

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Preface

The rules of the Senate are perfect.

And if they change every one of them, the rules will be perfect.

--Floyd M. Riddick

Washington Star, December 25, 1974

Seated immediately before the presiding officer of the Senate, on a lower dais, is the Senate Parliamentarian. Since he can be observed whispering frequently to the vice president, president pro tempore, or any other senator who happens to occupy the Chair, and since they often repeat his words verbatim in pronouncement of the rules to the Senate, the parliamentarian has been called "virtually a ventriloquist," and "the Senate's Medicine Man." Visitors to the Senate chamber, scholars studying Senate procedure, and even some senators frustrated in their legislative pursuits, have wondered about the power of the parliamentarian and the full nature of his contribution to the legislative process.

In the Senate's earlier years, senators served as their own parliamentarians and spent a considerable amount of time debating procedure on the floor. Throughout the nineteenth century, various clerks advised occasionally on parliamentary practice, but not until 1923 was the journal clerk, Charles Watkins, given the added title of "acting parliamentarian." As the legislative workload increased during the New Deal, the need for constant, experienced parliamentary advice for the presiding officers, party leaders, and sponsors and opponents of specific bills, became evident, and in 1937 Watkins' two functions were separated, making him the first full-time parliamentarian in the Senate's history.

As Watkins grew older, several senior senators became concerned over the continuity of his office, and created the office of assistant parliamentarian. Dr. Riddick was invited to join the staff as the first person to hold that post. He eventually succeeded Watkins as parliamentarian in 1964 and served until his retirement in 1974. As parliamentarian emeritus, he remained as a consultant to the Senate Committee on Rules and Administration.

Born on July 13, 1908, in Trotville, North Carolina, Floyd Riddick attended Duke University and received a B.A. He took a Masters degree at Vanderbilt in 1932, and returned to Duke to earn his Ph.D. in political science in 1935. While researching his doctoral dissertation, he spent a year observing the workings of the United States House of Representatives, a study which he eventually expanded and published as *Congressional Procedure* in 1941. Moving to Washington, first as a statistical analyst for the FERA, and then for the Rural Resettlement Administration, he continued his congressional research interests, as an instructor of political science at American University from 1936 to 1939,

and later as editor of the *Congressional Daily* for Congressional Intelligence, Inc., from 1939 to 1943. He then edited *Legislative Daily* for the U.S. Chamber of Commerce from 1943 to 1947, a project which led to an invitation to establish a "Daily Digest," in the *Congressional Record*. From 1947 to 1951, Dr. Riddick was Senate editor of the "Daily Digest," a synopsis of Congressional events which continues as a handy guide to the daily *Record*. It was from that post that he joined the office of parliamentarian, where he remained for twenty-four years. Dr. Riddick is the author of numerous books, pamphlets and articles on Congressional activities. These include *Congressional Procedure* (1941), *Congress in Action* (1948), *The U.S. Congress: Organization and Procedure* (1949), *Senate Procedure* (1958, 1964, 1974), and a series of articles summarizing the work of each Congress from the 76th through the 90th Congresses, appearing in the *American Political Science Review* and the *Western Political Quarterly*. For these interviews, Dr. Riddick came well prepared with notes, copies of bills, and transcripts of hearings, to which he referred for specific examples for discussion. Wherever possible, citations for these direct quotations follow the references. Due to the length and topical nature of the interviews, they have been arranged in chapter form for easier use. Generally, the chapters correspond to individual interviews, in the sequence in which they occurred. In a few cases, interviews were divided, when the subject changed significantly, into different chapters; and in some instances, particularly the lengthy discussions on cloture, several interviews were combined in a single chapter.

In every case a notation of the date on which the interview took place precedes the related portion of the transcript. In accordance with the standard procedure of the Senate oral history program, Dr. Riddick received preliminary copies of the transcripts for correction and clarification, but made no changes in substance. For many years, "Doc" Riddick has been a highly visible and well-known member of the Senate staff. In speeches of tribute at the time of his retirement, senators called him "the Senate's truly indispensable man," and noted that "without his daily wisdom and guidance and constant reassurance," the Senate would not have functioned as effectively as a legislative body. His office, they suggested, might have seemed a quiet one, but "it is the quiet at the center of the storm. Dr. Riddick is always at the center of every major Senate debate." These interviews constitute a seminar with him on parliamentary practices in the Senate, and offer his own unique view of the institution's history and development.

Floyd M. Riddick died in Santa Fe, New Mexico, on January 25, 2000.

About the Interviewer: Donald A. Ritchie is associate historian of the Senate Historical Office. A graduate of C.C.N.Y., he received his Ph.D. in history from the University of Maryland. He has published articles on American political history and oral history, including "Oral History in the Federal Government," which appeared in the *Journal of American History*. His books include *James M. Landis: Dean of the Regulators* (Harvard Press, 1980), *The U.S. Constitution*

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(Chelsea House, 1989), *History of a Free Nation* (Glencoe, 1991), and *Press Gallery: Congress and the Washington Correspondents* (Harvard, 1991). He also edits the *Executive Sessions of the Senate Foreign Relations Committee (Historical Series)* (Government Printing Office). A former president of both the Oral History Association and Oral History in the Mid-Atlantic Region (OHMAR), he received OHMAR's Forrest C. Pogue Award for distinguished contributions to the field of oral history.

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Interview #1

Early Years

(June 26, 1978)

Interviewed by Donald A. Ritchie

Ritchie: I thought we could discuss today your early years and the events that led up to your coming to the Senate, and your early research, to get a general idea of your background and interests. I was reading recently that your interests outside the Senate lay in a farm in Virginia. I wondered if that was a continuation of your family's situation. Did you grow up on a farm?

Riddick: It was childhood experience, I guess, which brought me back to that. My second interest, of course, was teaching. I anticipated being a professor of law at the university, and not only did I not go into law but I taught political science. I got shifted from my first interest completely by a professor I had at Duke University named Robert Rankin.

Ritchie: How did you come to decide on a career in political science and law? Was your father a lawyer?

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Riddick: No, my father was not an educated man. He was a very intelligent person, but he didn't finish primary grade school.

Ritchie: Was he a farmer?

Riddick: Yes, a farmer and merchant.

Ritchie: And you grew up on a farm?

Riddick: Well, I grew up in a village, Gatesville, North Carolina, but we farmed during the period that I was in high school.

Ritchie: You said he was also a merchant, did he run a shop?

Riddick: He ran stores, grocery stores, a general merchandise store.

Ritchie: And you lived in the town near the store?

Riddick: Yes, at first we had a little store next to the house, at the edge of the little village, and then we moved into Gatesville proper, however large it was. I left there in 1928 to go to Suffolk, Virginia. So, while I was reared (in my childhood days) in Gates County, North Carolina, I became a resident of Virginia after 1925.

Ritchie: Why did you go to Suffolk?

Riddick: My father's health had broken and he couldn't stay on fresh ploughed ground

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anymore because of head difficulty, and so he moved to Suffolk where he could work in stores all together.

Ritchie: Did you have other family there?

Riddick: Oh yes, well, let me put it this way. Our family came from a very old family. As a matter of fact, Lemmuel Riddick, from who we came, signed the Stamp Act passed by the House of Burgesses, between the signatures of George Washington and Thomas Jefferson.

Ritchie: Was he from Virginia?

Riddick: Yes, they were early comers to Virginia, and then some moved down into Carolina. As a matter of fact, there's a sign in Gates County, near Corapeake, they call it, the town is long since gone, at Speed's Ditch which George Washington surveyed. And when he was down there he stayed in the home of one of my original family.

Ritchie: And you also had family in Suffolk.

Riddick: Well, we had some, but we weren't born in that area, nor did my immediate family come from people living in Suffolk. But

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going back several generations they all came from that area.

Ritchie: Did you attend public schools in North Carolina?

Riddick: In North Carolina and Suffolk.

Ritchie: And then when you graduated you decided to go to Duke.

Riddick: That's right.

Ritchie: What prompted you to go to Duke University?

Riddick: I hardly know, to tell you the truth. It was a growing school, and two or three of my advisors thought that I should go to Duke. I looked around at several different schools, but never applied anywhere else. I just went down to Duke during the summer before that fall. It wasn't so hard to get in school then if you had money enough, that was the big problem.

Ritchie: Did you have any idea when you started at Duke what you wanted to do, or was this something that developed while you were there?

Riddick: As I said, I wrote on my entrance papers in which they were requesting what my interests were, that I wanted to take

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law and be a professor of law. But later on, I believe it was in the second year in school, I was working at a soda fountain at a pharmacy, and the city had a requirement to close on Sunday evening during the church services. During that time one evening I was walking around on the Duke campus before going back to work, and encountered Professor Robert Rankin. He said, "Sit down, let's talk a while." He, at that time, was the assistant dean of the graduate school as well as a professor of political science. So I sat and talked with him and he convinced me -- not just in that one meeting but in several pursuing thereafter -- that I should switch over from law school, even though I was taking pre-law, and go into political science.

Ritchie: Did you take any courses with Rankin?

Riddick: Oh yes, took several.

Ritchie: Was he a very influential or impressive teacher?

Riddick: He was a very good teacher, a very good teacher, and he's made his mark in the

field; he was author of a number of books. He was also on the Civil Rights Commission here in Washington for ten or fifteen years. He established himself very highly in the academic world.

Ritchie: Were you interested in politics as well? Was that one of the reasons that you switched?

Riddick: Well, I had an interest in politics from childhood, because of our teacher in high school, who would take us down to the county court. I met some of the people, one who later became the governor of North Carolina, who was then solicitor general for the superior court. That created my interest to begin with, but I never anticipated a political career, I never had an interest in that. But getting into political science caused me to have a great interest in government and its operation. Then after I took my A.B. (I finished my A.B. in three years, including summer) I went over to Vanderbilt, and there I had a Professor Irby R. Hudson, under whom I

took my Master's. He had been a student at Columbia, working under one of the great men in international law, John Bassett Moore; if you go back to the records in the State Department in those years I guess you will find more opinions were written by him than anyone else. He was a close advisor to Teddy Roosevelt, for example. Irby R. Hudson was very interested in politics and suggested that I write my Master's thesis on the Triumverate Rule in the House of Representatives, which consisted of [\[Nicholas\] Longworth](#), [\[Bertrand\] Snell](#), and [\[John\] Tilson](#); they were the Speaker, Majority Leader, and Chairman of the Rules Committee, which I did and I found it most fascinating. Then when I went back to Duke to take my doctorate I decided to expand the study and wrote on the Political and Parliamentary Procedures in the House of Representatives for my doctoral dissertation.

Ritchie: When you started the Master's thesis did you come to Washington at all?.

Riddick: No, I just depended on records and journals. Finances didn't permit me to come to Washington; I had to work with newspapers, journals, and records.

Ritchie: Longworth was a fascinating character, one of the more influential speakers, a very powerful figure in the 20's.

Riddick: He certainly was, that's correct.

Ritchie: I suppose working with these people really helped develop your interest.

Riddick: Yes, but when I did come up, and stay up for quite a while -- when I was working on my doctorate -- Longworth had passed on. The first speakers that I knew were [Henry Rainey](#), of Illinois, [Joseph Byrns](#) of Tennessee, and [William Bankhead](#), and others as they came, [Sam Rayburn](#) and so forth.

Ritchie: Well, you decided then to go back to Duke University after you finished your Master's work at Vanderbilt. Was there any particular reason?

Riddick: I would say primarily it was the scholarship or the fellowship that I got, which paid my expenses

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Ritchie: That's one of the reasons why I went to the graduate school I did, also.

Riddick: And you see, it was advantageous to continue school then because that was almost in the middle of the Depression and you couldn't find jobs anywhere. So when they offered me the fellowship, which took care of my expenditures, what else could I do?

Ritchie: Did you teach as part of your fellowship?

Riddick: Yes. For my Master's scholarship I worked in the library in the evenings, which was an interesting thing, and educational, too. But when I went back to Duke I got in on a teaching fellowship. I would give one course each semester.

Ritchie: American government?

Riddick: Yes, introduction to American government.

Ritchie: How would you describe Duke University in those days, was it a small institution?

Riddick: Yes, I'd get lost there now. I think we had a total student enrollment of about 2,000 at that time, and that's on both the girls' and boys' campuses. Now, the first two years I was on the girls'

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campus, but we were looking forward to moving over to the boys' which they were building; we were looking forward to moving over to the west campus where there would just be boys!

Ritchie: So I guess there was a sort of closeness between the students and the faculty, at such a small school.

Riddick: It was much more friendly than it is now. I doubt if a student now would know a tenth of the student body. At that time if I didn't know the names I knew nearly everyone -- being on some of the athletic teams.

Ritchie: Then when you started working on your dissertation you did come to Washington.

Riddick: Yes, I stayed up here a year.

Ritchie: Was that your first visit to Washington?

Riddick: Well, no, I was on the boxing team, and track team, and I got around some. I had been here once when I was on the team boxing against the University of Maryland. We stayed up here three days. But then I came back once or twice again that way before I came up to do research.

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Ritchie: Did you do most of your research at the Library of Congress?

Riddick: The Library of Congress and the Capitol. I sat in the gallery with a special pass for nearly a whole session, studying them very closely, and watching them, and then when the House wasn't in, why I would go back to the Library and work and read.

Ritchie: That's very interesting, you basically just watched the whole proceedings.

Riddick: Watched the proceedings from beginning to end.

Ritchie: What kind of an experience was that?

Riddick: Oh, it was very educational, because if I were devoting some of my study to the Rules Committee of the House, why I would go to the morning session, or before the House convened I'd go into the Rules Committee meeting to hear them discuss the giving of a rule on a particular piece of legislation. You could get the feel of it.

Ritchie: And then watch it develop on the floor.

Riddick: That's correct. The greatest break I had came when Representative

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[\[Clarence\] Cannon](#) of Missouri, who brought the Hinds and Cannon's Precedents up-to-date; his volume I think was published in '35, but in order to get my dissertation ready I had to have some info before then, and he advanced me the galley proofs of all of the copy that was going to be printed later, without any changes being made, and I could work from these galley proofs. That was a great break.

Ritchie: Did you get to know Cannon?

Riddick: Oh yes, knew him very well. As a matter of fact, my first volume printed on Congress, he insisted that I give him two copies free, autographed, because he said he had two daughters and he wanted each daughter to have a copy. He'd get everything in duplicate that way.

Ritchie: He certainly knew the procedures of the Congress.

Riddick: Oh yes, I remember a very interesting case in the House -- one day, he took a stand on the procedure pointing out

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that this is the way it should be. And then a member on the opposite side got up and said, "Why Mr. Speaker, the author of his work says just the opposite of what he's now trying to convince the House." Cannon immediately said, "Mr. Speaker, I defer to my publication."

Ritchie: I guess, in the House in particular, the rules are so much more restrictive . . .

Riddick: And exacting.

Ritchie: . . . specific knowledge on the part of the members of the rules would be so important.

Riddick: Absolutely, and you must have it immediately, because if the moment passes it's too late to make a point of order, it's too late to take a direction that would save your case. So it's important to know immediately. Now, my experience in the Senate, of course, is that any member can have access to all the knowledge about the procedure, if he knows ahead of time what he wants, because he

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has access to the parliamentarian, and he can speak and work for hours with him, about how to map out and plan his program. But this knowledge of your own, so that you can momentarily respond or take advantage of the rules, is very helpful.

Ritchie: And the House rules and precedents are voluminous, even beyond the Cannon publications.

Riddick: Oh, good gracious yes, that is correct.

Ritchie: And they are not as accessible, apparently, as Senate rules. Some of the members of the House object that they don't have access to the manuscript form of precedents and have to go through the parliamentarian.

Riddick: But they're being brought up-to-date. Of course, we've had that same criticism of Senate procedure. It was not until 1954, I believe, that the first volume of Senate Procedure was published, which dealt with the modern precedents and practices of the Senate.

Ritchie: But it's been published every ten years now since then.

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Riddick: Yes, and I'm working on another volume now, supposedly. What I'm proposing is recodification of the rules. The rules of the Senate have not been completely readopted since 1884. After I retired as parliamentarian, that was why the Rules Committee acquired my services -- to come over and join the staff and prepare a recodification, which I have now done and presented a copy to the Majority Leader for him to look over. He's so busy, though, he doesn't have time to get to it now, so I don't know when we'll do it. But I'm sure of holding up on

the revision so that all of the provisions of the legislative reorganization acts can be in the rules, and I can then quote the rules as opposed to such-and-such a section of the legislative reorganization acts.

Ritchie: Going back to your year in Washington, while you were working on your dissertation, since you were there in the House almost every day you must have come in contact with a lot of the members.

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Riddick: I take pride in saying positively that I could recognize every member in the House before I left my study of the House.

Ritchie: I suspect most of them could recognize you after seeing you around every day.

Riddick: Well, I'm not sure about that. But watching them perform and always trying to remember who was speaking I got to the point where I could recognize 95 percent of them, and call them by name.

Ritchie: What impressed you most about House procedures? Did you find it a very workable system? Were you enthusiastic about what you saw?

Riddick: Well, I was at that time. Of course, after I got to the Senate I had to try to forget all of the rules of the House because their rules are so different. The biggest contrast I'd say is unlimited debate in the Senate as contrasted to very limited debate in the House. And the use of the previous question in the House as contrasted to no limit on debate in the

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Senate, or restriction on bringing a bill to a final vote except through cloture. It's only in the last ten years that cloture has been used successfully to any degree.

Ritchie: I suppose with the size of the House there's almost no other way they could operate.

Riddick: I think that's true, I think it's a problem of numbers.

Ritchie: Do you think that makes the House more responsive to the administration?

Riddick: I don't know, I've watched both bodies for many years now, and it's sporadic. Sometimes the House ignores the president and responds to the people, and sometimes the Senate does that. I remember for a long period of time it was a common saying around here that the House would cut appropriations -- then the administration would take their appeal to the Senate and get their cuts restored. So it's varied, depending upon the temperament of the people. I would say, by and large, that the House obviously is closer

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to the populace or the constituency than the Senate, but campaigning on the part of senators in the last two decades I think has become almost a continual assignment. As long as they stay in the Senate they're continually campaigning.

Ritchie: But you don't think that the rules make the House more of an efficient machine in terms of the administration's proposals, by cutting off unlimited debate?

Riddick: Well, I think the restrictive rules have a tendency to keep the members more in line with what the leadership wants. I think there's that natural tendency. So if the leadership is sustaining the administration, whatever it be, whichever party it might be, there's a tendency for them to be able to control them. Even now, for example, House conferees can use the excuse that these changes in the rules that they've added not to take non-germane, Senate amendments in conference prohibits the conferees from even compromising or even taking them in consideration for compromise.

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They can always say, "We can't take that." And it just blocks the Senate from getting any consideration at all. Of course, obviously, if the Senate conferees are effective, and convincing, and influential over the House members, even if they can't get it in the conference report they can work out a tentative agreement with the House conferees to go back to the House and move to recede and concur in the Senate amendment with a certain amendment which would have been in the conference report had they been free to put that in the conference report itself. As you know, a conference report is merely, technically speaking, the language that the two bodies concur in, or agree to compromise. Those amendments that they can't agree on, which they report in disagreement, are not a part, technically speaking, of the conference report and then you dispose of those amendments in disagreement.

Ritchie: And in some cases a strong chairman from one side or the other can very much influence the outcome.

Riddick: There's no question about it.

Ritchie: I understand that Sam Rayburn was particularly wily when it came to conferences.

Riddick: On his commerce bills,, when he was chairman of the Committee on Interstate and Foreign Commerce.

Ritchie: Well, you came then at the height of the New Deal, that year that you did research.

Riddick: Oh yes, as a matter of fact I worked for a while in the old FERA (Federal Emergency Relief Administration). Money at that time for a young student was hard to come by, and I felt fortunate to get a job to sort of supplement some of my costs to finish school.

Ritchie: This was while you were still at Duke?

Riddick: Still at Duke, before I'd received my doctorate.

Ritchie: Were you working for FERA here in Washington?.

