A Congress Rises From the Ashes

With the defeat of the Confederate States of America in 1865, the victorious Union faced the question of how to rebuild a single nation. Congress and the Democratic Party were tainted by their association with “Copperheads,” who had sought peace at the price of recognizing the Confederacy as a sovereign nation. For this reason, the powers of both Congress and the Democratic Party were at their lowest point, and the Republicans and their president reigned supreme.

John Wilkes Booth changed all of that with a single gunshot. With the death of Abraham Lincoln, Tennessee Senator Andrew Johnson, a pro-Union Southerner who had been elevated to the Vice-Presidency in 1864, became President of the United States.

While Congress was still out of session, Andrew Johnson controversially attempted to allow the former Confederate States’ representatives to take their seats in Congress. This move outraged many in the North and West.

Congress was determined not to let the victory won on the battlefield be turned into a defeat in its own chambers. It lost no time in curtailing the power of the president and the former rebel states. Refusing to seat the hastily elected Southern representatives, the Congress passed the Civil Rights Act of 1866 and the Freedmen’s Bureau Bill to safeguard the rights of the former slaves. When Johnson vetoed both bills, the Congress quickly overrode the vetoes, something that had rarely been done up to that point. Because Johnson kept campaigning against the measures (though he could not take effective action against them), the people began to believe that he was determined to win a legal victory for the Southern states. This fear led the Radical Republicans to overwhelming victory in the elections of 1866. It also led them to a flurry of legislation, not only to squelch the resistance of former Confederates, but to remove the president who supported them. Senator James Grimes of Iowa remarked in December, 1866, “The President has no power to control or influence anybody, and legislation will be carried on entirely regardless of his opinion or wishes.”

To ensure its ascendancy, Congress voted itself into continuous session, removing any opportunity for President Johnson to manage the nation without them. The Congress then passed the Tenure of Office Act in order to safeguard its allies in the Cabinet against the president’s power to replace them. Believing the measure unconstitutional, Johnson defied it and fired Secretary of War Edwin Stanton. The House’s Joint Committee on Reconstruction recommended impeachment of Johnson that same day.

As the Senate moved to try President Johnson, a conviction seemed certain (and would have been, if the Senate had voted along party lines), but the Radicals, flush with power, seemed to put Johnson on trial more for the “crime” of not being Republican enough than for actually violating the law. Supreme Court Justice Curtis pleaded with the Senate not to make the conviction of
the president a matter of politics, but of justice. Enough senators listened so that President Johnson escaped conviction by one vote. Speaking for the Republicans who voted against conviction, Senator Grimes said, “Whatever my opinion of [Johnson]... I can do nothing which... may be construed into an approval of impeachment as a part of future political machinery.”

Justice Curtis’ warning helped the rule of law, critical to the maintenance of the balance of powers, to triumph over politics. However, even though the legal balance was maintained, the influence of the legislature grew tremendously.

The Redemption of the Democrats and the Dominant House

The power of the Republicans in Congress appeared supreme as of 1868. They had apparently safeguarded both the citizenship and the suffrage of African Americans by the passage of the Fourteenth and Fifteenth Amendments, and elected President Grant to replace the hapless Andrew Johnson. Encouraged by their dominance in the House, Republican Speakers gathered increasing amounts of power to themselves through the end of the 1860’s and into the 1870’s. Speaker James G. Blaine, using his power to determine the order of speeches, simply refused to recognize anyone opposed to bills he supported. The party and its leaders controlled the agenda and used its authority to bring about the reforms the party was elected to enact.

At the same time, however, Republicans were losing the confidence of the North due to a financial panic and corruption scandals. Moreover, the Republicans faced a Southern Democratic Party willing and able to use both voter-restriction laws and terrorism in the form of the Ku Klux Klan to stop African Americans from voting. With the loss of these Republican votes, Democrats swept the House in 1874, gaining a majority for the first time since the Civil War. Two years later, during the disputed presidential election of 1876, Republicans in Congress agreed to advise President Rutherford B. Hayes to withdraw federal troops from the last Southern states if Democrats would end the dispute. This resulted in the so-called “Solid South,” in which the Democratic Party reigned supreme, and African Americans would begin their long, voiceless march through the Jim Crow years.

