

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #8

Committee Reform

(November 21, 1978)

Interviewed by Donald A. Ritchie

Ritchie: In your book, *Congressional Procedure*, you wrote that "officially, the House and Senate legislate, but in reality they do little more than approve or disapprove what the committees respectfully report to them." I thought that was an interesting quote, especially coming from someone who subsequently spent most of his time on the Senate floor, and I wondered if after your career on the Senate floor you still feel that that assessment is a correct one?

Riddick: I think that's true, generally speaking. There are specific controversial measures which are often completely rewritten on the floor, but in the run of the mill, say you pass a hundred bills during a month, seventy-five or more of them will go through practically as they are reported from the committee. Now this is not anything different from what Woodrow Wilson wrote in

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his book on Congressional Government back in 1885, that the committees were "miniature legislatures." I don't think there's been any change, because after all small groups can work out a projected program much better than you can take a bill and write it out on the Senate floor.

We work a little bit differently from the parliamentary systems, you know. They make motions, generally speaking, for the second reading and reference, and they debate the issue and vote on it. The Senate never does anything about first and second reading unless it's a delay tactic as permitted under the rules; it requires every bill to be read three times on different days (they are legislative days, not calendar days), so if somebody wants to delay the Senate on expediting a bill or getting it before a committee he might insist upon separate readings on different days. That will delay and give him a chance to get his forces together to accomplish some end.

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Except for that, all bills are considered read twice and referred by the parliamentarian without any question on the floor at all. But as you know in the parliamentary systems, on this vote for the second reading and reference they debate whether or not they want to pass such a bill, and they go into all of the

general aspects of the legislation, and then when it's referred, what the committees do is basically just put it into good form and put in perfecting amendments to resolve it after the intent of the general debate. So we have different operations under our system. Since the committees in our Senate start sort of *de novo*, with every bill and make it up as they want, they in effect become basically the legislators, unless the Senate as I said in the case of very controversial bills take them and rewrite them on the Senate floor.

Ritchie: In the form of amendments.

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Riddick: In the form of amendments. As they, have done with Civil Rights. You remember the Civil Rights bill first approved by the Senate was some little minor bill for relief of a school out in Arkansas, just a little private bill. The Senate took it and struck out all after the enacting clause and wrote the Civil Rights bill. Of course, groups had met separately and worked out their proposed amendments before proceeding on the Senate floor to debating the issue. And then they offered the substitute that had been drafted by some of the best experts in the Department of Justice and around, who had met with groups of senators and what have you, not in committee but still in effect a committee, to resolve the kind of a substitute they were going to offer for this bill which after further amendments was approved. Well, this is what I was trying to indicate in my book.

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Ritchie: Most of your career after that was on the floor of the Senate, but since you retired, you began working more intensively with the Rules Committee and got quite involved with the committee reorganization movement during the 95th Congress.

Riddick: Yes, I came over to the Rules Committee at the request of the Majority Leader with the idea of codifying the rules of the Senate. While I have compiled these rules, and submitted them for approval, we haven't been able to move on them because there have been so many problems involved. For example, the leader is concerned about throwing open this to the Senate at this particular time for fear the Senate might want to rewrite all of the rules, and unless they can get an agreement that it would just adopt it without opening it up to amendments, I don't know whether we'll ever get it done or not. But this draft, a copy of which I've got

here, is just taking the legislative reorganization acts, amendments from time to time, the existing rules, and the like, and pulling them into a coherent, well-drafted form. There's no intent here to rewrite the rules.

This was the purpose for which I went over to the Rules Committee, but then it seems that I've been distracted or pulled into things that I never anticipated. The first thing that I really got into after I got over there was the New Hampshire election, that contested election case, which took about six months of my time, and then in 1976 they created a temporary select committee to study the Senate committee system. The leader wanted me to be his agent, and that of the Rules Committee, to stay with that select committee and all of its deliberations so that I would be well versed about what it proposed and what it wanted done; it was understood that when this

committee concluded its investigation that it was going to make its recommendations, and that its findings were going to come to the Rules Committee at a later date for consideration and report to the Senate floor. Thus, I started working with that committee all the way.