Riddick: Yes.

Ritchie: What kind of work did you do for them?

Riddick: Sort of a statistical analyst. I'm trying to think of Roosevelt's main protegee in relief projects, what was his name?

Ritchie: Harry Hopkins.

Riddick: Harry Hopkins. I worked in the same building one floor under him at the old Walker-Johnson Building down across from the old emergency hospital, close to the State Department. I was there for about eighteen months off and on. That little extra fund came in very handy.

Ritchie: I can imagine that while you were watching the House you were getting quite a view of New Deal legislation also, that was a period of a lot of administrative initiative and new, very dramatic programs.

Riddick: Yes, that was very interesting, Later I worked with the federal government as an analyst from 1935 to 1936, before I went to teach at American University.

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At that time I changed jobs and was with [Rexford] Tugwell's outfit, the Rural Resettlement Administration, and it was there that I worked in the same office with [\[Frank\] "Ted" Moss](#), who later became Senator from Utah. That's where I got acquainted with him, and when I went out to Utah to get married he served as my best man out there. He later became Senator; he wasn't Senator when I was married.

Ritchie: What brought you to the Rural Resettlement Administration?

Riddick: Just employment, until I could get myself adjusted. At that time I was still doing research and writing articles for the *American Political Science Review*. I wrote an annual article for either the *American Political Science Review* or the *Western Political Quarterly* for over a period of thirty-nine years.

Ritchie: How did you start doing those? They had been running articles like those on the year's events in Congress before.

Riddick: Yes, I forget the man who wrote them just before I started. He died and

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that's how I got in. The man before him was Arthur Macmahan at Columbia University, with whom I worked for quite a long time on different occasions, doing research and so forth with him. Schuyler Wallace, he was with Prentice-Hall as an editor, he was a professor at Columbia also, and wanted to publish my doctoral dissertation but they couldn't get quite the insurance policy they wanted, you know they insure these "popular" books with scientific studies to be sure they would break even. He couldn't work out quite the agreement with another book so that he could do it, and they never published it at that time. But I got to working with these people very closely; they were all informed on Congress; and that led me to become a close associate of Lindsay Rogers, who was the Burgess Professor at Columbia. We stayed pretty close together. As a matter of fact, he tried to get me to work

on his book on the Senate. In his last years before he died he wanted me to co-author it with him and bring it up to date. But at that time I was so busy I just couldn't do it. That was a great experience and a great help to my education, to work with these people of such high standing, and particularly with Charles A. Beard, who used to, every time he'd come to Washington, have me up to his hotel room and talk at length about what was developing in Congress. It was all very educational, I assure you.

Ritchie: Well, you were developing quite a reputation at this time, as a man who knew how the Congress operated.

Riddick: Yes, Raymond L. Buell of *Time* magazine began staging some conferences, and he picked me up through the publications I'd written; I got to attend conferences at Princeton and different places. They anticipated World War II and they were trying to build up strategy and procedure, and what kind of legislation

was essential and necessary to get ready for World War II.

Ritchie: By this time you were a teacher at American University.

Riddick: Yes, after I'd worked with the federal government for a while, in 1936 through 1939 I went to American University as an instructor in political science, and in between, that is '37 and '38, Professor [Ernest S.] Griffith, who was then the dean of the American University graduate school, wanted me to go abroad a year; he felt I should have a year abroad. So I got the Alexander Von Humboldtstiftung (stipend) to do research at the University of Berlin on the *gemeindeordnung*, which was the constitution of local government that they'd adopted under the Hitler regime. That translation and work was later reproduced by the Army and used at the school of military government down at the University of Virginia for the Army of Occupation. It came in handy.

Ritchie: What an incredible time to be in Germany, in 1937.

Riddick: I saw it first hand.

Ritchie: It must have been quite startling to you.

Riddick: It was, absolutely. It was so regimented though that you didn't fear getting in trouble as long as you didn't try to do something off-color. Nearly everywhere you'd see police, they were in pairs and they were all over town, everywhere I went. So you had little fear of being robbed or harmed, as long as you kept your passport in your pocket and behaved yourself.

Ritchie: Did you ever go to the Reichstag to see the German parliament?

Riddick: No, that had been obliterated when I got there and Hitler was running the show completely.

Ritchie: Then you worked mostly out of Berlin?

Riddick: I worked, except for Christmas holidays when I went down to Freiburg, at the University in Berlin itself for the whole year, and met a lot of interesting people who later showed their mark in different fields.

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Ritchie: Then you returned to teach.

Riddick: I came back and taught one more year at American University.

Ritchie: Did you teach congressional procedure at all?

Riddick: Yes, that's one of the things that Professor Griffith wanted me for -- to give a course in legislative procedure, which I did.

Ritchie: What type of students would you have attracted.

Riddick: I taught out at the campus on Nebraska and Massachusetts Avenues. I gave one course downtown on congressional procedure, but it was not a highly organized one. It was primarily to accommodate certain students who were interested in that, at that time. After I finished there, I didn't feel I was reaching enough students. They had small classes out at the campus and I just didn't feel I was getting enough students and I wanted to get a broader touch with things and with more people. So I joined up with a little

outfit called Congressional Intelligence, Inc., which had an office where the Rayburn Office Building now is. That gave me an opportunity to study Congress still at close range. That was a reporting service on legislative activities. It prepared and sold special services, on a weekly and monthly basis, to individuals, corporations, pressure groups, local governments, or anybody else who happened to be interested in a particular bill pending before Congress. They'd trace that bill from its very beginning until it was either enacted or defeated. They were interested to accommodate or to serve anybody who had money enough to purchase the services. I stayed there for nearly five years. Which again was not only interesting to me, but filled in a background that I needed to master, if I were going to become an authority on the procedures and operations of Congress. They not only published these special reports but also prepared and published regular newsletters, of one

type or another, which were sold on a monthly or annual basis.

Ritchie: They published something called *Congressional Daily*, didn't they?

Riddick: Yes. And then a man named Jim Ingebretsen became the head of the governmental affairs department of the U.S. Chamber of Commerce. I'd encountered him while I was working with the *Congressional Intelligence*, and had a number of conversations with him about procedure. When he went down to work with the U.S. Chamber of Commerce he interceded to hire me. I was dickering whether to go with David Lawrence's publications, which later became *U.S. News and World Report*, or to go with the U.S. Chamber of Commerce, but Ingebretsen finally convinced me to come with the U.S. Chamber of Commerce. I was glad I did because it was there that I became editor of the *Legislative Daily* of the Department of Governmental Affairs, which was a daily publication whenever Congress was in session, which was the forerunner of the "Daily Digest" published in the back of the [*Congressional*] *Record*.

[End of Interview #1]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #2

The Daily Digest

(June 26, 1978; July 12, 1978)

Interviewed by Donald A. Ritchie

Ritchie: I noticed that you were editor of the *Congressional Daily* and then the *Legislative Daily*, and I wondered if each of these was a sort of an evolution toward the "Daily Digest"?

Riddick: That's correct. I began to realize that there was a need for some kind of a capsule of information that could be distributed which busy people could glance at and keep abreast of what was going on in Congress, if they were to follow legislation at all. I stayed with the Chamber five years as editor of the publications for the department of governmental affairs. This publication was distributed to every member of Congress for several years after it got good standing, and it was frequently quoted in the *Record* either by senators or representatives. Then they began to consider the 1946 Legislative Reorganization Act, and that's when I saw an opportunity. I thought the *Record* was so thick and

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unusable that we might be able to do something to make that accessible to the public by the use of a little digest in the back of the *Record*. So I interceded with George Galloway, who was the staff director of the Special Committee on the Legislative Reorganization, who was a good friend of mine, and I began to work with him, and lo and behold we were able to get into Public Law 601, the Legislative Reorganization Act, a provision to set up a digest in the back of the *Congressional Record*. As soon as it passed he interceded to get me to come up and talk with [Les Biffle](#), then the Secretary of the Senate, to set up the digest in the back of the *Record*. That was in '47, and when the Republicans won, Les Biffle went out of office in January. But before the election Mr. Biffle sent me over to talk with Senator [Carl Hayden](#).

Carl Hayden was a fellow who moved to the point in a hurry. He immediately called the Bureau of the Budget and said he was sending me down and he wanted

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them to work up a cost of running the digest and get all set because he wanted it put into effect in January. Well, then the political tides changed, and the Republicans took over, so Les Biffle turned me over to [Carl Loeffler](#), the new

Secretary of the Senate. And Carl Loeffler, not being interested in those details, turned me over to George H. E. Smith, who'd been brought down here from Yale. He was professor in the graduate school at Yale, and Senator [\[Robert\] Taft](#) had brought him down. George H. E. Smith was then the staff director of the policy committee for the Republican Party. So Carl Loeffler sent me over to pick up where I'd left off with Les Biffle, and George had me set to work to make up the formats and get ready to start publication in January the next year. It was as late as March 17, however, 1947, before we printed the first issue of the "Daily Digest."

Ritchie: And it's still in publication.

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Riddick: It's still going. A lot of people around here now will tell you that they didn't see how they ever did without it beforehand.

Ritchie: Let me backtrack just a little bit. I'm interested in this group, the Congressional Intelligence, Inc. Was there any one person who was the founder of this? Was it a large or small group?

Riddick: A man named Erhart, and Ed Cooper, who was around here many years -- he's down with the moving picture industry now; he went down as an assistant of Eric Johnston, who was tied up with the moving picture industry. I think Cooper's main interest now is closely related with TV programs. Mr. Cooper and Erhart started it; and the *Congressional Quarterly* sort of picked up what they'd started. They didn't have the money; and this man who was with the newspaper down in Florida, Nelson Poynter, had money and started the *Congressional Quarterly*. That's how it eventually replaced the

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Congressional Intelligence, which, as far as I know now, is now defunct.

Ritchie: Was the Congressional Intelligence the first of its kind? Had there been any other operations like it before?

Riddick: No, the funny thing is, if you go back in the '20's, David Lawrence put out a newspaper that was published daily, I forget the title of it, but that went defunct. That was a newspaper as opposed to the Congressional Intelligence publications. For a long time it was a very important newspaper. They went broke, and then David Lawrence started in the special reporting services until he established the *U.S. News and World Report*.

Ritchie: You said that for a while you almost thought about going with him. Did you have much contact with him and his organization?

Riddick: I was working with two or three other men who were particularly concerned with their daily services during World War II, the WPB and OPA orders and so on

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and so forth, but I knew Dave Lawrence and met with him on not many occasions, but a number of times, in little groups that we developed out in my neck of the woods called "Off the Record Club." Twelve or fifteen of us met once a month and Dave Lawrence came over several times; we'd have dinner and a program that would run from 6:30 until 10:00. At 10:00 o'clock we'd cut it off, but during that time we discussed some pending issue, and some particular speaker would make the pitch and then we'd hold general discussion, ask questions and get his point of view.

Ritchie: Were these mostly scholars, or were they reporters?

Riddick: We tried to pick somebody from nearly each walk of life. I would say half of them were lawyers, and I don't mean practicing law. A man named Kopp was with the Federal Security Agency. One was in the state legislature. One was a former candidate for governor of Virginia. They were public

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interested citizens. We didn't want anyone who didn't have an interest in discussing some current problem. We covered the waterfront: for international affairs, we'd get persons from the various embassies here in Washington; we'd get heads of the divisions of the government; we'd get public citizens to come discuss particular topics.

Ritchie: Now, at that same time you were also interested in a group that was involved with the coming of World War II.

Riddick: No, this was previous to that.

Ritchie: What was this group?

Riddick: This was a self-appointed group up at Columbia. They'd acquired a foundation to make a study. Allan Nevins, the historian, was interested in it, but the immediate group that stayed with it throughout included Charles A. Beard,

the historian, Lindsay Rogers, Schuyler Wallace, and Arthur Macmahon. I would do research down here during the week; I was at the same time holding a job with Congressional Intelligence

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which didn't pay very much (I took it primarily for learning), and this gave me an opportunity to get remunerated fairly well -- a right good honorarium. In addition to my job with Congressional Intelligence, which fitted right in with what I was doing, I would compile my data and have them all ready to take up with me on weekends to Columbia. We would start conferences Friday night and go through until Sunday afternoon -- discuss various possibilities of what could be done, how the government should be streamlined, to do away with agencies that would not be essential if World War II broke (but you don't liquidate many government agencies, regardless of what your interests and concerns are).

Ritchie: Did these people then assist the government during the initial war plans?

Riddick: Most of them in one capacity or another did. Lindsay Rogers had been very active with Roosevelt preceding the war. He was very close to the guy that was sent over to torpedo Hull's economic conference in

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England, Ray Moley. They were all close to Ray Moley. It was quite a group of people that I got to work with, and I don't know how I'd ever met them otherwise.

Ritchie: What type of person was Lindsay Rogers. His name is still associated closely with the Senate.

Riddick: He had interests in just about everything. He was very dynamic, made terrific speeches, and was as competent a man as I ever worked for. I would stay in his apartment overlooking the Hudson during the weekends in New York and we would go into his study, which was a very large room, and he would get ready to prepare a report or an article, and he knew the right place of every book he had, and as if he were teaching a class he'd keep talking, reach up and grab this book down and read a paragraph from that, and then we were supposed to reduce that into some readable information. He had a terrific mind and I enjoyed working with him very much.

Ritchie: His books have a particular ring to them -- of a very opinionated person.

Riddick: Oh, he had his own ideas, absolutely!

Ritchie: Particularly on the Senate, his notion about free speech and unlimited debate as the absolutely essential quality, which he made the great differentiation between the Senate and the House.

Riddick: Made it the institution it was. Professor Ernst Frankel, who has taught in this country, but has been very closely related with the University of Berlin in East Germany, held the same idea. I was invited as a guest of the German government while I was parliamentarian, and while I was there in Berlin they arranged for me to have a luncheon with this professor and two or three other professors from the University, and his statement to me during that luncheon was: "If you have any influence on the cloture rule, don't ever let it be changed. Be cause if we'd had freedom of' debate in the Reichstag when Hitler came to power, he'd have never been able to take over."

Of course he was set in that particular vein of things. I assured him I had no influence on what the rules of the Senate were going to be, I just interpreted what we had.

Ritchie: I wondered if your association with Rogers helped to change your perspective from the House to the Senate, and your interest in Senate rules as opposed to House rules.

Riddick: No, I think it grew out of the "Digest". I handled the Senate side of the "Digest" completely, and the House and Senate couldn't agree on unifying and making the "Digest" a single, solitary document, for both houses -- make it a joint proposition. The best accord that we could get for the "Digest" was to have all of the employees from both sides in one office. It was set up accordingly, and two or three times the Senate passed laws to even publish it separate from the *Record*, to distribute, it for sale for \$3.00 a year, or some nominal fee, all over the country so that it would be available for people who

couldn't afford to purchase the *Record*. But the House would kill it each time. There was always a difference of opinion.

Ritchie: What was the reason for the House objections?

Riddick: I don't know. I could not accuse anybody of any motive or reason why the two Houses couldn't get together. They always have been independent bodies and unless there was some force at the top to pull them together it's hard to get them together. It's always been impossible to get joint hearings, they've tried it at different times and every time it breaks up to no avail.

So I stayed with the Senate side of the "Digest", and when the office of the assistant parliamentarian of the Senate was established, my predecessor, Mr. [Charles] Watkins (who came here is 1903, I believe it was, and who started working out at the desk about 1927, and who was the first official parliamentarian of the Senate; he was parliamentarian when I came up here to work with the "Digest",

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and a few months or maybe six months before I joined his staff as assistant parliamentarian, the Senate had created the office of assistant parliamentarian) invited me to that post, to become a member of his staff. And that's how I got interested in being Parliamentarian of the Senate. That's when I began to try to forget everything that I learned in the House. The funny part is, I've often said, I did all of my research in graduate school on the House procedure and I felt I knew it pretty well, because I had spent, I'm sure, five hundred hours with Lewis Deschler, talking in much detail about House procedure, and with Major Roy, who was the assistant to Deschler when I was doing my research. I spent many hours, many weekends, all day Saturday and sometimes Sunday, with them talking about procedure. But then I find myself never working a day for the House but starting my career in the Senate, and I then had to try to forget all I had learned in the House, for fear I'd get mixed up.

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Ritchie: Did you find the rules significantly different?

Riddick: Oh, gracious, there's as much difference in the rules of the Senate and House as there is between the House of Representatives and the House of Commons in England.

Ritchie: Just a different history, I guess.

Riddick: Completely. Large body, small body. But now, the Senate is nearer to House procedures since during the last two or three decades more and more members from the House get elected to the Senate. In the years gone by, more governors came to the Senate and fewer members from the House, or some outstanding industrialists, or some outstanding state citizens, who had never served in the House. But in the last two or three decades it's sort of a springboard from the House to the Senate. These people, many of them have been in the House for a long period of time, and obviously they bring their knowledge of House procedure to the Senate. When I first came

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to the Senate, a motion to reconsider and then table was used maybe once or twice in a session. Now it's used on practically every bill. So they're bringing in House procedure into the Senate. We haven't changed our basic procedure rules, but just the practice.

Ritchie: You talked about Lewis Deschler, the House Parliamentarian seems like much more of an instrument of the Speaker rather than an unbiased observer or assistant on procedure. Is that true?

Riddick: Well, he is closest, I'd say, to the Speaker, but he is an advisor to all of the presiding officers. They don't have the informality in the House that we do in the Senate. As you know, during debates in the Senate, with the long speeches permitted, it's not uncommon for all senators at one time or another to come to the desk and talk to the parliamentarian, or go down to the parliamentarian's office to talk over his problems. The parliamentarian of the Senate supposedly is closest to the direction of the Vice

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President, but in practice,, I would say, he works closer to the Majority and Minority leaders, and then with the members at large. Because, as you know, the Vice President doesn't show often. The Parliamentarian assists the Vice President when he shows. Vice President [\[Alben\] Barkley](#) was the last Vice President who stayed in the chair anywhere from fifty to ninety percent of the time. Now they only come in for crises, or when they expect a tie vote.

Ritchie: Also, we mentioned earlier your working with the U.S. Chamber of Commerce. I just wanted to clarify one thing. You edited something called "Governmental Affairs" at that time.

Riddick: No, the Chamber's activities are broken up into departments and the department that I was in was Governmental Affairs; I was editor of publications.

Ritchie: I see.

Riddick: Now they issued publications of different types -- all under Governmental Affairs; we issued an administrative bulletin, they

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called it "Administrative Number," and the *Legislative Daily*, and then there was a periodic publication that they first called "Special Numbers," which took a particular bill and briefed the bill as it was then pending in the House or the Senate as the case might be, and gave the arguments pro and con, and where the bill was being considered so that if the local Chambers of Commerce wanted to contact the committee, they could. This was done so that the Chambers of Commerce throughout the United States would have access to the best information available in Washington. That eventually developed into what they called the "Legislative Outlook." But I was the editor of all of the publications for several years in the Department of Governmental Affairs.

Ritchie: That was a pretty prolific outpouring, including your articles for the *American Political Science Review*.

Riddick: I've done a lot of writing, and compilation of information.

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Ritchie: How did you do the research? Did you continue going to the Congress to observe?

Riddick: Well, the Chamber had two men, one for the House and one for the Senate, who covered both sides of the Capitol completely -- the committees and all -- and each called in many times every afternoon to keep us abreast of the times so we could do our writing and be ready to "go to bed" by the time the Congress adjourned.

Ritchie: Did you ever do any personal research in the Congress while at the Chamber?

Riddick: No, I didn't have time then. My gosh, I had so many publications to get ready each day that I had to stay at the desk most all day. Once in a while I would come up with the head of the Governmental Affairs department, but I never did

any lobbying myself. Occasionally, he would get in conference with some senator with whom he wanted to talk about the position of the Chamber on particular legislation and he would insist that I join him and alert him or keep him abreast of the

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best questions to ask and the best strategies that he should take into consideration in talking with the said senator or with whomever he was talking.

Ritchie: So, by the time you came to the "Daily Digest" you had basically studied just about every aspect of both the Senate and the House.