Now in power, the Democrats of the House followed the Republicans’ lead in increasing the power of the Speaker. Speaker Samuel Randall changed the Rules Committee from a select committee of limited duration and power, into a standing committee with broader power. The Rules Committee was (and is) a powerful committee in the House because it determines the order in which bills are debated and voted upon in the House. It therefore can ensure that a bill has an opportunity to pass, or prevent it from even reaching the floor for a vote.

The rules of the House gave the Speaker power to appoint all members of all committees, and the Rules Committee, which the Speaker chaired, reserved the sole power to consider any further changes to House Rules. Randall’s successor, John Carlisle, went further by making sure that the chairman of the powerful Ways and Means Committee (in charge of taxation) and the Appropriations Committee (in charge of government spending) were always members of the Rules Committee. This made it easier for him to direct all the committees at once.

However, even Carlisle was frustrated by the practice of the “disappearing quorum,” in which
Congressmen opposed to a bill that they knew would pass refused to acknowledge that they were present to vote. Since the House could not vote without a minimum number of members (a quorum), Carlisle could not achieve his goal of lowering tariffs, which the Democrats had been elected to achieve. While the Speakers of the House had managed to increase their power to prevent legislation from being passed, they were still unable to force the passage of laws. Rather, they had ensured that all congressmen would have to vote strictly with their parties, or find themselves shut out of committees that would allow them to do meaningful work and be re-elected.

Reelection was not only determined by a congressman’s ability to successfully achieve legislation. Gradually, the people became aware that lobbyists representing business interests such as railroad barons, oil magnates, and sugar manufacturers were “entertaining” their congressmen in Washington. The Constitution’s requirement that Senators be elected by their state legislatures was supposed to ensure their skills as senior lawmakers and their status as superior statesmen. However, Senators such as Rhode Island’s Nelson Aldrich were suspected of corruption. They passed tariffs designed to allow large trusts to charge Americans far more for American goods than they would sell for if exposed to international competition. With an abundance of tariff money at their disposal, Congressmen provided generous “pork barrel” spending, or federal funding for local projects with little or no broader value. In return, those who had received those local benefits provided many forms of support to their congressmen at election time, establishing a foul cycle of corruption.

The Accession of the Czar and the Firing of the Cannon

By 1889 the solution to the problem of the deadlocked House was easily apparent to one man: Republican Thomas Reed of Maine. Disgusted with Democratic inability to ease the tariff, the nation had returned Republicans to power. Working with two like-minded friends, Joseph Cannon and William McKinley, Reed appointed them to the Rules Committee, and made them chairs of Ways and Means and Appropriations, respectively. The three were determined that the House would pass the laws they and their party wanted passed. They would not repeat the mistake of the Democrats; they would establish rules and procedures that would give them the power to enact the laws and policies they campaigned upon and which brought them into the majority.

The Republicans began the session by resolving to seat a Republican whose seat in the House had been contested. Knowing they would lose, the Democrats refused to answer the roll call, and the quorum “disappeared” again. Then, in a surprising move, Speaker Reed began to count the Democrats as present, whether they answered or not.

The House burst into screaming as the Democrats rose in dissent. One Kentucky Democrat cried out: “I deny your right, Mr. Speaker, to count me as present!” Reed coolly replied, “The chair is making a statement of fact that the gentleman from Kentucky is present. Does he deny it?” When Democrats threatened to physically leave the chamber, Reed ordered the doors locked. They hid under their desks. Reed’s counting continued, and the vote was held. In subsequent votes, Reed lowered the number required for a quorum to 100 and
refused to recognize any motion that he felt would delay the passage of laws. The power of the Speaker over the House was now absolute.

