

US Congress: Speaker of the House

SUMMARY

In the wake of the first visit of Pope Francis to the United States in September 2015, John Boehner announced that he would resign one of the most powerful positions in government, the House Speaker, at the end of October. The vote in the House of Representatives for a new Speaker is likely to take place on 29 October and elections for other Republican leadership posts will be held thereafter.

John Boehner was first elected to serve as Speaker in November 2010 for the 112th Congress. He was re-elected by the House in January 2013 for the 113th Congress, and again in January 2015 for the 114th Congress.

The House Speaker is the political and parliamentary leader of the House of Representatives. He or she is elected by the House of Representatives and the role is the only House leadership position mentioned in Article 1 of the US Constitution (on the legislature).

He or she is possibly the most prominent figure on Capitol Hill. Amongst many roles, the Speaker controls the legislative agenda through the House Rules Committee; appoints members of the majority party to committees; defines the priorities of the majority, raises money for the party and negotiates the terms of legislation with Senate leaders and the US President. This multiplicity of roles is argued to be a permanent source of struggle for the Speaker who has to promote the collective interest of the Chamber while simultaneously serving the interests of the House majority party.

Looking back, academics argue that the Speakership has largely changed over time not only due to the institutional changes introduced but also because of the different personalities who have held the position.



US Capitol building.

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Background

The Speaker of the House acts as leader of the House and combines several roles: the institutional role of presiding officer and administrative head of the House, the partisan role of leader of the majority party in the House, and the representative role of an elected Member of the House. The Constitution only states that the House of Representatives shall choose the Speaker but does not describe the duties. Looking back, it can be seen that the figure of the Speaker has evolved and developed into perhaps the most powerful leadership position in government. Some Speakers have used their position to manage the business of the House down to the smallest details. For instance, the power of Speaker Joseph G Cannon (Speaker in the 58th to 61st Congresses, 1903-1911) was so absolute that one story claims that when a constituent asked for a copy of the House rules, a member of Congress mailed him the picture of the white-bearded Speaker Cannon.¹

The personality of the successive individuals who have held the post; the formal powers given to the position and the so called contextual elements such as the social and political culture of Congress as well as the degree of party unity, have all largely shaped the Speakership as it is today. For instance, some argue² that when party unity among members is high, there is more willingness to cede power to the Speaker in order to achieve common goals.

The political and prominent role of the office is confirmed by the presidential line of succession,³ with the Speaker of the House second to succeed the President, after the Vice-President. In 1947, the [Presidential Succession Act](#) established that 'the Speaker of the House of Representatives shall, upon resignation as Speaker and as a Representative in Congress, act as President' when neither the President nor the Vice-President are able to discharge the powers and duties of the office of President. To qualify as President, the Speaker should meet the conditions set by Article II, Section 1⁴ of the US Constitution. To date, however a speaker has never acted as President.

Election of the Speaker

John Boehner, the current [Speaker of the House](#) and top Republican on Capitol Hill announced his resignation and that he will step down on 30 October. In making public his decision, Boehner said that this was designed to protect the institution of Congress. In fact, he had faced some criticisms from conservatives who argued that he was too willing to compromise with President Barack Obama, and too frequently reliant on Democratic votes to pass important legislation.

Members of the US House of Representatives are likely to vote on their next Speaker on the House floor on 29 October.

The legal basis for the election of the Speaker is Article I, Section 2 of the [Constitution of the United States](#) which states that: 'The House of Representatives shall chuse [sic] their Speaker and other Officers.' The election by roll call⁵ takes place upon the House's first convening after a general election of Representatives. Usually, the two major parties each nominate a candidate. However, Members can vote for any individual,

Facts and figures about the Speaker

Total number of Speakers: 53 individuals
First Speaker: Frederick AC Muhlenberg in 1789

First woman Speaker: Nancy Pelosi in 2007
Longest-serving Speaker: Samuel Rayburn who served for 17 years and a few months

Longest election for Speaker: Nathaniel P Banks elected after 133 ballots

State with the most Speakers: Eight representatives from Massachusetts have served as Speaker

Source: [Speaker of the House Fast Fact](#).

whether nominated or not. Indeed in some occasions, some Members have voted for candidates other than the official party nominees. For instance, in the most recent election, in 2015, votes were cast for candidates who were not members of the House at the time. Two sitting Senators, Rand Paul and Jeff Sessions, together with Colin Powell received one vote each.

Though not required by the Constitution, the Speaker has always been a Member of the House. To become Speaker the candidate must gain an absolute majority of all the votes cast for individuals, which in case of vacancies or absentees may be less than a majority (218 votes, in a House of 435 members) of the full membership of the House. This is the practice of the House going back to its earliest days. If no candidates receive the necessary majority, the roll call is repeated until a candidate is elected. In fact no limitations are imposed on the successive votes, for instance new candidates can be named for later votes.

Today if a Speaker resigns, as was the case with Speaker Boehner, or dies in office, the House elects a new one following the same procedure. Previously, in these particular cases, the House used to elect the new Speaker by resolution.⁶ It is worth noting that vacancies in mid-Congress, due to resignation or death, are quite rare.

Role of the Speaker

The US Constitution does not describe the duties and the role of the Speaker. However, it is often said that the Speaker is one of the most powerful positions on Capitol Hill, for three roles are represented in one single person, notably:

- Institutional, as presiding officer and administrative head of the House;
- Representative, as an elected Member of the House;
- Party leader, as leader of the majority party in the House.