You know, we have the problem, which seems to be eternal, of changing the jurisdiction of committees through years of operation. The procedures utilized inevitably lead into committees changing their own jurisdiction. For example, if a committee writes a piece of legislation and reports an amendment to that bill that isn't even within the jurisdiction of that committee but is something of new subject matter which hasn't been previously assigned to any particular committee, and the bill becomes law, a proposal introduced at a later date to amend that law would be referred to that committee because

they were the first ones that handled any legislation on that subject. That way committees expand their jurisdiction, or take jurisdiction away from other committees which haven't taken any action in that direction over a long period of time. So, periodically it will always become necessary for the Senate to do somethin about reorganizing its committee structure.

At one time the Senate had approximately seventy standing committees; and when the Senate -- as I recall, and I'm speaking from memory -- adopted the resolution to reorganize Congress in 1946, the Senate had roughly fifty committees, I think the exact number was forty-seven. Then in the 1946

Legislative Reorganization Act, which became effective at the beginning of the 80th Congress in '47, the number of standing committees was reduced to fifteen. Well, in 1976 when this select committee started its work, the standing committees had

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increased again from fifteen to eighteen, and we had at least five select committees and five joint committees. The number of committee assignments had increased on the part of each senator, I believe it was said, to an average of eighteen committee assignments to each senator. Well, it was impossible for senators to attend all of their meetings. They'd be holding five or six meetings at the same time; how was a senator going to attend them all, it was impossible. So this was the thing that sort of stirred them to investigating again and restudying the jurisdictions, and reducing the number of committees -- this was the purpose of the resolution to create The Temporary Select Committee to Study the Senate Committee System.

Ritchie: This was known as the Stevenson Committee?

Riddick: That's correct. I have a copy of the report. Since I was responsible for

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drafting the report I can say it better by reading an extract from it. It says: "This resolution (S. Res. 4), was basically the same as S. Res. 586 submitted in the 94th Congress." That was the resolution that Senator [\[Adlai\] Stevenson](#) and his group submitted as recommendations for the Senate, at the end of the 94th Congress. And it was introduced by senators Stevenson of Illinois and [\[William\] Brock](#) of Tennessee. The select committee had been created on March 30, 1976, and its report was filed on November 15, 1976, under the authority of the order of the Senate of September 30, 1976, before adjournment. Now, this was reintroduced as S. Res. 4 in the 95th Congress and referred to the Rules Committee, the select committee having done its job, making its recommendations.

I had worked pretty closely with that committee at the request of the

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leader, who was at that time chairman of the subcommittee on standing rules of the Committee on Rules, and since that's the subcommittee I had gone to work for after I retired as parliamentarian, he wanted me to watch this very closely and keep him posted, with the idea, as I said, of being ready to inform the Rules

Committee when it took up S. Res. 4. So that I did. I submitted recommendations to the select committee, a lot of which was embodied in their resolution as they introduced it, and also in S. Res. 4, as it was finally reported.

Ritchie: What did you think was the biggest need in terms of reforming the committee structure? What were the weaknesses that you saw or the things that needed to be done?

Riddick: Well, I think the biggest accomplishment was to get a reduced number of committees and a reduced number of assignments of senators to committees. It is, as I just said,

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impossible for a senator to be at three places at one time, and that's the way the number of committees had expanded, to eighteen standing committees and ten select and ten Joint committees. Each of these had a lot of subcommittees. This way a lot of senators had too many committee assignments; I believe one senator said he had as many as thirty committee assignments, here it is right here: "Under the present setup" -- that is the set-up previous to S. Res. 4 -- "some senators have over thirty committee and subcommittee assignments with four or five of their committees frequently meeting at the same time," which was intolerable. The resolution, S. Res. 4 as reported and agreed to, allowed senators only three committee assignments (there were a few exceptions) and eight subcommittee assignments, which was a great reduction over an average of eighteen with some having as many as thirty.