Riddick: I had been pretty well immersed in the waters of Congress.

Ritchie: And you patterned the digest after the same operation you had been doing at the Chamber.

Riddick: It was a matter of perfecting it. In other words, basically, my assignment was to cover both houses and the committees of both houses. So it was a problem of how you were going to arrange this information to make it most effective, most presentable and readable, and the best format possible.

Ritchie: Did you have any trouble gathering information from the various parties?

Riddick: When I came up to edit the "Daily Digest"? Oh, it was very difficult. It took a lot

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of know-how to be able to elicit information. The committee clerks didn't want to be bothered. They'd have to keep notes; but my staff couldn't sit in all of the hearings. We only had one person covering the Senate Chamber, and a person covering the committees. And when you have twenty or twenty-five committees meeting you can't be at them all; you had to count on the clerk, or somebody designated by the clerk, to look out for you, to give you the information. At first they just didn't want to be bothered. It was very difficult, very difficult. Of course, now, with the last reorganization of committees we've got a proviso in the rule that eventually will go into effect with computers that will require all of the clerks to call into the computers; it will all be computerized. It will be a much simpler job. But it was hard to get started!

Ritchie: The Senate and the House are becoming more systematized, in fact you were forcing them to become more systematized.

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Riddick: That's correct.

Ritchie: I guess a lot of the old-timers resented having to give up some of their more lax ways of doing business.

Riddick: Very much so.

Ritchie: There seems to be a whole period of modernization in that World War II era, culminating in the Legislative Reorganization Act of 1946, making the two bodies become more careful and systematic about the way they functioned. The "Daily Digest" seems to fit very closely into all of that.

Riddick: That pattern, yes. Well, there's no question, everything is moving in that direction and you just can't stand still. If you do, you'll be working, in darkness with a lack of information.

Ritchie: Was the "Daily Digest" in any way connected with the Legislative Reorganization Act?

Riddick: Oh yes, as a proviso in the law itself. You'd be interested in knowing, when I first came up to establish this, the members of the Senate with whom I had to work to get it established, didn't even know the provision was in the law.

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I had to cite it to them and read them the paragraph before they were aware of the fact of what they had done. The "Digest" was authorized in the law; it was proposed by the committee that handled the Legislative Reorganization Act. I still think it was a great contribution, one of the greatest I've ever made.

Ritchie: That was in a large part George Galloway's operation, wasn't it?

Riddick: Well, he was the staff director. Congress had passed a concurrent resolution to set up a committee on two different occasions, I believe, before Congress finally got the thing moving the way it wanted.

Ritchie: And [La Follette](#) and [Monroney](#) were the two leading sponsors.

Riddick: That's right.

Ritchie: But Galloway seemed to have been lobbying for something like this for a number of years.

Riddick: That's correct. The whole Political Science Association had. As a matter of fact, even this group that I worked

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with at Columbia was concerned that something in this regard be done. So I was in on the know-how, and was even approached about the possibility of becoming staff director myself, but I couldn't financially afford to cut loose from my job with the U.S. Chamber. That was only going to be a short-time thing, and I didn't know what the outcome would be and I couldn't gamble.

Ritchie: Did you work with Galloway at all during the reorganization process?

Riddick: Oh yes, I imagine I had a thousand calls from him during that interim - to talk over details, to get acquainted. He had not worked as closely with the detail operation of Congress as I had.

Ritchie: Did the eventual reorganization come to his liking? I know there were some compromises.

Riddick: Oh yes, well, he got the best he could, like everyone else. Same thing that I went through with S. Res. 4 in the 95th Congress. There were several proposals that I suggested that they took in part,

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but didn't take all together. Some the Committee would buy. So you get the best you can, and feel lucky that you got that much.

Ritchie: Did this cause any trouble with the new 80th Congress coming in, having to be the first ones to deal with this massive reorganization?

Riddick: No, they moved over pretty smoothly. Of course, a number of committees were reduced considerably, and the reduced numbers had the overall jurisdiction that covered the whole waterfront, so that it was just a matter of instead of sending them to many committees, they'd send much to one committee. Then, too, the old-hands, like the parliamentarian and the legislative counsel, and all of the people who participate in making the machine run, were

able to steer it with out too much of a break. You hardly could tell the difference, as far as running into any roadblocks. Obviously, it took time for the new clerks to get trained on their new responsibilities,

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that is the clerks of the different standing committees. They held a tight rule for a number of years, without letting any special committees be created, but just keep the fifteen committees they had created. But it seems the floodgate broke again after a while.

Ritchie: I suppose there's always that tendency to maneuver around it.

Riddick: Get an exception to placate a certain group of people. The pressure gets terrific.

Ritchie: Well, we've taken you up to the time when you came to work with the Senate, with the "Daily Digest", and you continued then until 1951. Did the "Daily Digest" evolve at all during that period, or was it a matter of perfecting it?

Riddick: There haven't been many changes made. Very few. Having worked with these other publications and having covered Congress so long, I was able to anticipate about everything that we'd run up against. There were some type sizes changed, and a little of this and that but nothing fundamental.

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Ritchie: Did you deal through the Joint Committee on Printing?

Riddick: Oh yes, as a matter of fact the first office they gave us was on the House side right next to the Joint Committee on Printing. Because it was anticipated that we would be closely tied with the Joint Committee on Printing. But now that it's been established and there are no more problems with the Government Printing Office as to the size of type and breaking the old boiler plate verbage that the Government Printing Office uses, there's not much need for close relationship between the two.

12 July 1978

Ritchie: Is there anything further you wanted to add about the "Daily Digest"?

Riddick: I think it would be a good idea to mention how the "Digest" was created. The Public Law 601 of the 79th Congress carried a very brief proviso, which was section 221 of that act, stating that the Joint Committee on Printing "is

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authorized and directed to provide for printing in the daily record the legislative program for the day together with a list of congressional committees, meetings and hearings, and the place of meeting and subject matter, and to cause a brief resume of congressional activities for the previous day to be incorporated in the record together with index of its content." That was the prescription that was put in the law to set up the digest.

I at that time was working with the U.S. Chamber of Commerce, having been closely related with the activities of the committee on legislative reorganization, and as soon as the law had passed I was invited by George Galloway to come up to the Hill and talk with Leslie Biffle, or "Les" Biffle as they called him, Secretary of the Senate, about how it should be set up and what could be done before the new Congress convened, because they were going to try to put it into effect by January of the coming year. They

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wanted to get everything established and be ready to go when the new Congress came in. However, it was way late, March the 17th, I believe, of 1947 before they were really able to put it into effect. Notwithstanding that fact, I talked with the officials of the U.S. Chamber of Commerce and told them that I talked with both George Galloway, who had been the staff director of the committee on legislative reorganization, and Leslie Biffle, the Secretary of the Senate, about coming up, and would it be possible for me to take a leave, or be excused each day to go up to the Hill to set it up. They gave me permission to go, along about October or November, and I worked out the format and all of the details which were approved before the new Congress came into session. Then instead of going back to the U.S. Chamber, in my association with these people, even though the political parties changed and the Republicans came in, they turned me over to the new Secretary of

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the Senate under the Republicans, Carl Loeffler, to assume the responsibility of setting up the Digest.

Ritchie: I suppose that the Chamber was disappointed that you didn't come back.

Riddick: Well, they offered me a raise, over what I was going to get up here, but I felt that once having cast my dye I should come on up here to the Hill as I was invited to do.

Ritchie: But I'm sure that a lot of agencies like the Chamber, and other organizations that were concerned with the daily work of the Congress, were very happy that the Congress was finally taking on the responsibility of providing that information.

Riddick: Yes, I think so. Professor Ernest Griffith, of the American University, who had hired me first at American University, in a speech down at the old Willard Hotel, after I'd come up and set up the "Digest," made a statement in introducing me to a meeting of administrators at which I was going to speak, that I was perhaps one man who had put more people out of a job in Washington

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than any other person he knew. Because all of the agencies had had to have larger staffs to keep their particular departments or agencies abreast of what was happening in Congress, and now with the new "Digest" that we had set up, we gave them all this information in a capsule, and one person could do what a number had been doing.

Ritchie: I'm sure that was true of senators' offices as well. I'm sure that they had a lot of trouble keeping up with just what the routine of Congress was going to be, before the "Daily Digest" was begun.

Riddick: I think that's true, but as I alluded to previously, a lot of the clerks and staff directors of committees didn't want it, because it threw an additional burden on them to keep us posted. So a lot of them were not interested, but I think it was a very short time after we got it started before we were getting regular congratulatory communications for having gotten the thing operating successfully.

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Ritchie: You wonder how they could have ever operated without it.

Riddick: I've wondered, and I've heard a lot of senators and representatives make that very statement, that they wondered how they got along until 1947 without some kind of a resume in the *Record*.

[end of interview #2]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #3
The Office of Parliamentarian
(July 12, 1978)
Interviewed by Donald A. Ritchie

Ritchie: There are a lot of things about the Senate that we take for granted now, as permanent institutions, but it's surprising to see how recently they were created. It shocked me when I was reading back on Charles Watkins that he was not really appointed parliamentarian of the Senate until 1935, and even then he was also the journal clerk. He wasn't just the parliamentarian until 1937. I couldn't believe that the Senate could have operated without a parliamentarian.

Riddick: Well, I think it's hard for someone to understand a thing like that when they come into it without knowing the background, and how things developed. It's understandable. The first compilation comparable to what I first wrote in 1954, on *Senate Procedure*, was done by a man named Gilfrey, and called *Gilfrey's Precedents*. That was not by any stretch of the imagination as

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exhaustive and complete and in depth as the volume that we put out. As a matter of fact, Mr. Watkins told me that Mr. Gilfrey had prepared that in one summer, and it looked that way. Mr. Watkins came here in 1904, but he didn't go out to the desk, I believe, until about 1917, to participate as a journal clerk and parliamentarian. But even though we didn't have a journal clerk and parliamentarian office until such a late date, these precedents that were compiled by Gilfrey were available to staff members who worked at the desk all the time.

As a matter of fact, there was a man named Rhodes who used to be the head clerk out at the desk, who stayed out there during all the legislative programs, and he normally advised the Chair on procedure. Mr. Watkins told me that even though they didn't have a parliamentarian back in the early years, that way back in the 1800's some clerk tried to keep the presiding officer advised as to the practices and precedents of

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the Senate. It had not been crystalized quite to the extent it began to be after the parliamentarian's office was created. They did try to keep some semblance of uniformity, but it was by no means like it was after the office was created.

Another thing, the senators felt that they were competent to handle their own affairs, and their own procedures, without anybody informing them at the desk. An interesting story, in connection with that, Senator [\[Joseph W.\] Bailey](#) of Texas at the time they created the office of legislative counsel, about 1913, the House had already agreed to it, but when they were debating it in the Senate, Senator Bailey was very vehemently opposed. He, in a speech, said that he had been selected by his state legislature to come to Washington to write legislation not to get some "expert" who was not responsible to the people at all to draft the legislation, and that if they passed that bill to create this legislative counsel,

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he would resign. And, I am told, he actually resigned, but his legislature reelected him and sent him back anyhow. I tell you that because it seemed to be from the atmosphere that I gained in discussion with Mr. Charles Watkins and Jim Preston (who had been the superintendent of the press gallery for the Senate for many years) that the senators just didn't like to be told. They felt that they were the real authority and power and had enough knowledge to do the job themselves. So they did not, like the House which had established an official parliamentarian way back in the 1800's who worked by that title, and of course there was more need for it in the House because that body was larger; in the Senate, the senators felt that they had knowledge of the job and they didn't need a parliamentarian whispering in their ear when they were presiding as to how the Senate should be run.

Ritchie: Do you think that they, in those days, were more familiar with the rules than perhaps the current senators are?

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Riddick: Well, I think there's a great deal of truth in that, because, number one, when Mr. Watkins became parliamentarian, the government was by no stretch of the imagination as large as it is now. Being a small government, and the Congress not staying in so long each year, the program of the Congress was much lighter. Much of the time, if you go back and read the debates in the *Record*, was spent debating procedure, how they were going to do something, as opposed to the contents of it. As the government began to grow and get bigger, the senators had less time to devote to procedure and it was just natural that they had to begin to depend on somebody to do the procedural aspects for them, leaving to themselves the substantive matters to be put into the legislation.

Ritchie: I wondered if in the early days the vice presidents didn't preside more frequently and were therefore better able to become better parliamentarians themselves?

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Riddick: I think there's some truth in that, too, but as in everything else, even with the senators themselves, some senators preside better than others. I'm sure that some of the vice presidents were much more competent to preside than others. That doesn't necessarily mean that they had more knowledge, some individuals are just more competent to preside, whether they know the rules or not. They just are able to keep the body in line without causing so much conflict among themselves. When I first came up here the vice president, or the president pro tem in the absence of a vice president (when he went down town to be president as in the case of Harry Truman) stayed in the chair most of the time and did preside. But the last vice president to preside regularly was [\[Alben\] Barkley](#). Vice President Barkley stayed in the chair anywhere from, I'd say, fifty to seventy-five percent of the time.

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Ritchie: And there was a man who had spent a long career in the House and the Senate and knew the rules very well.

Riddick: Yes, he did, but Mr. Watkins used to say that Barkley was acquainted with the rules but he would get them mixed up, and he was obstinate about how a rule should be. As a matter of fact, Mr. Watkins advised against Vice President Barkley's position once or twice and the senators consulting to rule on it, reversed Vice President Barkley, because Mr. Barkley had his concept of how it ought to be run regardless of the precedents.

Ritchie: Then there are the vice presidents like [Spiro Agnew](#), who had no legislative or parliamentary background at all when they came to the Senate.

Riddick: Yes, and this is another characteristic even in recent years, that when we have a new vice president he frequents the chair more often than after he has been vice president for a time. But Vice President Spiro Agnew, since he'd

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never worked in a legislative body, told me the first time I chatted with him that he wanted to try to master the knowledge of how to preside in the Senate. So for

the first three months after he became vice president, every morning that he wasn't tied up somewhere else he would come up to the Capitol and we would sit and have coffee together and discuss parliamentary procedures and practices and precedents of the Senate, for anywhere from an hour to two hours each day. He took pride in administering the oath to the new senators by never having to refer to a note. He would study and memorize these things so that he could perform without reading.

Ritchie: Was he a good student?

Riddick: I think he was very proficient.

Ritchie: Did he preside very often?

Riddick: Yes, he presided by no means as much as Vice President Barkley did, but he presided much more than Mr. Nixon and those subsequent to him, even including Vice President [Humphrey](#).

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Ritchie: A lot of our talk so far has been about Charles Watkins, he seems to be quite a legendary figure in the Senate. I've read the tributes to him, and a lot of clippings about him, he must have been quite an interesting person as, the first official Senate parliamentarian.

Riddick: Yes, as it's stated in his tributes, he came up here in 1904 as stenographer to Senator James P. Clarke of Arkansas, and in 1907 was named as his secretary. In 1923, when one of the reading clerks, who advised the presiding officer of the Senate on parliamentary matters, became incapacitated, he assumed that duty at that time. And in '35, the office of the parliamentarian never having been created, his title was changed by the Senate to parliamentarian and journal clerk. On July 1, 1937, the combined duties of his position were separated and he was appointed as parliamentarian. Now he stayed as parliamentarian of the Senate until I took over at the end of 1964. But in 1954, he had a very

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serious operation and was out for over nine months. I'd only been up here two or three years at the desk when this sickness occurred and he had the operation, and for a long time he was incommunicado, for several weeks, when he had all or part of one of his lungs taken out.

My first experience of having to take over that role, not having been out at the desk much, was to handle the case of a contested election between Senator [\[Dennis\] Chavez](#) and Patrick Hurley, of New Mexico. Believe you me, it took not only politics but know-how to keep out of trouble, because it was so political -- hot. That was my first real fight at the desk.

Getting back to the parliamentary situation, Mr. Watkins started as parliamentarian, no question about it. He had tried to equip himself and educate himself by going back and picking up all of the precedents and practices of the Senate since 1884, which was the last general revision of the Senate rules, or the last readoption of the rules in entirety.

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Since 1884, there have been amendments, but basically the rules of the Senate have remained the same since then; hence unless something was a major precedent or a major practice, or something that has been carried through since 1789, he did not try to collate them as much as things that have occurred since 1884. He wrote up most of these precedents.

When I first joined the staff that was the first assignment I had, to spend about a year doing nothing but sitting and reading these precedents that he had written up. They were written on long legal-size stationery. I guess I would say he had 30,000 or more pages of such literature, in type-written form, that I had to read to equip myself. He didn't care to sit down and write a book on it. As I said, he started as parliamentarian in '35 but he was growing older rather rapidly, and when he was around 70, Senators [\[Richard\] Russell](#)

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of Georgia and [\[William\] Benton](#) of Connecticut became very interested in the future of the parliamentarian. They saw to it that the office of assistant parliamentarian was created. I was then with the "Daily Digest," and I knew Mr. Watkins. The law creating the assistant parliamentarian authorized the parliamentarian to select an assistant to be approved by the powers that be. Well, Mr. Watkins invited me to take that post. I waited for quite a while before I finally decided because I wasn't sure that it was quite the role that I wanted in life. One of the things that appealed to me about the job, though, was knowing that the precedents had not been compiled and printed. I wanted to get into the job and do the same. So I inquired of Mr. Watkins even then, that if I took the job of assistant parliamentarian, would he permit me to compile the precedents of the Senate and put them into a volume on Senate Procedure. He assured me he would. So

the first volume printed in '54 I had written completely, except he read it all carefully to check any possible mistakes, but since I had used all the precedents that he'd compiled, as well as those that I'd dug up later, I felt it was only right that he should have his name first, particularly since he was the parliamentarian and I was the assistant parliamentarian, and that's the way it was done. We stated in the preface, at that time, I believe, that we had used maybe a million precedents to bring this into being.

Ritchie: You had published two books in the late '40's, one on *Congress in Action* and the other *The United States Congress, Organization and Procedure*.

Riddick: I had three, *Congressional Procedure* was published in '41. I had only one chapter in that on the Senate, the rest of it was basically a rewrite of my doctor's dissertation. That was the first one that was published, and then the next one was *Congress in Action*, and

then in '49 there was *U.S. Congress, Organization and Procedure*. And in addition to that, as you know, I published articles on the Congress in the *American Political Science Review* and the *Western Political Quarterly*, for a period of thirty-nine years.

Ritchie: Was it your publications that had interested Watkins in making his decision?

Riddick: I think that's exactly what caused him to decide on me, because he knew that I was writing all of this. He had looked it over and studied it, and, as a matter of fact, when I wrote about the Senate in each of them I consulted and worked with him, to be sure that I was accurate in what I said. I became acquainted that way with him even before I had come up to set up the "Daily Digest."

Ritchie: Could you describe Watkins, and what kind of person he was?

Riddick: Well, he was a slow-talking person. He had a lot of down-to-earth expression. He had a photographic mind, it was unbelievable. Until his later

years, when his mind began to fail him a little, he would sit down to tell me a story and the way he would start would be, "Now, on July the first, about 4:00 o'clock in 1928...." He would give you the exact hour and every detail. He just remembered every single detail of his story. It just amazed me how he was able to maintain such a photographic mind, for every experience he had gone through. If he would tell me about having gone down to the White House with the majority leader to consult with the president, he could remember every single detail.

He told me that when the Versailles Treaty was up, I believe, it was Senator [\[Joe\] Robinson](#) who took him down to the White House to talk with President Woodrow Wilson about the Versailles Treaty. You know, President Wilson had come back from Versailles and docked in Boston. At that time Senior Lodge [\[Henry Cabot Lodge, Sr.\]](#) was the chairman of the Foreign Relations

Committee. After Wilson docked in Boston he didn't make any effort or have anybody to call on Lodge to ask him to meet with the President, or what have you. Well, it was sort of a reflection, or Lodge assumed it to be a reflection on him, that the President didn't call him.

