacked the remaining problem by extending the Speaker's procedural control over the suspension procedure through his power of recognition. And finally, the development of special rules made it unnecessary for the House any longer to rely primarily on suspension motions to bring bills to the floor without regard to the regular order of business. These resolutions were better suited for arranging for consideration of partisan matters, so suspension motions could be reserved for measures which were likely to attract two-thirds votes because they enjoyed considerable bipartisan support. Referring to Randall's initiative, Hinds observes

If the motion to suspend the rules were essential to the business of the House, this usurpation by Mr. Speaker Randall would have had bad consequences, but in 1883 and in 1890 the rules were improved by enlarging the functions of the Committee on Rules and by improving the rule for the order of business, so that bills in an unfavorable position might be gotten out by a majority vote, without recourse to the older and clumsier method of suspending the rules. And today the motion to suspend the rules is used two days in the month to supplement the proceeding by unanimous consent. There are many bills which can not get through by unanimous consent, because two or three Members may be opposed. In such cases the motion to suspend the rules affords a convenient and easy method of dealing with them (1909, 589).

Twentieth-Century Effects

By bringing the suspension procedure firmly under the Speaker's control, Randall had begun the process of transforming it into an instrument by which the majority party leadership could arrange the House's legislative agenda.¹⁸ Writing in 1927, Hasbrouck (119) could characterize suspension motions as being among the "devices for sort-

ing legislative business [that] are now settled and successful parts of the regular order."¹⁹ During the 77th through 79th Congresses (1941–46), the House considered a total of only 31 bills under suspension, passing 28 of them (Galloway 1953, 537–39). But during the 90th through 92d Congresses (1967–72), the number of suspension motions grew to 546, of which only 20 were rejected by roll-call vote.²⁰ The House then amended Rule XXVII twice to increase the number of days available each month for suspending the rules: in 1973 to every other Monday and Tuesday, and in 1977 to every Monday and Tuesday.

These rules changes and the increasing use of suspension motions that followed soon led to complaints from some Democrats as well as Republicans that this procedure was being used to consider bills that were too important or controversial to be debated for so short a time, and under the equivalent of a closed rule that precluded members from offering any floor amendments (Bach 1986, 17–19; see also Drew 1978). Yet this bipartisan concern did not result in a change in Rule XXVII that members could enforce on the floor. Instead, the Democratic Caucus reacted after the 1978 election by amending its own rules to direct the Speaker not to entertain a suspension motion if the bill, as proposed to be passed, carries a cost estimate of \$100 million or more during any fiscal year. This restriction, which is now Caucus Rule 39, may be waived by the party's Steering and Policy Committee. By including the \$100 million ceiling in its party rules, the Democratic majority preserved its control over the suspension procedure by limiting the discretion exercised by its elected leader, the Speaker.

The House did amend Rule XXVII at the beginning of the 96th Congress, but in a way that effectively denied itself the ability to avoid considering measures under suspension when it might prefer not to do so. This rules change waived the requirement for seconding a suspension motion if printed copies of the measure, as proposed to be passed, had been available members for at least one legislative day. This was one of several amendments to House rules that were advanced as ways to avoid disruptive and pointless roll-call votes on procedural questions, such as approving the Journal, that were rarely opposed on their own merits. In the process, however, the House lost the opportunity to vote against considering a suspension motion by refusing to order a second on it. Because the availability requirement is so easy to satisfy, the Speaker can arrange for the House to consider any measure he chooses under suspension of the rules, although he may require the concurrence of a committee of his fellow party members. In this respect, then, the House has come full circle. Having instituted the requirement for seconding suspension motions in 1880 to protect the House against mo-

tions it did not wish to consider, the House more or less relinquished that protection almost a century later.

What made this change palatable to the Democratic majority, of course, was the Speaker's control of the suspension procedure through his power of recognition. As the uses and purposes of suspension motions changed during the nineteenth century, they first became subject to the will of the voting majority on the floor through votes on seconds. Soon thereafter, the party majority asserted its control through the discretionary authority of its elected leader. It was this assertion of control more than a century ago that effectively completed the gradual transformation of the suspension procedure from an uncomplicated motion by which the House could set aside one of its rules, including the rule governing the order of business, to a complete mode of consideration governing all aspects of a measure's consideration on the House floor.²¹ The result of this process of development is a procedure that is subject to effective partisan control but which, in practice, usually is suitable only for bipartisan purposes.

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NOTES

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1. The use of this procedure increased during the six congresses, from 26.8% of the bills and joint resolutions passed during 1975-76 to 34.3% during 1985-86. During the same period, by comparison, the House considered only 1,000 such measures, or 16.3% of the total, in Committee of the Whole, either as privileged business or under special rules. The remaining measures either were considered in the House or in the House as in Committee of the Whole or were considered by unanimous consent and passed without objection.

2. The overwhelming majority of suspension motions provide for initial House passage of a bill or resolution. In addition, the House can act under suspension of the rules to take legislative actions at later stages of the process—agreeing to a conference report, for example, or concurring in Senate amendments. Motions to suspend the rules also are in order during the last six days of a session and at other times by unanimous consent or pursuant to a resolution proposed by the Rules Committee.