As leader of the House, he or she not only presides over debates but establishes the legislative agenda. It is often said that the Speaker has been able largely to control not only the flow, but the substance of legislation brought to the House floor. Most of the Speaker's duties are enumerated in the [House Rules](#). Amongst others he or she calls the House to order; preserves order and decorum within the House; decides on points of order;⁷ appoints a Member to act as Speaker *pro tempore*; appoints the chair who presides over the Committee of the Whole House on the State of the Union; signs all acts and joint resolutions, writs, warrants and subpoenas; checks the quorum and appoints certain House officers such as the historian of the House and the general counsel.

2015 Speaker of the House election		Votes
Republican Nominee	J. Boehner	216
Democratic Nominee	N. Pelosi	164
	D. Webster	12
	L. Gohmert	3
	T.S. Yoho	2
	J. Jordan	2
	J. Duncan	1
Senator	R. Paul	1
Senator	J. Sessions	1
	T. Gowdy	1
	K. McCarthy	1
	J. Cooper	1
	P. A.	1
	DeFazio	1
Not a Member of the House	C. Powell	1
	J. Lewis	1

Data source: Journals of the House of Representatives, Clerk of the House website.

The institutional role includes other less visible duties, notably administering the system for audio and video broadcasting of the proceedings of the House and devising a system for drug testing in the House.

Finally, he or she administers the Oath of office to House members. According to [Article VI of the US Constitution](#), Members of Congress shall be bound by Oath or Affirmation to support the Constitution, which is typically taken on the House Floor on the first day of a new Congress, immediately after the Speaker has been elected and sworn in.

As an elected representative, the Speaker continues to have the same rights as any other Member in terms of voting and speaking for instance. However, in practice Speakers' interventions are often limited to matters of order; he or she rarely participates in the debate on the floor or votes. Suffice to mention that Rule 1, clause 7 of the current House Rules states that: 'The Speaker is not required to vote in ordinary legislative proceedings, except when such vote would be decisive or when the House is engaged in voting by ballot.'

Finally as a leader of the majority party, the Speaker plays a fundamental role not only in maintaining control over the House but above all in advancing the party's political objectives. Indeed, the Speaker together with the majority leader, the majority whip and the party's conference or caucus chair (Republicans refer to their organisation as a conference, and Democrats refers to theirs' as a caucus⁸) is responsible for achieving the majority party's political goals. Though there are some differences⁹ between the Republican Party Conference and the Democratic Caucus in terms of competences of the respective Speaker, overall the results in terms of leadership have been quite similar over time. In that context, the personality of the Speaker as such seems to play a greater role. In fact by giving speeches and holding press conference for instance, he or she can influence public opinion, publicise party achievements, and last but not least help the party to raise money. A strong personality may also help the Speaker when taking the leading role in negotiations with the Senate and the President, especially when the House and Senate majorities, or the House majority and the White House are not held by the same party. In the latter case, the Speaker is usually recognised as the chief opponent of the President's agenda.

The House Committee on Rules

The Speaker maintains control of the House through the [Rules Committee](#), which for this reason is commonly known as the 'Speaker's Committee'. It is central to the power of the Speaker and has the authority to do virtually anything during the course of consideration of a given bill. The two basic functions of the Committee are: special orders for the consideration of legislation (so called special rules) and original jurisdiction matters. After legislation is approved in a given committee, it is referred to the Rules Committee, which will adopt a special rule providing the terms and condition of the debate (e.g. how long the bill will be debated) and the amendments that can be considered.

They are different types of special rules. Under the open rule for instance, all germane (relevant) amendments can be offered from the floor, while under the closed rule, no amendments from the floor will be considered. Between the open and closed rules, others such as restricted or modified ones can limit the time for debate or define the portion of a bill for which amendments can be offered.

Outlook

The Speaker is a unique figure in Congress for the post requires both institutional and partisan functions in one person. In the institutional function; his or her main duties are to enable the House to perform its legislative functions and preserve the prerogatives and the integrity of the House. In the partisan function; the Speaker is responsible for steering the majority and setting the political direction. Congress's historical records seem to indicate that the most successful Speakers have been those who find a balance between the institutional and partisan responsibilities.¹⁰ They must be perceived to be fair but they need sufficient authority to be respected and supported by Members. In particular in the most recent years, party discipline and strict collaboration with the party leadership structure have played an important role in ensuring the fortune or the failure of the Speaker.

Main references

Richard S. Beth and Valerie Heitshusen, [Speakers of the House: Elections, 1913-2015](#), Report RL30857, CRS, March 2015.

Valerie Heitshusen, [The Speaker of the House: House Officer, Party Leader, and Representative](#), Report 97-780, CRS, March 2015.

The Cannon Centenary Conference, The Changing Nature of the Speakership, November 2003.

Endnotes

- ¹ Christopher M. Davis, *The Speaker of the House and the Committee on Rules*, CRS, 2003.
- ² Daniel E. Palazzolo, *Congressional Leadership*, University of Richmond, 2004.
- ³ The line of succession is mentioned in three places in the US Constitution: in Article II, Section 1, in Section 3 of the 20th Amendment, and in the 25th Amendment.
- ⁴ A natural born citizen or a citizen of the United States; at least 35 years old and resident within the United States for at least 14 years.
- ⁵ A roll call is a vote where Members' names are called individually. Until 1830, the Speaker was elected by secret ballot.
- ⁶ This happened in 1936 during the 74th Congress and in 1940 during the 76th Congress.
- ⁷ A point of order is an objection raised by a Member when an action is supposed to violate the rules of the Chamber.
- ⁸ A caucus is an association of Members of Congress created to advance a political ideology or a regional, ethnic, or economic interest.
- ⁹ For more details on the different competences see CRS report by Valerie Heitshusen, *The Speaker of the House: House Officer, Party Leader, and Representative*, March 2015.
- ¹⁰ Ronald M. Peters Jr, *The Changing Speakership*, University of Oklahoma, 2003.

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