

## SPEAKER OF THE HOUSE



**Thomas Brackett Reed**

*“The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.”*

— U.S. Constitution, Article I, section 2, clause 5



**Frederick Augustus Conrad Muhlenberg**

*Frederick Augustus Conrad Muhlenberg of Pennsylvania was elected the first Speaker of the House on April 1, 1789.*

The Speaker is the political and parliamentary leader of the House. The Constitution mandates the office, but the House and Speakers have defined its contours over time. Some Speakers have aggressively pursued a policy agenda for the House while others have, in the words of Speaker [Schuyler Colfax](#) of Indiana, “*come to this chair to administer [the] rules, but not as a partisan.*” Regardless, the Speaker—who has always been (but is not required to be) a House Member and has the same duties to his or her local constituents like the other 434 Members—is at the levers of power. The Speaker is simultaneously the House’s presiding officer, party leader, and the institution’s administrative head, among other duties.

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### Origins -

The office originated in the British House of Commons during the 14th century. The speaker had allegiances to the legislative body as well as to the sovereign: elected by the Commons, the speaker represented that body before the monarch but also served as the monarch's representative in the Commons. This duality ended three centuries later when Speaker William Lenthall declared to Charles I that he had "*neither eyes to see, nor tongue to speak*" except for what had been authorized by the House of Commons. While today Commons' speakers serve primarily as non-political parliamentary traffic cops, 18th-century speakers also served as party leaders and ministers of government.

The American speakership has followed this example and is a product of politics. The Pennsylvania delegation nominated [Frederick A. C. Muhlenberg](#) to be the first Speaker since it wanted a member of its state to hold a high office, as Virginia's George Washington became President, Massachusetts's [John Adams](#) became Vice President, and New York's [John Jay](#) became Chief Justice of the United States. The Pennsylvania delegation also wanted to locate the nation's capital in Pennsylvania and thought the Speaker would be well-positioned to lead that campaign. Muhlenberg, who served two non-consecutive terms in the Speaker's chair, however, failed in that task.

### The Rise of the Speaker -

While Speakers were always regional or party leaders, they lacked national prominence until [Henry Clay](#) of Kentucky took the chair in the 12th Congress (1811–1813). Elected in his first term in the House, Clay was already a national luminary, having previously served as a

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U.S. Senator and as speaker of the Kentucky state house. Clay championed national policies over regional ones, and he effectively coupled the institutional tools of the speakership with his personal charisma, raising the stature of the House. Clay noted that *“delicate and perplexing” demands were placed on the Speaker, and “especially require of him in those moments of agitation from which no deliberative assembly is always entirely exempt, to remain cool and unshaken amidst all the storms of debate, carefully guarding the preservation of the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices, or interests.”*

### The Political Speaker -

The power of the Speaker expanded as the party system better developed after the Civil War. Until 1911, the Speaker had the sole authority to appoint Members to House standing committees. The Speaker also chaired the House Rules Committee, which controlled the flow of legislation to the floor. In response to minority filibusters, Speaker

[Thomas Brackett Reed](#) of Maine streamlined the House’s standing rules to prune dilatory tactics and to push the Republican Party’s policy agenda. But as Reed was quick to point out, he was successful in making the House a majoritarian body because the majority of the body—all members of his party—supported his reforms. *“The approval of the House is the very breath in the nostrils of the Speaker,”* he said.

The strong speakership, though, had its detractors. Speaker [Joseph Cannon](#) of Illinois, known as *“Uncle Joe”* to his friends and *“Czar Cannon”* to his enemies, tightly controlled access to the floor via the Rules Committee and through committee appointments. But in 1910, rank-

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and-file Members launched a revolt against Cannon and amended House rules to rein in the powers of the Speaker. One frustrated Representative said the speakership under Cannon was *“not a product of the Constitution”* and the Speaker was not *“entitled to be the political and legislative dictator”* of the House. Cannon, in his self-defense, said he was simply implementing his party’s agenda that the American people chose. Speakers, he said, would have to sacrifice popularity to be effective. *“It is as easy to find a certain kind of popularity as it is to pick up pebbles on a stony beach, and the one is worth just about as much as the other,”* he said.

### The Modern Speaker -

After the era of strong Speakers, committee chairs reasserted influence in the chamber, forcing later Speakers to change how they used the office. In the middle of the 20th century, the longest-serving Speaker in House history, [Sam Rayburn](#) of Texas, took the exact opposite stance as Cannon. *“The old days of pounding on the desk and giving people hell are gone,”* Rayburn said. *“A man’s got to lead by persuasion and kindness and the best reason—that’s the only way he can lead people.”* Later, larger party organizations wielded the greatest power. When 1970s reforms limited committee power, the authority of House Speakers re-emerged as the coordination and timing of legislation gained greater importance. Power flowed back to the House Floor from committee rooms.

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### Impeachment -

*“The President, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”*

— U.S. Constitution, Article II, section 4

Representative Thaddeus Stevens of Pennsylvania, a Radical Republican, gave the last speech during House debate on articles of impeachment against President Andrew Johnson on March 2, 1868. Johnson became the first president impeached by the House, but he was later acquitted by the Senate by one vote.