3. The member making the motion may include amendments to the bill as part of the motion itself; he or she moves to suspend the rules and pass the bill as amended.

Amendments are usually (but not necessarily) committee amendments. If the motion is made in this form, the House does not vote separately on the amendments.

4. A bill considered under suspension that does not receive the required two-thirds majority may be brought up again under another procedure that requires only a simple majority for passage, usually in Committee of the Whole under a special rule.

5. The procedures of the House, like those of any legislative body, are closely entangled with each other, making it difficult to analyze any one of them in isolation. And the problem is compounded when one is studying the historical development of these procedures. The full import of any one rule, or the rules on any one subject, can be appreciated only in the context of the rules as a whole and their practical application from day to day. The discussion that follows must be read with these caveats in mind.

6. Suspension motions also were used for much more limited purposes, such as to dispense with the reading of a bill or amendment.

7. This is the first instance recorded in House precedents of such a procedure.

8. One such device was to adopt suspension motions by majority vote for certain purposes. "On March 11, 1844, on motion of Mr. Cave Johnson, of Tennessee, a rule was adopted providing that the House might at any time, by a vote of a majority of the Members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union" to consider revenue or general appropriations bills (Hinds 1907, 4:149).

9. A teller vote on ordering a second also could be conducted more quickly than a roll-call vote on the motion itself. When a teller vote is ordered, the Speaker appoints two members to act as tellers. The members in favor of the question walk up the center aisle between the tellers, who count them and then in the same way count those who are opposed. The vote occurs quickly, involving only the members who are on or near the floor. In addition, the positions of individual members are not recorded. Such "walking" teller votes rarely occur today because House rules now permit teller votes in Committee of the Whole to be taken and recorded by electronic device.

10. Since 1803, questions relating to the priority of business have been decided without debate (Hinds 1907, 4:145-46).

11. In 1842, for example, Millard Fillmore (W.-NY) moved that the House suspend the rules and proceed to consider a resolution. Speaker White ruled that the motion was not debatable but that, if the House agreed to it, the resolution thereby made in order would be subject to debate (*Congressional Globe*, 12 January 1842, 121).

12. Hinds (1907, 5:915-16) cites three significant examples: "On November 5, 1877, the House, on motion of Mr. Richard D. Bland, of Missouri, passed, under suspension of the rules, without any debate being possible, a bill providing for the free coinage of silver. On January 28, 1878, the House in the same way and against the protest of Mr. James A. Garfield, of Ohio, passed a concurrent resolution from the Senate declaring the coin bonds of the United States payable in a silver dollar of 412 1/2 grains; and on February 24, 1879, the sundry civil appropriation bill carrying an appropriation of nineteen millions of dollars." Bills and resolutions of such importance almost certainly were passed under suspension of the rules in order to preclude debate and amendment, not simply in order to expedite action.

13. The first instance recorded in House precedents of the Speaker exercising such a discretionary power of recognition occurred in 1881, when Randall asserted that "the rule [governing suspension motions] is not compulsory on the Chair, and never has been so construed in regard to motions to suspend the rules during the last six days of a session" (*Congressional Record*, 1 March 1881, 2296-97).

14. Hinds (1907, 5:904) states that “before the time of Mr. Speaker Randall the Speakers do not seem to have exercised this control over the motion.”

15. In fact, it appears that Randall’s ruling was only one step in his assertion of greater discretionary control over recognition. “Randall was responsible for one substantial contribution to the Speaker’s prerogative, i.e., the Speaker’s right of recognition. . . . He refused to refer to the House any appeals on this subject, with the following ruling: ‘There is no power in the House itself to appeal from the recognition of the chair. The right of recognition is just as absolute in the chair as the judgment of the Supreme Court of the United States is absolute as to the interpretation of the law’” (House, 1935, 838–39).

16. Speaker Gillett declined to recognize Alben Barkley (D.-KY) in 1921, saying that “the Chair will not recognize the gentleman unless he consults the Chair in advance” (Cannon 1936, 8:843). And 10 years later, Speaker Longworth requested “all Members desiring to move to suspend the rules to put their requests in writing and to accompany their requests with the bill and report” (Cannon 1936, 8:842–43).

17. The change was gradual. In 1906, Speaker Cannon entertained a motion to suspend the rules in order to make a bill eligible for floor consideration at any time (Hinds 1907, 4:193).

18. The other danger to the majority party—minority obstruction by tactics such as the disappearing quorum—had been largely overcome by adoption of the “Reed rules” of the 1890s.

19. Compare Wilson’s characterization (1885, 85) of the suspension procedure as “palpably pernicious” with Elizabeth Drew’s critique (1978) almost a century later.

20. The author is grateful to David Rohde for sharing his data on roll-call votes by which the House rejected suspension motions.

21. The Senate’s rules also provide for a motion to suspend its rules by a two-thirds vote. The Senate may use this motion to set aside virtually any of its rules, but it rarely does so. Between 1965 and 1986, there were only 10 roll-call votes in the Senate on suspension motions, 9 of which proposed to make appropriations amendments in order.

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