The feeling was obtained, at least Mr. Watkins used to tell me this, that there would be no question if the President would give a little on the treaty to save face for Lodge who had been insulted by the President by not calling him when he landed in Boston, that they could turn the thing around and get the Versailles Treaty approved, get the resolution of ratification agreed to. Senator Robinson tried to prevail with the President to allow a few minor reservations, which wouldn't change the real life of the treaty, but President Wilson said: "Absolutely, no! I don't want a 't' crossed nor an 'i' dotted." And that was where the treaty

was lost, according to Mr. Watkins. I don't think I've ever seen this in a history book anywhere, but this was Mr. Watkins' story, and he was there in this conference with the President and the senators.

Ritchie: I guess a photographic memory would be tremendously important when you're dealing with so many precedents and procedures.

Riddick: It is so, because when you're working at the desk you don't have time to consult a textbook, or what have you. Sometimes the situation is such that unless you get them to call for a quorum, or something to give you a chance to check something out, you just don't have time to go back and find out exactly what the precedent on that is. Most of the points of order raised in the Senate involve precedents as opposed to the specific rules themselves, or at least the provisions of the rules which are clear. It's the gaps that have been filled in that become so important, and if you can't remember them it might take you a long time

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to run one down. It's amazing though, when you work with this as I have, how you can remember as soon as something pops up on the Senate floor whether you've ever seen anything exactly like that in the precedents that you have participated in or that you've read and studied. Mr. Watkins had a terrific mind in that regard, to recall the day and hour and who was presiding, etc., when that occurred. So it was very beneficial to him to have such a photographic mind to guide the Senate in these particulars.

Ritchie: It's amazing to me that he was still working when he was eighty-four years old. I would think that some of his faculties would have had to have slowed down by that time.

Riddick: It's a case of, I forget what book it was, *The Man Who Stayed Too Long*? I think most of us are inclined to want to do that. I remember the last night that Mr. Watkins worked, his mind had been failing him and the senators knew that.

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The last night, which was the end of that Congress, the majority leader and the minority leader, Senators [\[Mike\] Mansfield](#) and [\[Everett\] Dirksen](#), called him down and told him: "Charlie, this is your last night." And it hurt Mr. Watkins so badly that he went down to his desk and literally cried. He had stayed too long, he could still even at that stage, when you'd converse with him, remember a lot of particulars that had occurred a long time ago, but he couldn't recall something that happened ten minutes ago, or yesterday, or a week ago. His mind just would let him down in that regard.

I remember on one occasion, to illustrate what I mean, the way his mind was then failing him, Senator [\[Robert\] Kerr](#) was making a speech, and we were working under a unanimous consent agreement. I believe that the Senator had an hour, and as he was speaking he paused for a moment, and said: "Mr. President, how much time do I have remaining?" And the

Chair said, "The Senator has twenty-five minutes." Then he spoke a little while longer and he thought his time was getting short, so he again said, "Mr. President, how much time do I have remaining now?" And Mr. Watkins advised him "thirty-five minutes," which brought the house to a roar. Well, he wasn't calculating correctly, adding with a watch, he just wasn't keeping up with the program as it should be.

Having seen that situation I swore then to myself, that night, as I sat and watched him lamenting the fact that he had been turned out against his will, that I wasn't going to get caught in that predicament. So when I became sixty-five I made it known that I was going to retire while my mind was still active and I could recall what I should.

Ritchie: I wondered about that, I thought that was quite something to take a job that was that mentally taxing that late in life, to continue doing it must have been quite a strain on him.

Riddick: I think a fellow should not stay in a job like that beyond sixty-five. If his mind is good it's all right to serve in some other capacity, but the work at that desk is just unbelievable. The pressure is beyond your understanding unless you have worked closely with it. I remember when I retired and they adopted the resolution making me Parliamentary Emeritus, Senator Mansfield said, "Mr. President, the job of being the parliamentarian in the United States Senate is a difficult and a demanding one. The stresses and strains are much greater than the ordinary citizen would be led to believe." And it is so, because you have to be under that pressure when a point of order is made with a hundred senators out there to question anything that you're going to advise the Chair about. You have to be able to command everything in the world that you've read or know about it, and do it after a calm situation. If you don't, you're no good to the Senate in that capacity.

I remember in the latter years of Mr. Watkins, not once but a number of times, that he literally lost control of himself at the desk and would misinform the Chair. I remember when President [Johnson](#) was the Majority Leader of the Senate, the Chair had been given some bad advice, and I was standing over to the side of the podium and Mr. Johnson signalled me to come back to his desk. I went there and he said, "You go up there and tell Mr. Watkins to get out of that chair and you

take that chair!" I said, "Senator, you go tell him, he's my boss!" And that's where it was left.

Ritchie: He didn't go up there?

Riddick: Nothing was done, at that time. But as soon as a break occurred they saw to it that he was momentarily removed. You know, he was over eighty, and one's mind just doesn't function like it should at that stage under pressure.

Ritchie: You said that when he offered you the job of assistant parliamentarian you

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had some hesitation. What reasons did you have for perhaps not wanting to go into that area?

Riddick: Well, I'd studied political science, and I wasn't sure that somewhere along the line some place that I wouldn't want to get into politics myself. I hadn't made up my mind exactly what I wanted to do. I did a lot of speaking around on political questions and interviews, and I knew that if I took that job that I had to go into a nonpolitical, nonopinionated career. The role of the parliamentarian just cannot be worth much to the Senate unless the senators individually can trust the parliamentarian. Until you gain the confidence of a senator so he can tell you all of the particulars of what he's up against, and what he wants to do, you can't give the full measure to the senator in advising him. This is what I like to think that I was able to do soon after I got there. That meant that I could never have a political opinion on

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anything. That meant that I had to be unbiased in advising every senator. That meant, above all things, that if I talked to the majority leader and the minority leader, should they ask me some questions about a situation, I couldn't divulge anything that I had been conferring with the majority leader about. Otherwise, I'd be of no use to anybody.

I'm sure that often it was a case that the minority leader would tell me something that the majority leader would love to know, but I couldn't reveal this and be of any value to them. I just had to keep that to myself. Having been a professor in the university, wanting always to teach and tell things, it was awfully difficult, and I knew it was going to be difficult, for me to maintain that objectivity. But these were questions that I had to resolve in my own mind before I was willing to

undertake the job. When I went into that job I was determined to do it as honestly and as

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fairly and as objectively as I could. And if you read the tributes that were paid to me when I retired, I think you'll see that the senators did trust me, without any reservations, that they could tell me what they wanted to, and they didn't have to worry about me revealing it to anybody else.

Ritchie: It seems to me almost an impossible job to be asked to advise both sides in a dispute, and advising them each on tactics, advising one on what to do on the offense, and advising the other on what to do on the defense.

Riddick: It gets tough! I made it a rule -- or two or three rules -- when I began to get in the position, which was a long time before Mr. Watkins retired (as he grew older I carried the load, he just stayed in the office and carried the title), as soon as I began to get in the position to take over, so to speak, I made it a policy that I would never write a memo to a senator about advice on the manipulations and procedures

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that could be used. Because parliamentary law is so technical that if a slight change occurs in the situation, anything that you would have written in the memo is no longer of any value.

I had, soon after I got to the helm, an experience that I was quoted on the floor completely opposite of what I had advised, because the picture had shifted from the time I talked to the senator until the point of order was raised on the floor. So that was one thing that I decided that I was not going to do from then on, to write memos trying to tell what the parliamentary situation would be, for fear that the picture would shift a little and what I'd advised would have gone out of truthfulness.

The other thing was, and I find that this was very helpful, that you don't talk unless you're asked questions. If you don't say anything, you can't be held responsible for

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misadvising. If you only wait for a question to be asked, and you answer that specific question, you avoid a lot of trouble of feeding information from one to

another. You are obligated, as parliamentarian, if a senator asks you a specific question, to answer it to the best of your ability. But if you wait for him to ask a question, he has no way of finding out what you answered to some other senator, because you can keep answering questions by all one hundred senators and not put them into conflict with each other.

Ritchie: Did all one hundred senators come to you equally, or were there some, say the leaders of the party and chairmen of the committees, who might have called on your service more frequently, because they were floor managing bills?

Riddick: Well that's true, no question about that. I would say the Chair is number one, whoever the Chair is, because they keep alternating the presiding officer. You sit next to the Chair and advise.

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The parliamentarian practically presides silently by whispering everything to the Chair not because he doesn't know it, he may know it, but for fear he might not know it, and to keep him from being embarrassed you try to keep him posted as to what the next step is, so on and so forth, without him having to say: "What do I say here?"

The first assignment is to the presiding officer. The second assignment is to the majority leader and the minority leader. You advise them both and you try to keep yourself just as available to one as to the other. Then the next is the senator managing the bill, and his ranking minority member, the chairman of the committee or subcommittee handling the bill, and the ranking minority member of the committee or subcommittee. Then the membership at large. That is sort of the order, if you can define it that way, in which the parliamentarian feels obligated to the Senate membership.

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You do try to the best of your ability to advise them all equally, if you've got enough time to do so.

Ritchie: Now, when you started as assistant parliamentarian, you said earlier that you had spent most of your time studying the House's procedures, and you began then to read the Senate procedures. Did Watkins give you lessons on Senate procedure? Did you have long briefing sessions with him?

Riddick: No, the way I worked this out mostly was as I read the precedents, and there were so many thousands of pages, if there was any question in my mind on

the point -- you see what we'd do is recap the precedent by putting points up at the top, what the point of law is in that particular decision of the chair -- if there was something that was not completely clear to me, I would write down the question, or make notes, for a session with the parliamentarian later on. If the Senate wasn't in session and the parliamentarian was in the office, I would interrupt him and ask him

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the question at the moment, and discuss the background generally so that I had a complete picture of how this point of order arose and how it was resolved in every particular.

Ritchie: You spent about a year then in preparation?

Riddick: Oh, good gracious, when I retired as parliamentarian I was still studying, just as I am today. Now that I'm supposed to revise *Senate Procedure* under a recent law, and republish it, I am still studying, to be sure that I'm accurate.

Ritchie: I was thinking that before you actually went out on the floor you spent some period of time studying.

Riddick: I studied in the office nearly three years before I went to the desk. That's why I said when I went there in the later part of '50, and in '54 I had to handle this case of the contested election from New Mexico. I had not stayed at the desk before, and for a youngster to go out and face a hundred senators and tell them

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what they can do and what they can't do, and what's in order and what's not in order . . . I frequently, in the early years, thought that my heart was in my throat! It's a very strenuous assignment. A lot of these old timers, when I first went to the desk, had been there years. Senator Russell, for example, had been there twenty years or more, and he was a great parliamentarian and who was I to get up there, as a youngster and flout his will, when I was just learning, so to speak?

Ritchie: Did you have any trouble from any senators, who might have flaunted their parliamentary knowledge?

Riddick: I was very seldom questioned. I might say, at this point, that I served over a period of twenty-five years at the desk, and only one ruling was overturned

by vote of the Senate. The Chair never failed to follow my advice except in one instance. I worked at that desk and advised

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them for over twenty-five years and only once was my advice to the Chair overruled, and that one I was going to lose only by about a three vote margin, and when the senators found that I was going to lose it, many shifted and left me losing with about a twenty vote margin!

That was the only instance, it was a case under cloture rule of whether a particular amendment were germane; well, anybody on its face would know the amendment wasn't germane, but it was to prohibit discrimination against Indians. It wasn't that discrimination against Indians wasn't germane on a Civil Rights bill, but this was involving court procedures and techniques that were clear out of the realm of discrimination that prohibited it from being germane. It doesn't matter if ninety percent of an amendment is germane, if the ten percent is not germane, then it has to be ruled out of order because it's

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not germane. Well, this was the situation in this case, and the point of order was made, and I advised the Chair that the amendment wasn't germane. Even the author of the bill later admitted he knew it wasn't germane, but they wanted that amendment. They overruled the Chair and then they turned around and agreed to the amendment by about ninety to one, or something to that effect.

Ritchie: So, the Senate can stretch the rules from time to time when they feel the necessity.

Riddick: That's right. Now as to advising a senator, on one instance, and this is the only time I think that I told the Chair, and insisted that this was the way he should rule, and the Chair said, "I can't rule that way." It was an amendment to the bill on which a point of order was going to be made that it wasn't germane, that would be detrimental to that senator in his next election. He said, "I just can't

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rule that way. I just couldn't possibly get reelected if I ruled that way on that amendment." Well, the vice president had told me, as they had in each instance, that whenever you find yourself in a predicament, if I'm around, send for me in a hurry. And as you know, when a senator is presiding, the vice president can come

in and bump that senator and take the chair, so in this instance the senator had forewarned me, five or ten minutes before he was going to have to rule that he couldn't rule that way, so I sent for the vice president. The vice president came in and ruled the way I'd advised him, and that's the way it was. But that senator, being from that state that would be affected by this amendment, just didn't want to stick his neck out on that amendment.

Ritchie: Even though the chair is supposedly nonpartisan.

Riddick: That's right, but the constituency might not think that.

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Ritchie: Could you tell me a little bit about the duties of the parliamentarian of the Senate?

Riddick: They are very broad. Briefly put, I would say, if you were going to put it in one sentence, the duties of the parliamentarian of the Senate are much like those of a general counsel of a corporation. The parliamentarian's chief duty and responsibility is to advise the presiding officer of the Senate on all parliamentary aspects of the Senate's activities. This advice is based upon the Senate rules, the precedents and practices thereunder, and the Constitution, where applicable. He also advises all senators and committee staffs on these same matters, being particularly responsive to the joint leadership, since it has the responsibility for the orderly flow of the Senate's business. He's also called upon by the other branches of the government, the press, and the public, to answer questions and give advice regarding the procedural aspects of

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Senate activity. To perform these duties and functions, the parliamentarian of necessity prepares and maintains in written form the precedents and practices of the Senate. These precedents and practices have been periodically and selectively edited and published as *Senate Procedures, Precedents and Practices*.

Ritchie: You began in 1954 with that publication.

Riddick: That was the first publication, which had been partially fulfilled earlier by Gilfrey -- one other fellow who wrote earlier in the 1800's was named George P. Furber, *Precedents Relating to the Privileges of the Senate*, but they were more like the decisions on contested election cases, broad things, as opposed to actual, detailed parliamentary procedure.

In the name of the presiding officer, the parliamentarian refers all legislation, messages, communications, reports, from the executive branch, and

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petitions and memorials from state legislatures and individuals to the appropriate committees having jurisdiction thereof. The parliamentarian maintains custody of messages from the House of Representatives and conference reports awaiting action by the Senate. During the consideration of all matters considered under a time limit on debate, the parliamentarian even serves as a time keeper for the Senate. The parliamentarian is called upon to prepare replies on behalf of senators and the Secretary of the Senate to correspondents regarding parliamentary aspects of Senate business.

If the Secretary of the Senate has custody of papers which are required for use in judicial, or quasi-judicial proceedings, the parliamentarian prepares the certified copies for the Secretary of the Senate which are sent down to appropriate district attorneys or court, as the case might be. He also prepares resolutions on

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various aspects of Senate procedure, for the joint leadership, senator, committees, and the Secretary of the Senate.

The parliamentarian tries to keep prepared various publications which would supplement information about Senate procedure, for example, while I was parliamentarian I prepared documents or secretary's reports on "Enactment of a Law," or a Senate document on "Majority and Minority Leaders of the Senate," a document on the classification of senators, and the term of senators. These are very helpful, for example, in the case of the classification of United States senators, when a new state comes into the Union you need these for the precedents that the Senate followed in putting the senators into first, second, or third classes. Under the Constitution the Senate was required as soon as it came into being to divide its membership into three classes, as equally as possible,

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so that only one-third of the Senate membership would come up for election each two years. The system that they used in 1789 is still used today. These precedents, in this document that I prepared, and these practices are set forth so that when you come to a new case, if it varies in any regard, you've got the precedents and

practices compiled there so that the Senate can decide what it wants to do about the oncoming case.

Ritchie: The Senate seems to work so much on precedent rather than on written rules, you said that the last codification was in the late 1880's, and since then they added on amendments and the legislative reorganization acts; doesn't it become a problem to decide which precedent takes precedence over another? Don't they pile on top of each other?

Riddick: No, they conflict, obviously, and I'll just tell you one little illustration; when we got in the filibuster on the energy bills (in 1977), although I'm now parliamentarian emeritus, the

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leader [[Robert C. Byrd](#)] calls on me regularly to advise and discuss with him the possibilities, the prospects, and what can be done, and what shouldn't be done. Well, when we got into this problem of filibustering after cloture had been invoked, the leader felt that something had to be done if the Senate wasn't going to be stymied and couldn't operate. So they had to work out some technique or procedure that they could follow, that might be a little stiff-armed in appearance, but at the same time might give some relief to accomplish the end that the Senate was up against.

Here is a picture that seems very reasonable to answer the question you raised. There were a number of amendments that were pending that were evident to anybody that they wouldn't be in order, because after you invoke cloture you may not take up any amendments that had not been submitted before you vote to invoke cloture. Likewise, if you have, under the precedents,

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submitted an amendment before cloture has been invoked, say the amendment is drawn that it should be added at the end of section 2, once cloture is invoked you can't modify that amendment, except by unanimous consent, to make that amendment applicable to title 3, or section 3. Well, you know the leader was not going to let them get unanimous consent, and since they had recommitted that bill with instructions to report forthwith a certain amendment, that amendment was the pending question before the Senate, which had eliminated a substitute amendment that had been pending, to which a great number of amendments had been drawn. Therefore, these amendments were on their face no longer applicable. But, if you allowed them to be called up one at a time, even though the

chair would rule it out of order, you could take an appeal from the decision of the Chair and get a quorum call and get a vote. And if

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you have hundreds of amendments, how were we going to get rid of them in a hurry?

The leader finally decided upon getting the vice president into the role, and he would get recognition, call up an amendment, have it read, or have the Chair rule it out of order without it even being read (which was done), and then call up the next one, and get rid of them hurriedly. You have developed practices in the Senate with the rules that give you this picture: the presiding officer under the precedents is supposed to give the majority leader preferential recognition over the other membership, if he is seeking recognition simultaneously with the others. Now if somebody else speaks first, that's something else, but when you are playing a game you know the leader is going to be standing all the time, seeking recognition all the time, so

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nobody else can get in ahead of him. All right, the Chair will recognize the leader, that's under the precedents. Then, number two, when a senator calls up an amendment, when the amendment is supposed to be reported that senator loses the floor, there's a hiatus in which he loses the floor, then it becomes a problem of whom you are going to recognize next. Well, if the leader's standing, he's going to be recognized next. Then he makes a point of order that the amendment is not in order. The Chair sustains the point of order. The leader is back up again asking for recognition. Well, somebody else over here simultaneously is seeking recognition to take an appeal from the decision of the Chair. He can't say it until he gets recognized. Whom is the Chair going to recognize? He's going to recognize the leader again. The leader calls up another amendment. When he calls up another amendment, the

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appeal that the senator wanted to take is gone past.

It seems like it's stiff-arm playing in a sense, but it's still within the rules. I mean, if you've established that the leader is going to be recognized first, and he's recognized and moves to something else, and you can't get recognized to take an appeal, you've lost your right. The rules also say that every decision of the Chair is

subject to appeal; this is part of parliamentary law. Which is going to come in first? If you work in the game for years and years, you get to see how you can weave the cloth without making knots. These things, automatically, one takes precedence over another, so that you are able to not conflict and not refute or repudiate what you've just said and still keep the ball rolling. So, that is sort of the picture that you're up against. Now, the biggest problem, and you did raise a question that presents a

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great problem, and that you'll be interested to know I'm working on, and I hope we'll get it done some day, is a codification of the rules or revision of the rules, not changing them, but merely taking all of the body of law and putting it in the rules. Now, we've got the Legislative Reorganization Act of 1946, the Legislative Reorganization Act of 1970 -- they amend, supplement, and alter a lot of procedures in the Senate. When I first came to the Senate there were forty rules, now we've got fifty rules.