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Ritchie: This was in part an attempt to try to stop the spread of the subcommittees as well as the committees?

Riddick: Yes, well it had that effect automatically, because a senator could only have so many subcommittee appointments as the rules provide. As it was finally agreed to, the rule provided that except as otherwise provided, "each senator shall serve on two and no more committees listed in paragraph 2," and "each senator may serve only one committee listed in paragraph 3(a) or 3(b)." Now that gave them three committee assignments. Then the next paragraph said: "Each senator may serve on not more than three subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member" -- that is what we refer to frequently as a "major" committee. "Each senator may serve on not more than two subcommittees of a committee listed in

paragraph 3(a) or 3(b)." So that restricted the number of committee assignments; therefore, you had only so many committees, which has been reduced again to fifteen standing committees. Then with the limited number of subcommittee assignments they hold, no committee could have but so many subcommittees. They did have an alternative, they could have their subcommittees made up of three members and have more subcommittees, or if they expanded their subcommittees to five, seven, or nine, since the number of appointments would be limited under the rules, they could have only so many subcommittees. This was the whole idea: to tie them to a limited number of subcommittees, or at least if not a small number they'd have to have small subcommittees.

Ritchie: This particular reform didn't significantly affect the role of the chairmen of the committees, did it?

Riddick: No, they do have some provisions in there that prohibits a chairman from being a chairman of a subcommittee (I think it's in paragraph 3); but the powers of the chairman as such were not spelled out. That has been done in part by the Legislative Reorganization Act, I'd say.

Ritchie: So in terms of pure efficiency they felt that the problem was size and complexity and not the role of the chairmen as an obstruction, as had been the case in previous reforms?

Riddick: Well, that's right; it wasn't necessarily an attempt to whittle down the power of the chairmen; that is determined in part because of his personality and his ability to more or less run the committee in an efficient manner; they were concerned with several problems. The ones that we were just talking about, of limiting the number of committee assignments to each senator so that he didn't have to be in so many places at once; and then

406 another problem was that the complexity of the government was growing, eternally, and we frequently found in the reference of a bill that you would have to get unanimous consent to refer a bill to three or four committees, because it was cutting across the lines of jurisdictions. So one of the efforts also was to redefine the jurisdictions of the committees and do it after a fashion that would allow most programs to fit within the jurisdiction of one committee; that was the effort. I might read some of the purposes of S. Res. 4, because I'm going to back

up a little in a minute, which as I said I prepared in writing the report; I had this to say:

The Committee on Rules and Administration proposes to strengthen the abilities of Senate Committees to develop integrated legislative programs and at the same time to reduce wasteful demands on the time of the senators. It is proposed to consolidate such jurisdictions as reasonably as possible and within the hands of fewer committees.

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The jurisdictions of the committee are proposed to be recast so as to avoid fragmentation of overall legislative programs; to concentrate into a single committee all proposed legislation regarding a particular area of the government. For example, all proposed energy legislation would generally fall within the jurisdiction of the Committee on Energy and Natural Resources; the regulation of commerce would go to the Committee on Commerce, Science and Transportation; and all environmental proposals generally would be referred to the Committee on Environmental and Public Works. Thus, major areas of governmental activities would be concentrated under the jurisdiction of a single committee where effort could be focused to get action on legislative proposals pending before that particular committee.