The Constitution gives the House of Representatives the sole power to impeach an official, and it makes the Senate the sole court for impeachment trials. The power of impeachment is limited to removal from office but also provides for a removed officer to be disqualified from holding future office. Fines and potential jail time for crimes committed while in office are left to civil courts.

### Origins -

Impeachment comes from British constitutional history. The process evolved from the 14th century as a way for parliament to hold the king’s ministers accountable for their public

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actions. Impeachment, as [Alexander Hamilton](#) of New York explained in Federalist 65, varies from civil or criminal courts in that it strictly involves the “misconduct of public men, or in other words from the abuse or violation of some public trust.” Individual state constitutions had provided for impeachment for “maladministration” or “corruption” before the U.S. Constitution was written. And the founders, fearing the potential for abuse of executive power, considered impeachment so important that they made it part of the Constitution even before they defined the contours of the presidency.

### Constitutional Framing -

During the Federal Constitutional Convention, the framers addressed whether even to include impeachment trials in the Constitution, the venue and process for such trials, what crimes should warrant impeachment, and the likelihood of conviction. Rufus King of Massachusetts argued that having the legislative branch pass judgment on the executive would undermine the separation of powers; better to let elections punish a President. *“The Executive was to hold his place for a limited term like the members of the Legislature,”* King said, so *“he would periodically be tried for his behaviour by his electors.”*

Massachusetts’s [Elbridge Gerry](#), however, said impeachment was a way to keep the executive in check: *“A good magistrate will not fear [impeachments]. A bad one ought to be kept in fear of them.”*

Another issue arose regarding whether Congress might lack the resolve to try and convict a sitting President. Presidents, some delegates observed, controlled executive appointments which ambitious Members of Congress might find desirable. Delegates to the Convention

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also remained undecided on the venue for impeachment trials. The Virginia Plan, which set the agenda for the Convention, initially contemplated using the judicial branch. Again, though, the founders chose to follow the British example, where the House of Commons brought charges against officers and the House of Lords considered them at trial.

Ultimately, the founders decided that during presidential impeachment trials, the House would manage the prosecution, while the Chief Justice would preside over the Senate during the trial.

The founders also addressed what crimes constituted grounds for impeachment. Treason and bribery were obvious choices, but George Mason of Virginia thought those crimes did not include a large number of punishable offenses against the state. [James Madison](#) of Virginia objected to using the term “maladministration” because it was too vague. Mason then substituted “other high Crimes and Misdemeanors” in addition to treason and bribery. The term “high Crimes and Misdemeanors” was a technical term—again borrowed from British legal practice—that denoted crimes by public officials against the government. Mason’s revision was accepted without further debate. But subsequent experience demonstrated the revised phrase failed to clarify what constituted impeachable offenses.

### The House's Role -

The House brings impeachment charges against federal officials as part of its oversight and investigatory responsibilities. Individual Members of the House can introduce impeachment resolutions like ordinary bills, or the House could initiate proceedings by passing a resolution authorizing an inquiry. The Committee on the Judiciary ordinarily has

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jurisdiction over impeachments, but special committees investigated charges before the [Judiciary Committee was created](#) in 1813. The committee then chooses whether to pursue articles of impeachment against the accused official and report them to the full House. If the articles are adopted (by simple majority vote), the House appoints Members by resolution to manage the ensuing Senate trial on its behalf. These managers act as prosecutors in the Senate and are usually members of the Judiciary Committee. The number of managers has varied across impeachment trials but has traditionally been an odd number. The partisan composition of managers has also varied depending on the nature of the impeachment, but the managers, by definition, always support the House's impeachment action.

### The Use of Impeachment -

The House has initiated impeachment proceedings more than 60 times but less than a third have led to full impeachments. Just eight—all federal judges—have been convicted and removed from office by the Senate. Outside of the 15 federal judges impeached by the House, two Presidents ([Andrew Johnson](#) in 1868 and William Jefferson (Bill) Clinton in 1998), a cabinet secretary (William Belknap in 1876), and a U.S. Senator ([William Blount](#) of Tennessee in 1797) have also been impeached.

Blount's impeachment trial—the first ever conducted—established the principle that Members of Congress and Senators were not “Civil Officers” under the Constitution, and accordingly, they could only be removed from office by a two-thirds vote for expulsion by their respective chambers. Blount, who had been accused of instigating an insurrection of



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American Indians to further British interests in Florida, was not convicted, but the Senate did expel him. Other impeachments have featured judges taking the bench when drunk or profiting from their position. The trial of President Johnson, however, focused on whether the President could remove cabinet officers without obtaining Congress's approval.

Johnson's acquittal firmly set the precedent—debated from the beginning of the nation—that the President may remove appointees even if they required Senate confirmation to hold office.

Respectfully submitted,

**Donna M. Richardson**  
**Legislative Representative**  
**Unit #41**