If you know the rules, and the parliamentarian is supposed to know all of these, he knows where all of these things can be found and be able to put them down in an orderly fashion, or rule in an orderly fashion, even though these things have been altered. And when something is done, frequently you might alter a rule that will throw out a thousand precedents.

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Something that we've recently done concerned mandatory voting. Under Rule 12 no senator may vote after a roll call vote has been announced, likewise under Rule 12, when the clerk calls your name, you're supposed to respond affirmatively or negatively. But if you fail to -- and it says you must vote, it doesn't give you any out that you can decide; the rule says you must vote unless you're excused by the Senate -- so after the roll has been called and you've gotten ready to announce the vote, if a senator is present who hasn't voted, another senator can say: "Mr. President, Senator Jones from Arkansas is present, and he hasn't voted." Well, you can't make a motion to make him vote, but the Chair says: "What excuse does the senator have for not voting?" And if he answers and makes excuse, then the Chair puts the question to the Senate: "Shall the senator be excused for the excuse he has given?"

And before the Chair announces the vote on the substantive issue, you can have another roll call vote to see whether you're going to force that senator to vote.

This was cut and dried until Rule 45 was adopted in 1977 that says that a senator, notwithstanding provisions of Rule 12, may excuse himself on effect from voting if he thinks that he's voting on something that is a conflict of interest. That's part of the ethics code that was adopted in the last eight or ten rules that were added to the Senate rules. Well, now that adoption throws out all of these precedents under Rule 12, where there is no exception, because you now can except yourself if it's a conflict of interest. So the parliamentarian is supposed to be, even whether the rules have been codified or not, in a position to remember all of these alterations and be able to answer them with a snap of the fingers.

Ritchie: I was interested in that story about Senator Byrd and the amendments to the energy bill. I recall that about two days or so before he did that, there was a case where Vice President [Mondale](#) was presiding and Senator Byrd stood to get recognition and Vice President Mondale called on Senator [McGovern](#) instead. At that point Senator Byrd took the Vice President to task publicly for not recognizing him. And I always wondered if that wasn't a little bit of play acting, set up in advance to remind the rest of the Senate that the Vice President had to recognize the Majority Leader. The Vice President acknowledged that, and then two days later they used that technique to break the filibuster.

Riddick: Well, I can't say that that was a stage play. I never question the motives of anybody, but I assure you that it would be a warning to everybody what would be the case when it's tested.

Ritchie: Senator Byrd does seem to have a habit of announcing a little bit ahead of time what he has in mind.

Riddick: Senator Byrd tries to stay prepared, that I must say he does well in performing his tasks. If he sees a signal ahead, or a problem ahead, he gets prepared and he studies hard.

Ritchie: He seems to be one who has taken the rules very seriously. Was he one of the senators who came to you for advice in his early years?

Riddick: Yes, I've worked with Senator Byrd as much as I have with anybody, I guess. Senator [\[James\] Allen](#) and Senator Byrd are two of my great customers, so to speak. Senator Byrd, if you look at my volume of *Senate Procedure* that I gave him, it reminds me of Professor Irby Hudson at Vanderbilt University, one day when he was returning term papers that he had assigned for that particular class; as he was returning the papers to the students, giving them their grades,

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he said: "I want you to know one thing, when I read a paper it's red!" And when you got that paper it was literally marked up in red. Well, Senator Byrd with that book of mine on Senate Procedure, if you take a look at it, it is literally red, he marks every one of these points and he's really versed in the Senate's procedures, no question about it.

Ritchie: He taught a course on legislative procedure, I think at George Washington University, and he used your book as his textbook.

Riddick: American University, I believe it was. Yes, I lectured once or twice out there for him when he was teaching.

Ritchie: I noticed that the Senate Library has a copy of your book and it has the syllabus for his course pasted in the back; someone had used it as their textbook.

Riddick: Yes, I've worked very closely with Senator Byrd, as I have with senators on both sides. Even now, I have consultations with both Republican and

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Democratic senators and both leaders and we discuss not only the technical procedures, but the general reasoning behind it, and the basis for this, because they might want to make a little different maneuver, or establish a new precedent, so they like to get the full background. As a matter of fact, I feel a little freer now to discuss the overall procedural aspects than I did when I was parliamentarian, because I'm no longer at the desk advising the Chair.

Ritchie: You talked about Byrd and Allen, I think it's interesting that the two people who probably knew the rules the best of all the senators were so different, in that Byrd was using the rules to facilitate the flow of business on the floor, and Senator Allen was using them to obstruct the flow of business on the floor. The two of them were quite a show to watch when they were really lined up against each other on an issue.

Riddick: And they both were informed. I never comment about the competence of one

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senator over another, although I might just make a statement that they both were very competent, really very competent as parliamentarians as well as in their knowledge of the legislation that they had under consideration.

Ritchie: In terms of serving as majority leader, how would you compare Senator Byrd to his predecessors, Mansfield and Johnson?

Riddick: I think Senator Byrd is more like Johnson than like Senator Mansfield.

Ritchie: In what ways?

Riddick: Well, Senator Mansfield seemed to be a little more lackadaisical and not as concerned about hewing to the line on procedure to his advantage, if it's within reason, and so forth. So did Senator Johnson when he was the majority leader. I assume that's the procedure for anybody that's following the rules.

Ritchie: Was Johnson a stickler for rules?

Riddick: Oh yes, he was always briefed, just like Senator Byrd cares to be briefed. He knows it, but you know, when you go

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out to battle you want to be sure that you've reaffirmed your knowledge and that you are in accord with what the precedents and practices are. Even the parliamentarian now, Murray Zweben, frequently calls me when he sees a real problem coming up, not that he doesn't have access to the precedents and not that he doesn't have his own opinion, but it's always consoling to be able to discuss the matter over with somebody who has sort of been through the mill, so to speak.

Ritchie: You said that the parliamentarian answers questions, that he doesn't make decisions but informs the senators of the precedents, but there are some cases where the rules require automatic response, such as in referring bills to committee. You once mentioned a CIA investigation, where the parliamentarian was forced to make a decision that was not pleasing to Senator Russell of Georgia.

Riddick: That was an interesting case. Senator Mansfield, I believe, had introduced a resolution to investigate the CIA a number of years before that. And he had fifty or sixty co-sponsors on the resolution, more than enough to pass the resolution. It was referred to the Armed Services Committee, the committee having jurisdiction over the CIA, because it was created in the National Security Act originally, a bill reported by the Armed Services Committee. They reported the bill, as I recall, but when it came up for a vote they just didn't have the number, a number of co-sponsors had left, and it was defeated. I think the committee reported it adversely, I'm inclined to think they did. Then the Foreign Relations Committee later got interested in this, particularly from the activities of the CIA in foreign affairs, and a resolution was so drawn. The resolution it self was to authorize the Foreign Relations Committee to investigate it.

Well, it had been an established precedent in referring resolutions to a committee which authorized the said committee to make an investigation, to refer it to that said committee, because after all they are the ones to decide whether they want to make that investigation or not.

Senator Russell thought that I should have referred that to Armed Services, because they had the overall jurisdiction. Well, I told him no, that precedents wouldn't support that. It was properly referred according to the precedents. He said: "If they report it out, how are they going to get the money?" I said: "Well, Senator, if they report it out providing money for the purpose, that resolution will then have to be referred to the Committee on Rules and Administration for its consideration of taking money out the contingency fund, as to the amount that should be taken out, before it could be

considered in the Senate. Senator Russell said: "Well, that's great. I won't quibble about that because [Carl Hayden](#)" -- who was the chairman of the Rules Committee -- "will take care of it for me."

Lo and behold, what happened was that the Foreign Relations Committee reported out an original resolution with no provision for funds out of the contingency fund at all, so that this left Senator Russell out in the cold. Then they had to work out a strategy to overcome the situation, because they really didn't want the CIA investigated at that time. I'm sure that that's the case because the

vote later told the story. The Senate went into executive session to discuss this issue. This was a case of the importance of what committee a particular bill or resolution goes to.

Ritchie: I get a picture from the way you describe the rules that they're not static but very fluid. Has there

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been a lot of change in the rules over the years that you've been here?

Riddick: I'd say the biggest thing has been expanding the rules, so to speak, through precedents. The precedents come along and bridge those gaps that the rules do not spell out in detail. The biggest part of the legislative reorganization acts, as contrasted to the original rules of the Senate, is concerned with committee procedure, aspects not so much concerned with the procedure on the floor per se. The Senate procedure has varied very little in a general way with regard to procedure on the floor as opposed to the specifics regulating and defining the marks of demarcation for the committees. Whether it's a good practice or not, the Congress has gotten into a habit in recent years of passing a lot of laws on specific subjects to take care of procedure on specific matters, like the Congressional Budget Act. There's a lot of

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procedure in that law, which Congress put in through its rule making power, which absolutely varies from the regular procedure of the Senate. I am now compiling all of these laws which involve what we call Congressional veto, committee veto, and special procedures for the handling of particular pieces or kinds of legislation. I was enumerating them the other day in compiling them and found that I have a list right at this time of a little over two hundred of these laws. This is making case history procedure.

As you know, President [Jimmy] Carter just submitted a message to Congress a couple of weeks ago on Congressional vetoes. He is sort of warning the Congress that he is going to begin to veto these so-called Congressional veto laws because it is encroaching on the administrative powers of the president for Congress to require every regulation of a certain nature to be submitted to Congress to give them a chance

for sixty days to decide whether they want to veto the regulation before it goes into effect; that puts Congress in sort of an administrative capacity. All of these laws that have been passed are really complicating Senate procedure. But it's case history as opposed to general procedure. They establish how much time these resolutions for discharging a committee is going to be open to debate; the motions to recommit, whether they be in order or not; whether they be amendable or not, the time that budget resolutions will be debated -- there are thousands of prescriptions as to the time that different things will be debated. This is a maze that nobody can run through unless you study, each time that a bill pursuant to that law or resolution is going to be brought up -- unless you study that law to find out what all the particulars are.

Ritchie: Why do you think this trend is developing?

Riddick: I think it perhaps is an effort on the part of Congress to clip the wings of the

administration from getting too strong. This inevitably happens. The beginning of this sort of idea goes back to World War II. President Roosevelt didn't want to be bothered with renewing certain pieces of legislation every years, because in the war he didn't want to find himself without legislative authority, like the OPA, or the WPB regulations and so forth, and the bills that created them. He wanted them to run for a longer period of time. Well, Congress was unwilling to do this. They were even unwilling to go home, they were a little distrustful of some of the New Deal legislation and what might be done with some of these laws if they gave him a carte blanche law. So, to overcome this, the President himself submitted a formula to the Congress to write into these laws that these bills could be repealed or become ineffective by the Congress passing a concurrent resolution on its own, which didn't have to go to the

President. The President could decline or fail to continue the enforcement of the law, if he wanted to, but they were going to then write into the laws (which they began to do) that Congress by the adoption of a concurrent resolution by both houses could terminate the affectability of that particular law. Well, this is a

different aspect, but it's still the first time the Congress began to move generally in that field.

Ritchie: So it's a way of reasserting itself after a period of strong presidents.

Riddick: That's correct.

Ritchie: Well, this is fascinating. I think this is giving us an excellent perspective on the story of the parliamentarian; and I think this would be a good place to call a break.

[end of interview #3]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #4

Filibuster and Cloture

(July 27, 1978; August 1, 1978; August 25, 1978)

Interviewed by Donald A. Ritchie

Ritchie: I thought we could talk now about one of the more controversial issues of your career as parliamentarian, the whole question about cloture and the persistent problem that the vice presidents have faced, from Alben Barkley on, about how they would rule on whether or not the Senate was a continuing body, and how the rules operated. You were quoted recently in the *Washington Post* (15 June 1978) as saying: "coming from the House to the Senate, it is like going from prison to freedom. This procedure of the filibuster, when the senators restrain themselves and do not abuse the privilege, is more edifying and constructive." Is that an accurate quote?

Riddick: It's pretty close; of course the "going from prison to freedom," perhaps was picked out of context, so it didn't mean that you were actually

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imprisoned, but that the restrictions of speaking over there were such that when you come to the Senate there is such a feeling of freedom in debate that you just don't get in the House procedures. You operate in the Committee of the Whole under the five minute rule; nobody can speak over an hour under any circumstances; and it presents an entirely different picture. Then too, not only the individual's ability to speak, but the fact that when you start out on a major bill there's no such thing as a rule adopted by a majority to limit the general debate to seven or ten hours, and then the bill will be read for amendments under the five minute rule in the Committee of the Whole. In the Senate you just keep on talking for as long as you want to talk and discuss it until nobody seeks further recognition.

The Chair in the Senate at every hiatus continues restating the question:

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"The question is on so-and-so." He dares to put the question until no senator cares any longer to speak. When no senator seeks recognition any further, he puts the question. But even if he started to put the question and some senator rises, "Mr. President." He will pause right there and recognize the senator, and off we

go on debate again. This gives you an opportunity to develop an overall picture of the pending legislation that you can't get in the House. Of course, it's said that no preacher ever won a convert after twenty minutes.

Some speak too long, but I don't know, my feeling is that some of these pieces of legislation are so complicated and so involved that if you don't have a chance to speak at length and develop your thoughts completely, you don't have a chance to bring out all of the aspects of the bill. Frequently, as I indicated to you earlier, you go to a senator after the bill is passed and

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point out something to him, and he didn't even know it was in the bill! You just don't get the opportunity without plenty of time to bring out all of these detailed aspects that can become very significant in the life of the American people.

Ritchie: And yet there's always been a conflict between that freedom to express yourself and the desire to get the business of the Senate completed.

Riddick: That's true. You've got a definite program, and if you don't get that program enacted you just don't get the work done for that Congress. So, it's an eternal conflict between getting the job done and having time enough to discuss all aspects of the pending legislation.

Ritchie: Rule 22 was adopted in 1917, as part of the reaction against the filibusters prior to World War I....

Riddick: Yes, the cloture rule was adopted on March 8, 1917, and basically it has remained pretty much the same except

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for particular aspects of the rule. I might say that after it was adopted, some of the precedents, or some of the actual case history, caused changes in the rule itself.

In 1946, for example, there was a motion made to take up the F.E.P.C. [Fair Employment Practices Commission] bill. They agreed to take it up by a vote of 49 to 17. Then, while it was in effect the pending business, it was not immediately before the Senate, because on the next day after the morning hour the Senate preceded to work on the journal of the Senate. This kept up for such a long period that [Barkley](#), the Majority Leader, filed a motion to invoke cloture on the F.E.P.C. In a sense it was the unfinished business, in the parliamentary sense, but it was

not at that time pending, because the thing before the Senate was the journal. When the motion was filed and it became time to make the point of order, [\[Richard\] Russell](#) made a point of order

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that it was not the pending measure, and the Chair sustained him. Barkley took an appeal, but his appeal was rejected by a vote of 48 to 36.

Then in 1948 an anti-poll tax bill was up, the motion to take it up was pending, and again a cloture motion was filed on the motion to take up the anti-poll tax bill. A point of order was made that cloture was not applicable to the motion to take up, that the rule read "on the pending business," and therefore it wasn't applicable to the motion to take up.

Ritchie: Because it wasn't pending?

Riddick: It wasn't pending. Russell made that point of order, and the Chair, Senator [Vandenberg](#) of Michigan, sustained the point of order. Then in 1949 Senator [\[Scott\] Lucas](#) moved to take up S. Res. 15, which was to amend the cloture rule. That debate was started on February 28, on that motion to take up. On March 10, he filed a motion on the motion to take up.

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Barkley was then Vice President, and that's a case that I mentioned to you about a vice president not following the parliamentarian's advice. Russell made the point of order that the motion was not applicable to take up S. Res. 15. Barkley overruled the point of order.

Ritchie: Although the parliamentarian had suggested the point of order was in order?

Riddick: That's right. He had advised the Chair that the point or order was in order. But Barkley, having been against that line of thought while he was majority leader was consistent and refused to sustain the point of order. Russell took an appeal from the decision of the Chair. The appeal in effect rejected the ruling of the Chair; the Senate failed to sustain the ruling of the Chair, by 41 yeas to 46 nays. That left them in sort of a vacuum as to what to do. But then it was decided to continue the debate on the motion; there seemed to be a determination to do something.

I remember, I was around at that time, I was on the floor when Senator [\[Allen Eliender\]](#) was speaking, and I saw somebody come by and say to him: "Everything's OK, you can quit speaking." He sat down immediately. The senators had worked out a compromise at that stage of the game, so there was no longer any need for prolonged debate. They immediately proceeded to vote and take up the resolution. The substitute was offered for the resolution, the so-called [Wherry-Russell](#), or Wherry-[Hayden](#) compromise. After rejecting various amendments to the substitute the Senate adopted the resolution as amended by the substitute by a vote of 63 yeas to 23 nays. Now this changed Rule 22, it struck out "pending business" or "pending measure," and inserted in lieu of those two words language to apply cloture motions to "any measure, motion, or other matter pending before the Senate, or the unfinished business." That broadened

the scope. And that was to be adopted by a two-third vote of the senators (that's where the person's opposed to amending the rule got a little payoff) duly chosen and sworn.

Ritchie: Rather than just two-thirds of those present and voting?

Riddick: That's right. There were two other amendments that allowed them to exempt motions to take up amendments to the rules of the Senate. In other words, any motion to take up a resolution to amend the rule, cloture couldn't be applied to. Once it was up, you could apply it to that, but you couldn't apply it to the motion to take up rules changes. Likewise, motions to consider proposals to amend the cloture rule were debatable during the morning hour. You know in the morning hour a motion to take up a bill (that is, until 2:00 o'clock if you move to take up a bill) is not debatable. This exempted proposals to amend the rule from that proviso, so

that you couldn't get up a motion without debate to amend the rules during that period when there was no unfinished business.

Thus the move to change the rules continued to pick up support after this, but it was slow to get any changes. Beginning with the first session of the 83rd Congress a concept had developed, a theory that the Senate as a continuing body was not applicable in the case of amendments to the rules. Many were trying to sell the idea then that since they couldn't get enough votes to invoke cloture to

amend the rules, that senators and the public should try to sell the Senate the idea that you could at the beginning of each new Congress amend the rules by a majority vote without having to worry about cloture. This concept was slow to develop to the extent of getting a job done.

Ritchie: What historical background is there for that? Was there any concept that the Senate was a continuing body before

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that? Or was it something that was devised artificially?

Riddick: No, if you go back and read a lot of the literature as I have, for example, and compile your findings which have never been printed, but which is a compilation from the early years of the Senate until today, including senators who later became presidents or moved to other high offices, you will find it is not new nor artificially devised. So many of them have said the Senate was absolutely a continuing body in every respect. That was the intent of the fathers of the Constitution when they provided that only one third of the senators would come up for election every two years. It made the Senate have a two-thirds membership at all times, under all circumstances. As they said, the Senate was an everlasting institution, that there was no break. Supreme Court decisions have been cited to that effect; cases concerned with committees citing people for contempt when

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the Senate was not in session; the Supreme Court has held more than once that the Senate unlike the House is a continuing body. Therefore, even after *sine die* adjournment of a Congress, a Senate committee can go on and hold hearings as long as it is authorized by the Senate to undertake any such hearings.

Ritchie: In 1953 there was an unusual circumstance, because you had a new Republican Congress and yet you still had the outgoing Vice President Barkley serving until January 20 before [Nixon](#) had been sworn in.

Riddick: You mean Nixon sworn in as vice president?

Ritchie: Yes, with Barkley still presiding. So it was sort of a last-gasp attempt, I guess, hoping that Barkley would be sympathetic to their concept that the Senate could adopt new rules by majority vote at that point.

Riddick: Right. Well, briefly, and if you are interested in more detailed history on the various changes, I might add here

that after this change was made, for the Constitutional two-thirds, as they call it, they again in '59 reached another compromise that brought it back to two-thirds of those present and voting, and made it easier to bring up amendments to the rules by striking out certain sections that exempt the application of cloture to proposals to amend the rules. The Senate at the same time in '59 amended Rule 32 to provide that the rules of the Senate shall remain continuous from Congress to Congress until changed in accordance with the existing rules. Except for that there were no other significant changes made in the cloture rule until 1975, when the Senate amended Rule 22 again so that three-fifths of the constitutional membership of the Senate could invoke cloture. In other words, sixty senators could invoke cloture, -- except again for proposals to amend the rules, which takes a two-thirds vote of those present and voting.