The reported resolution would reduce the number of Senate Committees. This idea, tied in with a system of scheduling of committee meetings, would tend to avoid conflict of such meetings and allow the system to work more smoothly and efficiently. When too many committees schedule meetings on the same day and at the same hour undue pressures are brought to bear on the successful operation of the institution. Senators assigned to several committees might find that they are scheduled to be in attendance at several committee meetings at the same time, a task which they cannot fulfill. Hence, some committees under such circumstances are unable to get a quorum at their meetings, and therefore, are unable to have a successful session. Senators who cannot attend their own committee or subcommittee meetings are unable to

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perform to their capacity and to inform themselves of the work of their own committees and of the details of the proposed legislation considered by them.

The resolution proposes to limit the number of committee and subcommittee assignments to each senator, giving the senators more time to prepare themselves for the consideration of the proposed legislation for which they are directly responsible. It is unfair to the senators to have to spread their efforts too thinly.

So this was the objective that they were trying to accomplish. Now, getting back to the question you raised about the select committee making its study, you asked me if I were involved in that, as I said the majority leader wanted me to stay with that special committee, which I did all the way through, and I not only testified but frequently during the hearings the senators on the select committee would ask me my opinion of this or that as we went along. Then when we got into the markup sessions, Senator Stevenson drew on me pretty heavily as to my anticipation one way or the other

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as to what should be done. That was in the latter part of the 94th Congress. That committee had been created on March 30, 1976, and it filed its report in September 1976.

Senator [Byrd](#) was then the assistant majority leader, and he expected to become the majority leader at the beginning of the next Congress, so I was assisting him, working with Senator Stevenson to see if we came back in the 95th Congress we would have an instrument with which to work.

I remember one day when they were trying to work out the final strategy at the latter part of the session, I'd gone on down to my farm for the weekend, and unexpectedly had a call from the majority leader's office asking if I were going to be at the luncheon at 12:30. I wanted to know what luncheon, because I didn't know anything about it; they informed me that I was supposed to

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be at a luncheon with Senators Byrd of West Virginia and Stevenson of Illinois, to talk over the strategy for mapping out the program. This was at about 10:00 o'clock and I was about 140 miles away in working clothes. So I had to get dressed and unfortunately had to break the law to get there by 12:30; but I told them I'd be here if something didn't happen. So I was at the meeting, and at this meeting we talked over the problems of how we were going to handle it, and how we were going to get it to the front of the calendar for consideration at the beginning of the 95th Congress.

They resolved a program, which was that on the opening day a new resolution would be introduced embodying the contents of S. Res. 586 of the 94th Congress -- perhaps modified by further study from September until January. The new resolution would be referred to the Rules Committee,

and the Rules Committee would be given a limited period of time to report it. The time was set, and the new resolution was introduced on January 4 of the new Congress, and on the same date was referred to the Committee on Rules and Administration with instructions to report back not later than January 19, which date was later extended by another unanimous consent agreement, to report back not later than midnight January 25, with which the committee complied. But the leader wanted to get it in at the first of the first session so that before the Senate got down into a heavy legislative program, or even before the committees were appointed, could dispose of this and get it out of the way. That was the assignment.

The Rules Committee took it up, and I worked very closely with the committee all the way through, as set forth in the open markup

sessions of the Committee on Rules, which met on January 14, 17, 18, 19, 21, and 24 of the year. They were long sessions; we met nearly all day in most of these sessions, to work out the details. We went over every line and paragraph of that resolution carefully, one at a time, and I, of course having worked with the select committee sat with them to advise them as to what the intent of the select committee had been in making such recommendations, and explaining the details to the committee of what they were up against if they did this, or what they'd be up against if they didn't do this, and so on.

Ritchie: One of the most ingenuous things, I thought, about that was that they delayed appointment of the new senators, permanent appointment to committees, until after the committee reorganization had been settled, so that none of them would develop any attachments to their committee

assignments and therefore vote against the resolution. Was that Senator Byrd's idea?

Riddick: Yes! It was after conferences. This was what was agreed upon after all of these conferences, as to how we could get it expedited or get it done without total obstruction of any kind.