The party’s control over the Senate was less iron-clad. The Senate threatened to end its support for higher tariffs unless the House approved silver as valid currency and also gave the president more control over the tariff. The higher tariff and the resulting inflation cost many Republicans their seats, and threw the chamber to the Democrats in 1890. Reluctant to use Reed’s strong-arm tactics at first, Democrats soon found themselves with no choice but to imitate him or fall victim to the disappearing quorum.

When Reed returned to the Speaker’s chair in 1896 because of another financial crisis and fears of inflation, he quickly seized more control over his party. He was the first to appoint a “whip,” a lieutenant who would ensure through committee assignments and political deal-making that the Republicans would vote with the party. Democrats soon appointed their own “whip” and the position is now a fixture of Congress. However, with his power came more public attention, much of it negative. He was accused of ruling the House and nullifying the will of the people by blocking the motions of their representatives. This attitude earned him the nickname of “Czar” Reed.

It is perhaps surprising that a politician as strong and ruthless as Reed finally broke with his party over a completely unrelated issue: that of the Spanish-American War of 1898. Regarding the war as imperialistic and unjustified, Reed could not stand against the popular demand for the war. He resigned from the speakership, and left “Uncle” Joe Cannon in charge with perhaps more power than any Speaker in U.S. history.

However, with popular pressure for reform mounting, and the Progressive-minded Theodore Roosevelt in the Oval Office, Cannon’s days were numbered. Unlike Reed, Cannon relied very much on the power of stopping legislation, and this attitude did not match those of the people who were more and more convinced that they needed the Congress to actively intervene against the business interests and trusts that threatened them. Whereas Reed used party control to prevent the minority of Congress from obstructing the will of the people, Cannon used the same powers to thwart the ambitions of the majority in Congress.

Increasingly, the progressive Republican “Insurgents” as they were known, challenged Cannon’s “Stalwarts” and their death-grip on the House. In 1909 Insurgents succeeded in establishing a rule called “Calendar Wednesday,” a procedure in which a roll call is made of the committees. When a committee is called upon, it may bring up an “unprivileged bill” (one that the Rules Committee has not privileged to be considered) for consideration and a vote by the House. The following year Congressman George Norris of Nebraska surprised Cannon by introducing a resolution on Calendar Wednesday. His resolution undermined Cannon’s iron grip on the House by forbidding the Speaker from sitting on the Rules Committee. Caught off-guard, Cannon’s supporters responded that the resolution was not a matter of constitutional privilege and therefore could not be considered. Cannon allowed the debate over this point of order to last for days, and the nation was captivated.

Eventually the Republican Insurgents joined forces with the Democrats in the House. The Democrats agreed to support the Insurgents, but
only if the entire House could select the Rules Committee. Demanding a vote, they stripped “Uncle Joe” of his power, and gave the power to appoint the all-powerful Rules Committee back to the House itself. The era of parties dominated by Speakers was over, and with it, the parties themselves lost much of the power they had formerly possessed to ensure congressmen’s obedience. The members of Congress had liberated themselves from this dictatorial style of party leadership.

CRITICAL THINKING QUESTIONS

1. Explain why Andrew Johnson’s actions led to each of the following:
   a. The dominance of the federal government by Congress.
   b. The dominance of the Radical Republicans over the Moderates and Democrats.
   c. The dominance of the federal government over the states.

2. Consider the possible consequences if the Radical Republicans had managed to convict President Johnson at his impeachment trial. How might this decision have affected politics in the United States?

3. How did the Republican-dominated Congress lose so much power so quickly in the 1870s?

4. What factors made party loyalty so important to both Republican and Democratic Congressmen during the end of Reconstruction?

5. Do you think that Speaker Reed was justified in using his power to compel the House to vote on laws? Why or why not?

6. What was the primary reason that Speaker Joe Cannon was unable to keep the power given to him by Thomas Reed?