One other change I might mention. It's very significant in my opinion. The majority leader asked me about this when Senator [\[Edward\] Kennedy](#) proposed his resolution. To me it took the control away from the leadership as to what amendments could be filed, which is causing them a lot of trouble today. I told them that the only hitch against the change was that this proposal of Senator Kennedy's could allow endless amendments to be submitted before you invoke cloture, which might hold up the Senate for a long time each time cloture is invoked. They're now finding that is exactly the case. The senators are able to stage a filibuster after you invoke Cloture!

Under the old rule, the rule provided that after cloture is invoked, the only amendments in order are those which are germane and which have been presented and read before you vote to invoke cloture. Of course,

it had been quite a common practice for the majority leader, if amendments had been submitted, to ask unanimous consent, just before you voted to invoke cloture, to allow them to be considered as having met with the provisions of Rule 22 as far as the reading aspect is concerned. Then, if there were forty amendments there, that number would be available to be called up if they were germane. Well, the Kennedy amendment changed the requirement that amendments had to be read, because he was caught one time when he didn't get over in time to submit an amendment which he wanted to offer, but he didn't get the amendment in before cloture was invoked. Thus, he didn't get his amendment

called up. So he felt that the rule should be changed so that it would be easier to get amendments available, to be called up if cloture should be invoked. This change was agreed to, but it allows anybody who presents amendments to the journal

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clerk before the vote's announced to invoke cloture, to call them up. It doesn't have to be read, you don't get a chance to see what's in the amendment, and there's no limit. You can come in with a cartload of amendments, as long as you present them to the journal clerk before the vote is announced that cloture is invoked. They're in order if they're germane.

Under the old procedure, which was never resorted to, but which was available, the leadership could limit the number of amendments. The leaders could file a motion to invoke cloture and immediately after the cloture motion had been read, they could have moved to adjourn. And nobody would have had a chance to have an amendment read, because the Chair is going to recognize the leader first, and he could move to adjourn, which motion is not debatable. The leader generally wins on procedural issues; he always carries

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a majority of the vote on procedural issues. The rule says that once cloture motion is filed, on the following day but one, one hour after the Senate convenes, the Chair shall direct the clerk to call the roll to ascertain the presence of a quorum. Immediately after which, he shall put to a roll call vote whether cloture is going to be invoked on that motion or not. So, if the cloture motion is filed, the majority leader could immediately move to adjourn, and no amendment would have been read. The next day he comes in, he could get recognition immediately and move to adjourn again. Then the following day you'd be in only an hour, before you would vote, and you couldn't get in many amendments in an hour if they spent the full time reading them to the Senate. The leader could also object to any amendment being submitted under unanimous consent and that the amendment be considered to have complied with

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provisions of Rule 22 as far as reading is concerned. So this is a case where the leadership has actually lost control as to how many amendments can be tossed in, and it's presented to the leadership with a problem.

Ritchie: Do you think they'll try to tighten up that loophole?

Riddick: I don't know whether they'll try to tighten up that one or not, but I know the leadership is very much concerned about doing something, so that they can prohibit filibuster once cloture has been invoked.

August 1, 1978

Ritchie: The other day we were talking about the cloture rule, which is a complicated subject for most people outside the Senate. Could you summarize some of the major changes that have taken place in the cloture rule?

Riddick: As I previously stated, the original cloture rule was adopted on March 8, 1917. It took a two-thirds

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vote of the senators present and voting to invoke cloture, but cloture was applicable only to the pending business. The next major change, the Senate expanded the scope of the cloture rule to change it from just the pending business to any pending motion or any pending question or the unfinished business, or just about anything except proposals to change the rules of the Senate. Then the Senate expanded the requirement to include a Constitutional two-thirds vote of the senators.

Ritchie: What are you referring to when you say "Constitutional two-thirds"?

Riddick: Because the way the rule reads, it was two-thirds of those duly chosen and sworn; which, to cut it short without all the verbiage, is interpreted to mean the Constitutional two-thirds, because that accounts for the total membership. Then after that change, efforts were made to get it more liberalized

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again. So it was moved back again from the Constitutional two-thirds to two-thirds of the senators present and voting. The Senate then tightened up on the exemptions so that it would be easier to apply cloture to a motion to take up a resolution to amend Rule 22, or any other rule of the Senate, which wasn't applicable before that change.

The Senate did leave the requirement that you could not, during the Morning Hour, bring up a resolution to change the rules of the Senate without it being debatable. By that rule, one was able in a sense to block the motion to take up a change in the rule. Senators could keep the debate going until 2:00 o'clock and

then the unfinished business would come down, or, if there was no unfinished business, the motion would still be debatable and you'd just about have to invoke cloture in order to get to consider a resolution to change any rule of the Senate.

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Then after that, in 1975, there was but one major change concerned with voting. Instead of two-thirds of the senators present and voting it required only the Constitutional three-fifths -- that's again three-fifths of the senators duly chosen and sworn, which would be sixty, as long as we have one hundred membership. But in the case of a rules change, or proposal to take up a measure or to change the rules, it would take a two-thirds vote instead of a three-fifths vote. One other change was made. I believe it was in '76, the Senate adopted the so-called Kennedy resolution, which allowed any amendments germane, if submitted to the journal clerk before the vote was announced, to be eligible for consideration. Whereas before that time an amendment not only had to be submitted and be germane, but it also had to be read, unless unanimous consent was given to wave that reading requirement before cloture was invoked.

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Ritchie: This begins now the question on the Senate as a continuing body, which has brought in every vice president since Alben Barkley and seems to be a recurring controversy. There's always a question at the beginning of a session over how the vice president will vote on the rules. I wonder if you could explain some of this, and your role as parliamentarian in that long debate that's been going on?

Riddick: Well, maybe the best thing to do would be to take it year by year when the Senate tried to make these changes, and bring in a bit of my role as we take them step by step.

The first thing that the proponents for change tried to do, was to establish a basis for change. I don't think there's any question but what most people have always conceded that the Senate was a continuing body, certainly in certain respects. There's always, unless they've died or a catastrophe should occur, two-thirds of the

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Senate membership duly elected and sworn, because only one-third of the senators go up every two years for reelection. So, for certain purposes, there's never been any question, I don't believe, in anybody's mind, but what the Senate was a continuing body. The proponents for change began to try to differentiate

between the Senate as a continuing body in some respects and with regard to changes in the rules. It was argued pro and con that since the bills all die at the end of a Congress you begin a new Congress *de novo*, and therefore it should be in order to change the rules at the beginning of each new Congress, because the Constitution specifically specifies that each house shall make its own rules.

The Senate started first to make some changes in the rules back in 1949. Senator [Scott] Lucas of Illinois was then the majority

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leader, and the former majority leader, Barkley, was then vice president. The Senate began debate on the motion to bring up S. Res. 15, on February 28th, and it continued the debate on that until March 10th. Still the Senate had been unable to do anything, so Lucas filed a cloture motion to take up S. Res. 15. But up to this time, the rule read that cloture could be invoked only on the pending business. When the cloture motion was filed on this, and was ready to be called up, Senator [Richard] Russell made a point of order that it was not applicable to the motion to take up S. Res. 15 because that was not the pending business; the motion was pending to take up the resolution. Barkley overruled the point of order, but Russell appealed and on March 11th Lucas moved to table the appeal. The motion was rejected by a vote of 41 yeas to 46 nays, which meant that Barkley's decision would be overruled. The Senate continued debate

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after that vote, but later they were able, since the proponents for the change were determined, to work out a compromise, on March 15th.

Ritchie: Were most of the proponents liberal Democrats, or were any Republicans involved in this?

Riddick: Oh yes, it was not at any time strictly a party vote. There might have been more of one party than the other, but it was never a strict party vote. So an agreement was reached on March 15th that the resolution would be taken up, with a preconceived agreement that if it were permitted to come up that certain changes would be made that were suitable to opponents of the change as well as the proponents. That was embedded in the so-called Wherry-Russell or Wherry-Hayden compromise. That motion to take up was then adopted by a vote of 63 yeas to 23 nays. Then they proceeded to work on a substitute for the bill, which changed the wording "pending question"

to any measure, motion, or any other matter pending before the Senate or the unfinished business. Cloture was to be adopted by a two-thirds vote of the senators duly chosen and sworn, or the so-called Constitutional two-thirds. And the debate was not to be precluded on motions to make amendments to rules. Nor could cloture be filed thereon. That gave the opponents of change some advantage. This was done, but a lot of the proponents of the change even wanted to invoke cloture by majority rule, so it would practically have the effect of the previous question.

The Senate was still not ready for such a drastic change, but the supporters of change continued to agitate and began to gain support. With the first session of the 83rd Congress the proponents for change had insisted that the Senate might be a continuing body in some respects, but not to the exclusion of a rules change by the Senate at the beginning

of every new Congress. Barkley was still vice president on January 3, 1953, when they proceeded under this new technique.

Senator [\[Clinton\] Anderson](#) of New Mexico and others made a motion on the opening day that, in accordance with Article 1, Section 5 of the Constitution, each house may determine the rules of its own proceedings, and that it should be right for the Senate to take up a resolution without being restricted to a two-thirds vote to make changes in the cloture rule. At that stage of the game, while Barkley was still vice president, Senator [\[Robert\] Taft \[Sr.\]](#) had become the majority leader. Taft made a statement soon after the motion by Anderson, but he wasn't going to do it until there was a limited amount of debate. After a reasonable debate, Senator Taft moved to table the Anderson motion, which was agreed to by 70 yeas to 21 nays; so you can see they still didn't have enough

support to do anything unless it was done pursuant to the rules of the Senate.

In 1955, the 84th Congress, no challenge was made as to the continuity of the Senate and the right to change the rules at the beginning of a new Congress.

Ritchie: At that point the two parties were almost tied.

Riddick: That's right, the party division was varying within a one-vote margin. So it couldn't be done by party operation, it had to be done by blocs, or liberals versus conservatives, or what have you.

At the beginning of the 85th Congress, that was in 1957, Anderson and others renewed their motion of 1953. Nixon was then vice president and Senator [Johnson](#) was majority leader. Johnson, like Taft had done in 1953, announced at the beginning of the debate that he proposed after a reasonable amount of time to table the Anderson motion. Of course, the Anderson motion was that the vice president immediately

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put the question, as well as the right of the Senate to change its rules at the beginning of each new Congress.

Ritchie: They, I guess, anticipated that something would happen. Did Johnson come to you ahead of time on this question"

Riddick: Oh yes. Mr. Watkins was still in the Senate as the parliamentarian, but since he had undergone a very serious illness, I was brought in on all of these discussions and worked very closely with the leaders and the vice president.

Ritchie: How did Johnson feel on this issue? Was he annoyed that it came up, or was he afraid of the disruption it might have on other business?

Riddick: Well, the leadership must always remember that it takes a majority vote, or, in the case of a cloture, a two-thirds vote, to do something. He's certainly got to have a majority vote to run the Senate. So regardless of personal feelings you've also got to

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consider the amount of support you've got in the Senate in order to accomplish what you stand for and what you propose to do. After all, if a majority leader just bucks the will of the majority for a certain length of time, it won't be long before somebody says: "Who's running this show?" The leader has got to keep a majority with him in order to really be the leader. He might hold the post, but he's not the leader unless he's carrying a majority with him.

It wasn't long after the debate started in 1957 before Johnson was able to get a unanimous consent agreement to limit the debate before they were to vote on his motion to table. In the meantime, in the debate, because the proponents of change were trying to set the stage in order to accomplish their ends, Senator

[\[Paul\] Douglas](#) inquired of the Chair the difference between a point of order and a parliamentary inquiry. To which Nixon replied:

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There can be a appeal from a decision of the Chair on a point of order. There can be no appeal as to any pronouncement by the Chair regarding a parliamentary inquiry. A response by the Chair to a parliamentary inquiry is an opinion. A ruling on a point of order is a decision of the Chair and is subject to appeal to the Senate. (*Congressional Record*, 85th Congress, 1st Session, January 3, 1957, p. 10.)

This was more or less planned, or programmed, before they got to getting the Chair to give his opinion as to the right of the Senate to change its rules at the beginning of a new Congress.

Ritchie: So, in other words, Douglas let you know that he was going to raise this question, and then you prepared a response for the vice president to make?

Riddick: We worked it out together. Vice President Nixon always participated in what he was going to say, and while you worked with him and tried to give him a good solution, or a good answer, he made his final decision as to exactly what he was going to say.

Ritchie: Was there anything else he could have decided to say at that point?

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Riddick: Well, you would set the guidelines, so to speak, of what you could do, or what was within the realm of Senate practices and precedents. And he obviously wouldn't buck that, because he, too, didn't want to do something that the Senate would knock him down on.

Ritchie: They could overrule his decision.

Riddick: That's correct, And so you sort-of pull these things together and work along to do what you can within these confines.

Ritchie: Now, what was the purpose of this maneuver, of Douglas asking that question and Nixon ruling?

Riddick: They wanted to get as much as they could get favorable to themselves, so they too would know what they could count on doing if they found it expedient to do some thing contrary to the former precedents. So you draw your lines, or make your rules, before you start the game.

On January 4, during this debate, Nixon gave his much, and often quoted opinion about the continuity of the

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Senate, and the right of the Senate to change its rules; this was in response to a parliamentary inquiry made by Senator [\[Hubert\] Humphrey](#). Really, the vice president set the stage that in effect the Senate had certain rights to change its rules at the beginning of a new Congress, and that any provision of a rule which prevented a majority from changing its rules was unconstitutional. But, if you read the whole opinion, you'll find that after he gave all of these aspects of what he thinks is right and wrong, he puts in this final conclusion: But that the Chair had no authority to rule on Constitutional questions, and, if a Constitutional question should be raised, he would submit it to the Senate to be decided by a majority vote. So while he put out his feelings about the particular situation, he realized that in final analysis as to what held said, the Senate would make the decision.

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Ritchie: But by a majority vote rather than a two-thirds.

Riddick: Well, yes, the only trouble is whenever you submit a constitutional question to the Senate any point of order or any question submitted to the Senate for decision is determined by a majority vote but is debatable.

Ritchie: So it could be filibustered?

Riddick: So you could filibuster that. Nixon's reply to Humphrey, I believe, is important enough to quote here in full:

The senator from Minnesota is aware that the answer to that question is that the Senate is proceeding under the unanimous consent-consent agreement. The Chair is cognizant of the fact that the senator from Minnesota and other senators will propound parliamentary inquiries relating to this subject, and, consequently, it would perhaps be helpful if the Chair indicated by a general statement the Chair's opinion in regard to the parliamentary situation in which the Senate will find itself after the vote which will be taken on the motion to lay on the table.

The Chair emphasizes this because, strictly speaking, a parliamentary inquiry is for the purpose of guiding the Senate in its deliberations so that the Senate will know the effect of votes or other actions which are taken on specific matters. Therefore, the statement which the Chair now makes

relates specifically to the question of what the parliamentary situation will be as the Senate

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votes on the matter currently being discussed. That question, and others which have been discussed in the debate today, in effect, go back to the basic question -- Do the rules of the Senate continue from one Congress to another?

Although there is a great volume of written comment and opinion to the effect that the Senate is a continuing body with continuing rules, as well as some opinion to the contrary, the Presiding Officer of the Senate has never ruled directly on this question. Since there are no binding precedents, we must turn to the Constitution for guidance.

The constitutional provision under which only one-third of the Senate membership is changed by election in each Congress can only be construed to indicate the intent of the framers that the Senate should be a continuing parliamentary body for at least some purposes. By practice for 167 years the rules of the Senate have been continued from one Congress to another.

The Constitution also provides that "each House may determine the rules of its proceedings." This constitutional right is lodged in the membership of the Senate and it may be exercised by a majority of the Senate at any time. When the membership of the Senate changes, as it does upon the election of each Congress, it is the Chair's opinion that there can be no question that the majority of the new existing membership of the Senate, under the Constitution, have the power to determine the rules under which the Senate will proceed.

The question, therefore, is, "How can these two constitutional mandates be reconciled?"

It is the opinion of the Chair that while the rules of the Senate

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have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that Section 3 of Rule 22 in practice has such an effect.

The Chair emphasizes that this is only his own opinion, because under Senate precedents, a question of constitutionality can only be decided by the Senate itself, and not by the Chair.

At the beginning of a session in a newly elected Congress, the Senate can indicate its will in regard to its rules in one of three ways:

First. It can proceed to conduct its business under the Senate rules which were in effect in the previous Congress and thereby indicate by acquiescence that those rules continue in effect. This has been the practice in the past.

Second. It can vote negatively when a motion is made to adopt new rules and by such action indicate approval of the previous rule.

Third. It can vote affirmatively to proceed with the adoption of new rules. Turning to the parliamentary situation in which the Senate now finds

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itself, if the motion to table should prevail, a majority of the Senate by such action would have indicated its approval of the previous rules of the Senate, and those rules would be binding on the Senate for the remainder of this Congress unless subsequently changed under those rules.

If, on the other hand, the motion to lay on the table shall fail, the Senate can proceed with the adoption of rules under whatever procedures the majority of the Senate approves.

In summary, until the Senate at the initiation of a new Congress expresses its will otherwise, the rules in effect in the previous Congress in the opinion of the Chair remain in effect, with the exception that the Senate should not be bound by any provision in those previous rules which denies the membership of the Senate the power to exercise its constitutional right to make its own rules. (*Congressional Record*, 85th Congress, 1st Session, January 4, 1957, pp. 178-179.)

Now, you asked me what role I played in some of these activities. I imagine I worked with the vice president alone at least forty hours in bringing together the pros and cons, the precedents and practices of the Senate, and even proposing certain language to him, but in final analysis, he was the one that made this statement on his own to the Senate. Apparently, he was impressed

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by the role that I played with him in this, because about ten or twelve years later, just before he was forced to resign as President of the United States, I was in attendance at a reception at the White House, and in the reception line, as I shook the President's hand, he turned to his wife and said: "Pat, you remember Dr. Riddick, he's the one who worked so long with me on my decision on the cloture rule." So, he apparently had remembered that particular event very strongly.

Ritchie: It's such a carefully worded document; it sounds like there were many decisions over almost every section of that, on how to prepare it. There must have been quite a bit of controversy and compromise over how he would rule.

Riddick: It's unbelievable what all goes into a decision by the Chair on some of these major things. I recall, in one instance, I was in his little private office, when he and I were

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alone together there, and we'd been working all morning. We were continually interrupted by phone calls. Even by the Secretary of State, [John Foster] Dulles, calling trying to influence him as to how he should respond, or the role he should play in this decision. It was commonly known to everybody what was going to be done, that he was going to be called upon to give responses to parliamentary inquiries.

I remember very distinctly after so many calls had come in, following one call he hung up and called his office and told them: "Don't let another call come in here unless it's the President of the United States. How in the world am I ever going to get anything done?" I was impressed by him in that instance; he was talking as we put all of these things down, and patching them together, and trying to make some sense out of what he should say, and yet keep within the rules and precedents of the Senate. I

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remember he suddenly paused at one time and said: "I know, but we've got to do what's right." It impressed me very much because he was only impressing me, there were no reporters around or anyone else. I was greatly impressed by that statement, for whatever it's worth.

Ritchie: The issue that was prompting all of this throughout was civil rights. Did that enter into your considerations or was your discussion with the vice president strictly limited to the parliamentary decision?

Riddick: My concern was strictly with parliamentary procedures.

Ritchie: I meant his concern.