Ritchie: On paper all of this sounds very logical, the too many assignments, the too many subcommittees, and the uncertain jurisdiction, and all the rest of it, but

you also stirred up quite a bit of controversy, particularly among the various interests that had gotten used to dealing with the structure of the committees as they were, and were concerned that their lines of communication might be disrupted if the committee's were reorganized, particularly in terms of jurisdiction of the committees. Did you feel a lot of pressure from the outside?

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Riddick: Not too much. They were concerned, and they gave testimony. We have a right good volume of testimony here. They not only held hearings on January 5, 6, 7, 10, 11, and 13, at which time the committee heard senators as well as outside witnesses, but the committee also allowed persons concerned to submit statements to be printed in the hearings. Many were concerned, a lot of groups were concerned, and a lot of chairmen were concerned, because they'd be losing jurisdiction of things that they'd been working with for a long period of time, and they didn't like to see them transferred to another committee. Some committees were eliminated, but some of these senators like Senator [Moss](#) of Utah, who had been chairman of Aeronautics and Space Sciences, were defeated so it didn't present a problem of him being chairman. But he had already acquiesced

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in this even before the 94th Congress adjourned when he was still chairman.

Over all, people saw what they were up against, the senators saw what they were up against, and they acquiesced, although reluctantly sometimes. It's amazing, when you've got a real case, and you can present your case in a good fashion, how reasonable people are to accept your proposals. Sure, the outside interest groups knew that they might have to work with other committees from what they had previously worked because the jurisdictions were changed and shifted from one committee to another. But you can't block what you think is going to be progress just because of a particular interest group, or because of a particular senator being concerned.

Ritchie: One of the reforms back in the Legislative Reorganization of 1946 was to establish joint committees between the House and the Senate as a way

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presumably of making the work of the Congress more efficient; and one of the things that the committee reorganization of 1977 did was to abolish most of the joint committees. Why didn't they work? What was the feeling about them?

Riddick: Well, the feeling in the committee, from the discussion, was that in most instances the work of the joint committees had not been as efficient as they anticipated. Previous to '46, as you remember, most of the professors in political science always pointed to the Joint Committee on Internal Revenue as one of the most perfect examples of the use of joint committees, and the Rules Committee, and the Stevenson Committee, because of this attitude, did not propose to eliminate the Joint Committee on Internal Revenue, because they thought it was doing a good job, number one, and number two it was going to necessitate the enactment of legislation in order to get rid of

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That committee had been created by legislation and it was so interwoven -- if it's a rule of the House or of the Senate you can repeal it by resolution, even though it's a law, and change it, because under the Constitution each body is given the authority to write its own rules. So it has been the practice or the interpretation of both the House and Senate that if something is done in legislation that is directly affecting the rules of the two houses it can be undone by a simple resolution on the part of that single body. It doesn't have to repeal the law.

The Joint Committee on Internal Revenue, however, was such an interwoven, tied-up thing, that you would have to repeal the law to get rid of it successfully without leaving a vacuum. You would have to repeal the law, because the Joint Committee on Internal Revenue is authorized to examine and pass on a refund of a tax

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payment in excess of a certain sum to the taxpayers, since it was deemed not to have been properly extracted from that taxpayer; it has to be approved by the Joint Committee on Internal Revenue. Well, if you left a skeleton there that couldn't function, there would be a gap in the operation of the law, so that it was felt if you were going to make this change you'd have to go the whole way and repeal the whole law and rewrite it to accomplish the ends set forth in that law. So that was dropped by the Rules Committee and the select committee as a possible elimination -- yet, I might modify my statement by saying I'm not so sure that the select committee did recommend it.

Ritchie: But in terms of the Joint Committee on Printing, and on the Library, and on Atomic Energy, all of those were felt to have not really performed the way they were expected?