Riddick: Apparently he knew what the administration wanted and he did not want to be a reactionary as far as civil rights were concerned; he was trying to do

what he could, obviously, to placate the administration within the rule of reason; but he too, I'm sure, from our conferences and discussions, was

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concerned with what the practices and precedents of the Senate were. That's why he was so careful and gave so much attention to the preparation of this opinion, or this response to the parliamentary inquiry. There again, I should say, it should not be overlooked that this was a response to parliamentary inquiry; it was not ruling of the Chair, and therefore, was not subject to an appeal. So it was merely an opinion expressed by the Chair.

Ritchie: Was that the reason for Douglas' request at the start?

Riddick: That's right, to establish this fact, I guess.

Ritchie: In a non-debatable format. And were the two party leaders involved in these discussions?

Riddick: Oh, yes, they obviously tried to get to the vice president, too. I don't mean try to, they do, they talk to the vice president from time to time about some of these things, even if they're in

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the opposite party. After all, if the majority leader is a Democrat and the vice president is a Republican, the majority leader has the majority vote, but he also wants to know what the vice president proposes to do so that he will know how to run the show.

Well, after all these parliamentary inquiries and responses pursuant to the unanimous consent agreement, when the time for debate had terminated, the vote was taken and the motion to table Anderson's motion was adopted by a vote of 55 yeas to 38 nays, so that concluded the procedures for the session to change the rules of the Senate.

Ritchie: So they never actually voted on Nixon's opinion.

Riddick: No, they didn't have a chance to, because it was only a response to a parliamentary inquiry and you couldn't take an appeal.

Ritchie: Now, when he makes an opinion like that, does that go into the precedents of the Senate? Would the parliamentarian keep that opinion in mind in the future?

Riddick: The parliamentarian keeps all of these data available because at a subsequent time somebody might want to know what the vice president said on this occasion. But you don't use that as a precedent of the Senate. If there's never been a ruling on a subject, and the vice president or the presiding officer may have expressed his opinion several times and there's nothing else to go on, you might cite it as opinions of the Chair expressed over a long period of time, as a guideline, particularly if the expressions have been consistent. But it is not a precedent binding on the Senate, because the Senate never had a chance to vote or take an appeal on that point of view.

Well, in the 86th Congress, Nixon was still vice president. The 86th Congress convened on January 7, 1959. On the opening day of this new session, in which we had another round on the rules change, Senator [\[Jacob\] Javits](#) of New York inquired as to what rules the Senate was operating under, and Nixon replied that, "under the advisory opinion rendered at the beginning of the last Congress, it is the opinion of the Chair that until the Senate indicates otherwise by its majority vote, the Senate is proceeding under the rules adopted previously by the Senate." But as the Chair also indicated in that opinion, "it is the view of the Chair that a majority of the Senate has a constitutional right at the beginning of each new Congress, to determine what rules it desires to follow."

After certain routine business on that day, the majority leader, Mr. Johnson, and Mr. [Dirksen](#), the

minority leader, submitted S. Res. 5, which provided that section 2 of Rule 22 of the standing rules of the Senate should be amended by striking out "except subsection 3 of Rule 22," that was the provision that excepted amendments to the rules from cloture. Well, if they struck that out, then cloture would be applicable to rules changes. Secondly, it proposed to strike out two-thirds of the senators duly chosen and sworn and insert two-thirds of the senators present and voting. Section 2 of the resolution provided that Rule 22 of the standing rules of the Senate would be amended by striking out "and" of subsection 2 of this rule, that made cloture inapplicable to motions to take up resolutions to amend the rules.

And section 3, Rule 32 of the Senate, is amended by inserting "immediately preceding at" and by adding at the end a new paragraph: "The rules of the Senate shall

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continue from one Congress to the next Congress unless they are changed as provided in these rules."

Ritchie: So, in effect, was this resolution to enact in the rules what Nixon had said in his advisory remarks?

Riddick: To the contrary, because he said if a rule change required a two-thirds vote instead of a majority, that it was unconstitutional. Now this Rule 32 was saying in effect that you cannot change any rule of the Senate unless you do it in accordance with the previous rules. And if it takes a two-thirds vote to invoke cloture, then you are placing a restriction above a majority vote to change the rules of the Senate at the beginning of the session.

Javits submitted some other parliamentary inquiries. For example, he asked the Chair:

Does the Chair propose to rule at the appropriate time that paragraph 2 of Rule 22, dealing with the method of cloture, and paragraph 3 of Rule 22, which prevents cloture on motions to amend the rules, are inapplicable to the debate on the resolution of the senator from Texas?

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And the vice president responded:

The Chair will at the appropriate time indicate his opinion that those rules are inapplicable insofar as they restrict the constitutional right of a majority of the Senate to determine or change the rules of the Senate. But the Chair will submit that question to the Senate itself to decide, because, as the Chair pointed out, it is a constitutional question, and the Chair lacks the power to make decision on a constitutional question. He can indicate his opinion, as he has done, but the Senate itself must make the decision.

Then Mr. Javits inquired: "Mr. President . . . when will be the proper time to seek that ruling of the Chair?"

The vice president said that;

That time lies within the discretion of the senators who desire to exercise the right which they consider to be theirs. If, for example, during the course of the debate on the motion of the senator from Texas, which deals with changing the rules, a senator believes that action should be taken and

debate closed, such senator at that time could, in the opinion of the Chair, raise the constitutional question by moving to cut off debate. The Chair would indicate his opinion that such a motion was in order but would submit the question to the Senate for its decision.

On January 8th, of the same year, the Chair responded to a number of parliamentary inquiries. Briefly, one or two things that I should point out, that

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he stated in response to these parliamentary inquiries, was that the Johnson resolution if taken up would be open to amendment, either by perfecting amendments or a substitute, with the former having precedence. That a majority vote only was required to amend the Senate rules. That the Anderson motion to take up the matter of rules would not be in order as a substitute except after one day notice in writing. That the rules continue from session to session of a Congress until the Senate at the beginning of a new Congress indicates its will to the contrary. That any rule adopted in a prior Congress which has the express implied effect of restricting the constitutional powers of the Senate to make its own rules is inapplicable when the rules are before the Senate for consideration at the beginning of a new Congress. And that section 3 of Rule 22 would fall in that category.

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The question involving the constitutionality of amendments would be submitted to the Senate for its decision.

The Senate then continued with the motion to take up S. Res. 5. The Anderson substitute was defeated by a majority vote, and finally S. Res. 5 was adopted by a vote of 72 to 22.

Ritchie: At the end of that vote, how did that leave the Senate?

Riddick: After they had adopted the resolution, that set some changes in the cloture rule, which we've already mentioned, for the Senate to adhere to until they amended it further.

The Senate abandoned any further proceedings on rules changes for that Congress. But the proponents of changes to liberalize the cloture rule continued their fight, determined at some future date to get a more liberal rule. But for that Congress it was finished.

On January 3, 1961, Nixon was still the vice president, and

Mr. Anderson submitted a resolution, S. Res. 4, to amend cloture so as to fix the vote at three-fifths of the senators as opposed to two-thirds.

The vice president again reiterated his opinions on the right to amend the rules at the beginning of a new Congress, and called the last paragraph of Rule 32 unconstitutional, but again said any such question would be submitted to the Senate for decision. He further said:

Let the Chair add that the opinion of the Chair expressed in 1957 was that once the Senate proceeds to substantive business without acting upon its rules, or declining to act, as the Senate did at the beginning of the last Congress, then after that point the rules cannot be changed except under the rules previously adopted by the Senate whenever they may have been adopted.

After the resolution which Anderson had submitted had gone over a day under the rules, it was laid before the Senate and debated until 2:00 o'clock, which is the established procedure of the Senate. At the end of the Morning Hour, which is 2:00 o'clock when the Senate convenes

at noon, the resolution not having been disposed of, was placed on the calendar. On January 5, 1961, the Senate began to debate S. Res. 4, and on January 11, the resolution was referred to the Committee on Rules and Administration by a vote of 50 yeas to 46 nays. So that concluded that year's effort to change the rules of the Senate.

On January 9, 1963, the 88th Congress was convened and no action on the continuity of the Senate was raised until after the President's address to Congress on January 14th -- that was by an agreement. We had Lyndon Johnson as vice president, and Senator Anderson submitted S. Res. 9, proposing to amend cloture rule by three-fifths of the senators present and voting. That resolution again was ordered to lie over a day. Now we had a new vice president in the Chair, with whom I also worked, just as I had with Nixon, to resolve what

he should do. He had some other people working with him, too, to get their advice.

Ritchie: Who were they?

Riddick: Mr. [Harry] MacPherson, later became the general counsel to the President when Johnson was President, and a person named [Ken] Teasdale from Missouri who was MacPherson's assistant. They were concocting a lot of material on the subject. Johnson was always anxious to get everything he could that was available to him before he would decide what he was going to do.

Ritchie: Now he had been majority leader for all those years. He must have had some pretty strong opinions on all this. He had not been part of the Anderson group that was trying to change the rules that drastically. Held been something of a compromiser.

Riddick: I think in final analysis he accepted our point of view as parliamentarians of the Senate even though he gained information from all of the others. For

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example, there were a lot of parliamentary inquiries made on the opening as to what rules we were working under and things of that nature, and what the situation would be. If you go back to the record you will see what the vice president said. But here I have a copy of a proposal I gave to him for his ruling. It reads as follows:

The Chair would like the record to show that the present occupant of the Chair has no intention of issuing advisory opinions on hypothetical cases. Advisory opinions or responses to parliamentary inquiries by the Chair are not subject to an appeal by the Senate and hence the Senate would have no chance to work its will thereon. Under the above circumstances such opinions could serve no purpose other than to give a particular conclusion of the Chair a propaganda effect. The Chair does not propose to get into advisory opinions on hypothetical questions. On the other hand, rulings by the Chair on points of order are subject to appeal, and the Chair will be ready to rule, or submit the same to the Senate when the points of order are made. Also, the Chair will try to be helpful in responses to inquiries relating to the pending motions as they arise. In response to any points of order as to constitutionality of procedure, or as to continuity of the Senate, the Chair may state under the uniform precedents of the Senate in a case where a question

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is raised as to the constitutionality of a measure it has been uniformly held that the presiding officer has no jurisdiction or authority to pass on such a question. It is the duty of the Chair to submit the question immediately to the Senate, and the present occupant of the Chair will follow that practice.

Ritchie: This was something of a response, in effect, to Nixon's statements. Johnson was saying he wasn't going to do that.

Riddick: That's right, he wasn't going to make these responses to parliamentary inquiries.

Ritchie: And you said you proposed this point to him.

Riddick: Well, what you do is always talk with them before you do anything. You've got to see what their interests are, what they really want to say to the Senate, how they really want to perform. After you get their point of view, their feelings, then you concoct a proposed answer, within the confines of the precedents and practices. So it isn't always yours. What you are doing is advising the Chair as to how he should

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respond to this after you get a feeling of what he wants to do.

Ritchie: So from this, Johnson was feeling that Nixon's statements hadn't really gotten anywhere, and he wasn't going to get into that same situation?

Riddick: Well, I'm not sure. In other words, I think he still had his eye on the presidency, and I think that he was concerned not to muddy the waters. Since he saw that nothing could be gained by just expressing his opinions, why muddy the water? I think that he was a practical politician, and unless he had to act he didn't propose to act.

Now there were several things, I remember there was a ruling or two that he made. I remember on one instance he said: "I know, Doc, there's something coming up shortly, and I wish you would go and prepare me something on this." So I went down to the office and worked very rapidly, because he was expecting a point of

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order to be made right away, and I went down and worked on that and was back within twenty to thirty minutes with it all typed up. Lo and behold by the time I entered the side door to the chamber the point of order was being made right then and there and I handed this to him, about a two page typed opinion. He read every word of the opinion, and said: "And this is the opinion of the Chair." So he had to have faith in you, otherwise he wouldn't do that. He didn't have a chance to read it over even before he had to present it to the Senate.

Like in the case of Vice President Nixon, I enjoyed working with Vice President Johnson. They were both very clever, intelligent people. Frequently, if you had the time to tell them something, they could restate it better than you told them in the first place. I was amazed at their ability to do that.

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Going back to the Anderson resolution, S. Res. 9, in the first session of the 88th Congress. It was laid down the next day after it had been ordered to go over under the rule, the normal procedure, and at the end of the Morning Hour it went to the calendar. Then a motion was made by Anderson to take up the resolution. Debate on the motion continued through from January 14 until January 28, when Anderson moved that the Chair put the question without further debate, under the constitutional right of the Senate to change its rules at the beginning of a new Congress without any restraints. The vice president put the question as a constitutional question: "Does a majority of the Senate have a right, under the Constitution to terminate debate at the beginning of a session and proceed to an immediate vote on a rule change notwithstanding the provisions of the existing Senate rules?" The Senate

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recessed on January 29 and agreed that they would vote on a motion to table.

The question was put by the Chair at the proper time on January 31 under the agreement, and the motion to table was carried by a vote of 53 yeas to 42 nays. Then the Senate turned again to the debate of the motion to take up S. Res. 9, the first ploy having failed. On February 7 the Senate adjourned by a vote of 64 to 33 which killed the motion to consider. You see, a motion to take up a bill, or a motion to take up anything when not agreed to, dies at the end of a legislative day. If you recess, that motion to take up would continue. But when you adjourn, you kill the motion. By a unanimous consent agreement, S. Res. 9, and all other resolutions on the subject were referred to Rules and left there without any further action by that Congress.

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On January 6, 1965, the 89th Congress, Johnson had gone to the White House, and Senator [Carl] Hayden of Arizona was the president pro tem. Anderson submitted S. Res. 6 at the opening of this Congress, to amend Rule 22 again by requiring three-fifths of the senators present and voting instead of a two-thirds vote. The resolution was ordered to go over under the rule by the president pro

tem, when an objection was heard to its immediate consideration. On January 7, the resolution was laid before the Senate and [Everett] Dirksen moved to refer the resolution to committee. Anderson moved to add instructions to the motion, part of which was ruled out of order as instructions to the Senate and not to the committee. You can always refer anything to a committee with instructions, but those instructions have got to be instructions to the committee, not instructions on what the Senate is going to do when the

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resolution is reported back. That's what he was trying to do, instruct the committee to report the resolution back under certain conditions, and that when reported back the Senate would proceed to its consideration. The Senate can't instruct itself under that situation; they can only instruct the committee what to do (like holding hearings on the resolution, report it back at a said date, and so forth).

Ritchie: So what was an illegal move was to say that the Senate would then proceed to the question.

Riddick: Well, I don't know about "illegal," but it's contrary to parliamentary law.

At 2:00 o'clock the resolution went to the calendar. Anderson then moved that the Senate proceed to the consideration of the resolution. So the motion to refer was not then pending until the resolution itself was before the Senate. In other words, if you offer an amendment to a resolution it doesn't become the pending question

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until the Senate has agreed to proceed to the consideration of that resolution. So, likewise, a motion to refer the resolution with instructions was not before the Senate until after the Senate proceeded to consider the resolution.

Senator [Mansfield](#), the majority leader, got unanimous consent to refer, after some debate, S. Res. 6 and 8 to the Rules Committee with instructions that the committee file a report by March 9, 1965. The report was filed, but it was an adverse report. It was placed on the calendar, and that was the end of the activity to amend Rule 22 for that Congress.

Ritchie: At this point, could you describe just what the role of the Rules Committee is in cases like this. The Rules Committee seems so dormant in the Senate by comparison to the House committee.

Riddick: Well, the Rules Committee is not a policy committee like the House Rules Committee is. It has never been established in the Senate for the Rules

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Committee to report specific resolutions to provide for the consideration of proposed legislation. In the House, a bill that is not otherwise privileged, a representative can introduce a resolution that will be referred to the Rules Committee to provide for the immediate consideration of that bill once it's on the calendar. That gives the specific procedure for the consideration of that bill. The Senate has no such procedure. In the first instance, that's tantamount to a cloture rule in itself, because if you can write a rule of procedure, or prescribe a procedure for the consideration of a specific bill, and that resolution can be agreed to, by a majority vote, which is privileged to consider, and in the House debate on it is limited to one hour, you in effect don't have freedom of debate. So if you allowed such a procedure in the Senate, you would be shutting out the unlimited

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debate concept, or the freedom of debate aspect of Senate procedure. And this is one of the things that makes the procedure in the House and the Senate greatly different.

Ritchie: So, in effect, the House has allowed its Rules Committee to take up this power because it enables it to do its business more quickly, but the Senate has restricted its Rules Committee because it doesn't want it to influence floor business so greatly.

Riddick: I don't know as you would put it quite that way. The Rules Committee in the House, as I remember, was about a five-man committee membership, with the Speaker being its chairman at the beginning. And he always, as the writers on the subject have said, had his henchmen on the Rules Committee until way late in our history, that is in the 1900's when the "Cannon Revolution" occurred. By that time the House had established its procedure that the Rules Committee would play the

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role of determining and scheduling in effect what procedure the House was going to follow on a certain bill and when it could be taken up, because that special rule reported out of the Rules Committee was privileged business.

The Senate, on the other hand, had freedom of debate established, particularly after they abandoned the so-called "previous question," way back in the early 1800's, and left the Senate with unlimited debate all the way down to the cloture rule in 1917. Even then you get freedom of debate until you invoke cloture, which is a very restricted procedure. The Senate had no place for such a procedure. It had no role for the Rules Committee in that capacity. The Rules Committee of the Senate has specific jurisdiction, defined in Rule 25, as to what it shall consider, and the role it is allowed to play in Senate procedure. But one

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of the procedures is not to report special rules for the consideration of particular bills.

Ritchie: So in this case when Senator Dirksen moved to send the resolution to the Rules Committee . . .

Riddick: Mansfield and Dirksen.

Ritchie: . . . what they were doing was saying: Take it off the floor for a while, let them write a report on it, and then we'll deal with it later. In other words, the report didn't necessarily have any effect on the bill except to remove it from the pending business for the time being.

Riddick: Well, a little more than that, I'd say. After all, the resolution specifically provided for three-fifths to invoke cloture. Now the Senate likes to think that it doesn't, except by unanimous consent procedure, take up legislation on the floor until one of its standing committees has had an opportunity to examine and study the proposition. This, of

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course, could be a delay tactic. it could be they thought that's the way to get rid of it, and kill it. It could be that they wanted constructive findings and constructive proposals as opposed to what the resolution embodied when it was referred. I never questioned the motives of the senators when they made motions. But whatever their motive was, or whatever the intent was, certainly it gave the Rules Committee a chance to hold hearings, get points of views of the different senators as to what should be done with respect to amending Rule 22, and give a report with arguments pro and con to the Senate as to whether they should amend Rule 22. It would then have the sanction, if it were reported out of the Rules Committee favorably, of one of its standing committees that something ought to be done. But the Rules Committee voted it out adversely.

Ritchie: Could the Senate have then proceeded on it?

Riddick: The Senate could have proceeded on it even though it was reported adversely, and could have acted just the opposite of what the Rules Committee recommended. However, at this late stage in the session, the resolution having been reported adversely, and not being able to invoke cloture to bring such a resolution before the Senate, there wasn't much opportunity of getting it adopted, and the leadership concluded not to waste the time of the Senate for the rest of that Congress.

On January 10, 1967, the 90th Congress, Mr. Humphrey had become vice president. On the opening day, Senator [\[George\] McGovern](#) of South Dakota submitted S. Res. 6 and asked for the immediate consideration of the resolution. Objection was heard, and the vice president stated the resolution would go over under the rule. Senator [\[Thomas\] Kuchel](#) of California

submitted another resolution which went over under the rule. On January 12th, the McGovern Resolution was laid down, and when the hour of 2:00 p.m. arrived, not having been disposed of by that time, it went to the calendar, as is the established procedure in the Senate. Later in the day, Senator McGovern moved to proceed to its consideration. On January 18th, Senator McGovern moved immediate consideration of the resolution, under the following conditions: that the question be put immediately by yea and nay vote, and after two hours time limit on motion to consider the Senate vote. Russell demanded that the question be divided, which it was.

Ritchie: What do you mean by "the question be divided"?