Riddick: That's correct, and they were in the process of eliminating the Joint Committee on Atomic Energy even before they wrote this in S. Res. 4. That was very simple to get rid of, because they had in their minds to repeal the law. When the Joint Committee on Atomic Energy was created by law there was a role being played by the committee that was changing rapidly. Atomic energy was becoming much more common, not as secretive and all. There wasn't the need for that structural set-up anymore as had been the case at the beginning of the development of atomic energy.

Ritchie: At the same time that the Stevenson Committee was looking at the whole reorganization of the committees, the [\[John\] Culver](#) Commission was looking at the reorganization of the Senate as a whole, towards a more efficient Senate. That indicates, especially among the younger members like Stevenson and Brock and

Culver, something of a dissatisfaction with the operation of the Senate, Did you sense that in general? What was it that suddenly around 1976-1977 brought out all of these reform movements?

Riddick: Well, as you know, the Culver Commission was created by a resolution never referred to the Rules Committee. I think it was perhaps to placate a certain faction of the Senate. If the Rules Committee had held hearings on it, it could be that it would never had been passed. I don't know. But the intent of this Culver Commission was the restructure of the Senate internally, to make it more of a corporation structure, to operate efficiently after a business fashion. But as you know, it is rather difficult to run a legislative assembly after business principles and efficiency principles, because there's so many angles, so many attitudes, so many variations in the thinking of members that

you've either got to have a dictator, or you've got to allow each faction and each interest to make their impressions felt. This is a problem.

I was in on this too, before and after the Culver Commission made its report. I was called by their staff a number of times. But the chairman of the Rules Committee then, Senator [Cannon](#), didn't feel that some of these proposals would be any more helpful to the Senate than the way the Senate was then operating. It was also concluded, after many conferences, that most of what the Culver Commission was trying to accomplish could be accomplished without making any

change in the rules at all. The absence of the law to specify the detail operations of the Sergeant-at-Arms and the Secretary of the Senate could be accomplished by the parties sitting together with a few senators and working out a new scheme of things.

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Part of this was brought about by increasing Senate activities in certain regards; the use of the computer system for example. It had been set up in fragmentation and there was conflict between the Secretary of the Senate and the Sergeant-at-Arms and the Rules Committee, all involved as to who was going to handle it. It still hasn't been completely resolved, but they have been meeting on this, and are still meeting on it, to see if they can't resolve it. My proposal was that instead of the Sergeant-at-Arms, the Rules Committee should assume the whole task, since the Rules Committee is given under the Senate rules the authority to make most of these administrative decisions, and since it is a part of the Senate and not non-elected officials, like most of the staffs of Sergeant-at-Arms and the Secretary of the Senate; and if we are going to have a representative Senate it ought to be the voice of

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the people, elected members, who make these decisions.

I proposed that if they wanted to make the computer system more efficient, for example to illustrate what I mean, it ought to be put under the Rules Committee completely, not divided up all over everywhere; and let the Rules Committee select a director that would take over the whole system. Then it would be completely efficient, if they would then just keep check on the appointed director. This would then make the whole computer system work pursuant to the attitudes and desires of the selected representatives of the people.

Ritchie: But nothing really ever came out of the Culver Commission?

Riddick: No new rules were adopted. There might have been a few details set forth in the rules at some place, but no special resolution was adopted to accomplish that end. To the contrary, there might have been a few sentences to put

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in some changes, seeing the need for these changes. Some proposed changes were resolved by the Sergeant-at-Arms and the Secretary of the Senate meeting together with members of the staff of the Rules Committee, and also with senators themselves.

Ritchie: It seems that if you look at the structure of the Senate, legislatively and administratively, it doesn't necessarily make a lot of sense at first, because a lot of things developed through its historical precedents.

Riddick: Right.

Ritchie: Things became law sometimes by accident, and sometimes by design, and sometimes just because that's the way they were done.

Riddick: And sometimes nothing was needed at all except that the Secretary of the Senate or the Sergeant-at-Arms felt they should undertake this or that, and they began on their own to perform certain duties.
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