Riddick: Under the rules of the Senate, any time that a question is pending, an amendment, or any other motion or what have you, if it involves two issues and can rightly be divided, a senator can demand that

the question be divided. And if the question is divisible, it will be divided. That would permit you to vote on each issue separately. That is in the rules of the Senate.

So Senator Russell demanded that the question be divided. Senator Dirksen, the minority leader, made the point of order against the motion as not being in order. It's contrary to the rules that you put the question immediately. The vice president stated the question raised a constitutional question again, and submitted the question to the Senate for decision. Senator Mansfield, on January 18th made five parliamentary inquiries, namely: (1) is a point of order debatable, to which the vice president responded in the affirmative; (2) if a motion to table a point of order were made and prevailed, would that in effect confirm the propriety of the motion of the Senator from South Dakota, and

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the vice president responded in the affirmative, that the McGovern motion would then be the pending question; (3) does the motion to table require but a simple majority, to which the vice president responded that under Senate precedents it requires a majority vote; (4) he asked if the Senate by an affirmative vote tabled a point of order, would the pending question at that time be to proceed to consideration of S. Res. 6, to which the vice president responded that that would be the only question left before the Senate; and (5) he asked if the Senate affirmed the propriety of the McGovern motion would any further debate on the pending question be allowed, and would the Chair order the clerk to call the roll on the motion to proceed to the consideration of S. Res. 6, to which the vice president replied that the wording of the motion so states, with the two hour proviso.

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Later in the day, McGovern moved to table the point of order, but the motion was lost by a vote of 37 yeas to 61 nays. Then the point of order was sustained by a vote of 59 yeas to 37 nays. Debate then continued on the motion to take up S. Res. 6, and a cloture motion was filed on January 19. On January 24 the cloture lost by a vote of 53 yeas to 46 nays. That was the end of such activities for that session.

Ritchie: Vice President Humphrey was in a different position from either Nixon or Johnson. He was actively part of the Anderson group that had been moving to reform the rules, and now he was sitting in the Chair, although representing the Johnson administration. This must have put him into something of a tight spot. Did you deal with him at this point when he was making up his mind on how to proceed?

Riddick: What you say is true, there isn't any question that he was a proponent of

the change. But he told me at the very beginning of our discussions that he was now the vice president of the United States and he wanted to live within the confines or the guidelines of the rules as far as it was possible. After all, he too had looked forward in hope of becoming president of the United States. You try to make the two jibe, or dove-tail, so that you don't go way out on a limb and destroy your future in some desired direction. You also want to play as close to the regular procedure as possible, without stirring up too much animosity on the part of the Senate itself. So you weigh all of these factors. I don't say which way you've got to go; in this role you weigh all factors and figure out what's the best for the country, what's the best for the Senate, and what's the best for you as an individual.

Ritchie: It seems like Mansfield played quite a role in this. He put the

questions to Humphrey, I guess that was prearranged.

Riddick: Exactly; they talked this over to see what they could do to set the guidelines again, set the stage as to how you were going to play the game. I worked very closely with Humphrey just as I had with Nixon and Johnson. I was warned; I shouldn't say warned but advised, by Mr. Humphrey that he wanted to play as closely to the established procedure as possible, without wrecking the ship.

Ritchie: What would be the procedure in this case; at the beginning of the session would they contact you and give you some idea of what they intended to do, and then ask you to prepare reports for them?

Riddick: This is always the case when you get a new vice president coming in. You spend more time with him because you've got to work with him throughout the session. You talk over the problems and he sort of instructs you

what he expects of you. When a new Congress begins, he wants to be instructed what's expected of him in comparison to what's been the case in the past.

Ritchie: The vice president, as we've mentioned, doesn't come down that often anymore.

Riddick: He does at the opening of a Congress and the beginning of his term as vice president.

Ritchie: So he's informed in advance when some of these motions are going to be made, and he prepares for that and sits during the opening session.

Riddick: That's correct. Whenever there's something crucial coming up and you need the vice president, he's informed and he's prepared or you discuss with him what he's up against and what he plans to do and what he wants you to do for him, so that he can perform properly.

Ritchie: Would there be any case in which the vice president wouldn't be informed.

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in advance, in which a senator would stand up to make a major point of order or parliamentary inquiry in which the vice president was not there? And would you then try to bring the vice president in?

Riddick: Well, you get these things all the time unexpectedly. Yes, my experience with the vice presidents I've mentioned, and including Vice President [Agnew](#), they always assured me that if they were around the Chamber be sure to alert them if I needed them and they would come in; the vice president as you know can always bump the president pro tem or any other senator that might be presiding.

Ritchie: Is there any feeling that the ruling of the vice president carries any more weight than say the ruling of a senator who just happens to be rotating at the Chair?

Riddick: Oh, I think so. The Constitution assigns the vice president with the responsibility of presiding over the

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Senate. Through the years that's been our history, that he is the top presiding officer, and likewise he's vice president of the United States, one breath away as they say from the presidency. That makes him a more important public figure. While the Senate is always operating on the assumption that the vice president is not one of their members, and that he's maybe a part of the administration, the Senate has always given a great deal of deference to the vice president. Unless the vice president, as [Charles Dawes](#) did, came in with the assertion that he proposed

to do away with some of the archaic procedure found in the Senate. Well, that didn't do him much good.

Ritchie: I suppose there are quite a few stories about that.

Riddick: Well, that was before my day, and my observations would be no more important than anybody else's.

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On January 3, 1969, the beginning of the 91st Congress, request was granted to hold over proceedings on rules changes until January 9, at which time Senator [\[Frank\] Church](#) submitted S. Res. 11. The argument had been pretty well established by Vice President Nixon that once you proceed to substantive legislation without changing the rules you've assumed that you've acquiesced in the previous rules of the Senate and then it becomes too late to change the rules under the constitutional guaranty. So they got a unanimous consent request to protect their rights in that regard, and asked that any proceedings be put over until January 9, which was agreed to. At that time, Senator Church submitted S. Res. 11, which went over a day under the rule, and on January 10, was laid down and debated until 2:00 o'clock, when it

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went to the calendar. Church moved to proceed to its consideration.

On January 14, cloture was filed on the motion to take up, and on January 16, the vote on the motion to invoke cloture was 51 to 47, just a bare majority. But Vice President Humphrey then announced the vote and arbitrarily announced that the motion to invoke cloture was agreed to, just as he had advised he would do in response to a parliamentary inquiry. Senator [\[Spessard\] Holland](#) took an appeal from the ruling of the Chair and the decision of the Chair was reversed. I might say I had advised the vice president that he would never get away with such an announcement.

Ritchie: How did he respond to that?

Riddick: I think he felt politically obligated to do that at this stage of the game. The Chair was just not sustained. The Chair had held that the appeal was not

debatable -- the funny thing of it is he'd ruled that a majority vote was sufficient to invoke cloture, but he likewise held that Rule 22 (which holds that appeals are not debatable) provided that appeals were not debatable. He was applying one part of the rule, but not allowing the other part to be operative.

On January 24, another motion to invoke cloture was filed, and on January 28, it was defeated by 50 yeas to 42 nays. On January 29, the motion died when the Senate adjourned instead of recessing. And that was the end of action for that Congress.

Ritchie: So Humphrey's action was a sort of last-gasp attempt?

Riddick: Well, I don't know if it was the last, but maybe he felt he might have the chance to run for the presidency and it was getting a little popular to do something about the cloture rule; he might have felt that this was one way of doing it. I don't know. Again, I

certainly would not ever question the motives of a vice president.

Ritchie: But you had recommended against his action.

Riddick: When he raised the question with me if there would be a chance of ruling that a majority vote was sufficient, I said: "Absolutely no, Mr. President, Rule 22 says it takes two-thirds, and until the rule is amended to allow it I don't see how you could rule that way."

August 25, 1978

Ritchie: We were talking about the role of the vice presidents in the question of the Senate as a continuing body and in the filibuster and cloture problems, up to when Vice President Humphrey left office in 1969. At that point, Spiro Agnew became vice president. Perhaps you can tell me a little about how Agnew faced these questions.

Riddick: The 92nd Congress convened on January 21, 1971, and the action on whether the Senate was a continuing

body or whether there was a constitutional right to change the rules without filibuster at the beginning of a new Congress was renewed again. As I stated previously, the argument had been pretty well established by Vice President Nixon that once you proceed to substantive legislation without changing the rules, you have assumed that you have acquiesced in the previous rules of the Senate. Then it becomes too late to change the rules under the constitutional guaranty.

So at the beginning of this Congress they got a unanimous consent agreement to defer action on rules changes until January 25. On that date, Senator Church of Idaho submitted S. Res. 9, which went over a day, as requested, and on the next day it was laid down and debated until 2:00 o'clock, when it went to the calendar. Senator [\[James\] Pearson](#) then moved to proceed to its consideration. At the very

beginning of the session, when the question was raised, that was on January 27, the new vice president sort of followed the lead that [Lyndon] Johnson had given, a course that I recommended to him, as well as to Johnson, when he was asked some questions, particularly by Senator [Allen](#) of Alabama. Senator Allen submitted a parliamentary inquiry as to whether the present occupant of the Chair intended to issue an advisory opinion on proposed changes of the Senate rules. The vice president responded, which I think is significant, so I'll quote his ruling:

The Chair wishes to state at this time that he has no intention of issuing advisory opinions on hypothetical cases. If it is an inquiry involving immediate disposition of a pending matter, the Chair will judge each on its own merit. Advisory opinions or responses to parliamentary inquiries of the Chair are not subject to appeal by the Senate. Hence, the Senate would have no opportunity to work its will thereon. Under the circumstances stated, such opinions could serve no useful purpose other than to give a particular conclusion of the Chair.

On the other hand, if points of order are made, the Chair is ready to rule or to submit the same to the Senate for decision. As you know, any ruling by the Chair is subject to appeal by the Senate, and the Senate, in such instances, has an opportunity to work its will.

Likewise, the Chair will try to be helpful in responding to inquiries relating directly to pending questions. In response to any point of order as to the constitutionality of the procedure or as to whether or not the Senate is a continuing body which involves a constitutional question, the Chair, under the uniform precedents of the Senate, will submit the same to the Senate for decision.

That set the stage that he didn't propose to get into a lot of colloquy between the senators as to what he thought about whether the Senate was a continuing body, or whether there was a constitutional right to change the rules with limit on debate. I have stated that Senator Pearson moved to proceed to its consideration, and on February 11, a cloture motion was filed on the motion to take up the resolution. On February 18, the vote on cloture failed by 48 yeas to 37 nays. On February 19, a second cloture motion

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was filed, and a vote on that motion on February 23 lost by a vote of 50 yeas to 36 nays. On February 26, another cloture was filed, and on March 2, the motion lost by 48 yeas to 36 nays. I might say, this is the first time the Senate started the use of a whole series of cloture motions and thereby try to limit debate so as to bring up the resolution.

Ritchie: What was the reason behind bringing up the series? Didn't they realize they were losing on the first vote, so why continue?

Riddick: That would seem to be reasonable, but I guess the leadership wanted to show that it was determined to do what it could to give the Senate a chance to vote on whether or not the rules should be changed. We had no precedent in the early history of the cloture rule, but in my humble opinion the framers of that rule never intended that you would run *ad infinitum* with different cloture motions. I think their feeling

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was that they drafted the rule to give the Senate an opportunity to bring debate to a close if it wanted to. If they had had a point of order on such a basis early in the history of the rule, I'm inclined to believe the Senate would have established the precedent that you wouldn't be permitted more than one vote to invoke cloture on a particular question. But in the absence of such precedents the leadership began to establish a procedure, particularly under Senator Mansfield, that you would keep on trying, as long as you felt that there was a chance, or as long as you felt it was necessary to convince the country that you were trying to bring the issue before the Senate so as to get a vote on whether or not to take such action. So in keeping with this new practice, on March 5 another cloture was filed on the motion, and on March 9 by a vote of 55 yeas to 39 nays, the motion to

invoke cloture lost again. The Chair stated that "two-thirds not having voted in the affirmative, the motion is lost." But Javits appealed the decision. The Chair was sustained by a vote of 55 yeas to 37 nays. That concluded the action on any attempt to invoke cloture that year, or to change Rule 22.

In the 93rd Congress, the Congress convened in January 1973, but no action was taken at all to change the rules of the Senate. In conversation with various senators, even the proponents, I noticed that they had become conscious of the fact that this cloture was a two-edged sword. By this time the strong proponents of cloture rule, who were basically in support of civil rights, realized that they had passed about as much civil rights legislation that was being pushed pretty strongly in the Senate was contrary to the desire of the so-called liberals, and they felt that they didn't particularly need to

liberalize the cloture rule. I had begun to conclude that the fight on this problem, or this issue, was over. But I was surprised that it was renewed at the beginning of the next Congress.

Ritchie: What issues in particular do you think were on the minds of the liberals?

Riddick: I think one of the things, for example, as I recall right at the moment, was the busing issue, that if they got it too liberal they would have without question had enough votes to pass a limitation on busing issue, but they didn't have enough votes to get two-thirds. It wouldn't have surprised me if they couldn't have gotten a three-fifths. That was one of the issues, and then also there had been a lot of agitation to place some restrictions on labor legislation, that was becoming a very hot issue. I think that there were number of such issues that were coming to the forefront that made the liberals question if they shouldn't

just sort of slow things down as far as changing Rule 22 was concerned.

Ritchie: Up to that point there were a number of senators who refused to vote for cloture just on principle, I remember Carl Hayden was one, and a number of southern senators did because they were afraid of the precedents on civil rights; but were they changing their minds about cloture?

Riddick: Slowly that was happening. That was another consideration that would have permitted them to get enough votes to invoke cloture to pass some legislation, and the liberal senators began to realize that. There are a few still who refuse to vote to invoke cloture, even though it be for something that they would be favorable to. I think Senator [\[John\] Stennis](#) is one case, but I believe even he has voted once or twice for cloture now. So the old concept that a southern senator would not vote for cloture under any circumstances began to change, and the

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conservatives were beginning to pick up votes that were going to frustrate the liberals if the issues came before the Senate with a three-fifths requirement. So it was quite a surprise to me, in the light of the conversations that I had heard among a number of senators, particularly the liberals, and in discussion with them when they were asking questions about cloture, to find them again in '75 renewing the issue. If you go back after '71 to the *Record* you'll see where even Church of Idaho, who had been pushing for reform, made a statement to the effect that he wasn't so sure that cloture should be changed. There were a number of senators who made speeches on the floor to that effect. I had begun to conclude that they had accomplished what they figured they needed to accomplish and were going to abandon any further proposals for change. So again to repeat I was sort of surprised in '75 that they renewed the issue and fought

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it to the extent of making a definite change and getting the three-fifths requirement for invoking cloture on everything but a change in the rules -- that's a constitutional three-fifths to invoke cloture on all issues except for proposals to amend the rules which still requires a two-thirds vote of those present and voting, a quorum being present. Then on January 14, 1975 when the 94th Congress convened, Senator Mondale submitted S. Res. 4, to amend Rule 22 to provide for three-fifths to invoke cloture. On January 16, they considered S. Res. 4 with the resolution going to the calendar at 6:00 p.m. if no action had been taken on it by that time; that was an agreement. It went to the calendar as the agreement provided. On January 21, Mondale moved to consider the resolution, but at the end of the day the Senate adjourned, and therefore, the motion to take up died. It was renewed, however, by Senator [Pearson](#) of

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Kansas, and on February 20, Mr. Pearson made a motion, which was as follows:

Mr. President, I move that the Senate proceed to the consideration of Calendar item No. 1, Senate Resolution 4, amending Rule XXII of the Standing Rules of the Senate with respect to limitation of debate; and that under article 1, section 5 of the Constitution I move that debate upon the pending motion to proceed to the consideration of Senate Resolution 4 be brought to a close by the Chair immediately putting this motion to end debate to the Senate for a yea-and-nay vote; and, upon the adoption thereof by a majority of those senators present and voting, a quorum being present, the Chair shall immediately thereafter put to the Senate, without further debate, the question on the adoption of the pending motion to proceed to the consideration of Senate Resolution 4.

That was his motion, which is tantamount to a previous question motion, which had never been sustained by the Senate.

Ritchie: What do you mean by tantamount to a previous question motion?

Riddick: Well, in the House, where you have got the previous question provided for in the rules, it can adopt

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a motion on the previous question by a majority vote, because the rules so specify. Under general parliamentary law, particularly *Roberts' Rules of Order*, a motion to close debate, which is a previous question motion, requires a two-thirds vote. While this in the absence of a rule on the part of the Senate to that effect is tantamount to pulling out of the thin air a motion to close debate, or a previous question motion by a majority vote in the absence of any rule to support you or to sustain that concept. This had been attempted before, as we have discussed, involving constitutional questions each time; each time previously the Senate had maneuvered so that it got the issue debatable. Whenever a parliamentary question is submitted to the Senate for decision under all the precedents of the Senate that is a debatable issue. The only way, theretofore, that they had

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tried to reach that end was by letting the constitutional question being submitted to the Senate which was debatable and then moving to table that question, and if the motion to table (that was their stage play in that regard) should fail, then it would be assumed that the Senate was ready to vote by a majority vote to bring the issue to a close without any rule to sustain or support it. Because the argument was the Senate would have in effect said that "we're ready to bring this issue to a close by a majority vote." But this was in the absence of any such attempt, as you will find, and I should say that I should very quickly bring this to

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a close because I was no longer the parliamentarian then; I'd become the parliamentarian emeritus and was not advising the Chair; but I just thought it a good idea to bring the review up to when the Senate finally

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amended the rule to invoke cloture by a constitutional three-fifths vote.

So Mansfield made a point of order against this motion. Parliamentary inquiries pursued and responses favorable to get an immediate vote, if a point of order were made would the vote come immediately? In response to this question, Vice President [Rockefeller](#) stated that the Chair wished to clarify the answer to a previous parliamentary inquiry by the senator from New York.

The point of order raised by the Senator from Montana challenges the propriety of the motion offered by the Senator from Kansas. The Chair has stated that if the point of order raised by the Senator from Montana is tabled, the Chair would be compelled to interpret that action as an expression by the Senate of its judgment that the motion offered by the Senator from Kansas to end debate is a proper motion. Therefore, since the motion offered by the Senator from Kansas to end debate provides that it shall be immediately put to the Senate for a yea-and-nay vote the Chair would be compelled to abide by such requirement, the Senate having determined the requirement to be a valid one. (*Congressional Record*, 94th Congress, 1st session, February 20, 1975, p. 3841).

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The motion to table the Mansfield point of order was agreed to by 51 yeas to 42 nays. Then a division of the question was demanded on this motion that Senator Pearson had made, and the Chair ruled that it was debatable. The Senate adjourned and the motion to take up again died. The motion to consider was renewed and the senator from Montana, Mr. Mansfield, the majority leader, again made a point of order against that motion, but it too was tabled. The leadership was not in accord with this procedure. So, making a long story short, they vitiated all of this proceeding. Apparently the leadership had talked it all over and figured out that that was a bad precedent to establish in the Senate, so they in effect vitiated all of the rulings of the Chair and the tabling action and the procedure to get immediately to the issue, but with the tacit understanding, I guess, that

They were going to invoke cloture and do it the proper way. By indirect action they voted to reconsider the vote by which the Mansfield point of order had been tabled, and then the point of order was agreed to by a majority vote, this understanding having been crystalized, should I say, so that they knew what they were going to do. A cloture motion was then filed on the motion to consider S. Res. 4, and adopted by 73 yeas to 21 nays. Then they voted to consider S. Res. 4, by 69 to 26, and the [Byrd](#) substitute for S. Res. 4 was agreed to, to be treated as original text for the purpose of further amendment. Cloture was then filed on the resolution, and on March 7, the cloture was invoked by a vote of 73 to 21 on the resolution itself. The Byrd substitute, for all practical purposes, was agreed to as submitted. It provided that thereafter cloture on all issues except changes in the rules

could be invoked by a three-fifths vote (constitutional three-fifths) which meant 60 senators, as opposed to the former requirement of 67 if all were present, except in the case of proposals to amend the rules. Proposals to amend the rules would still require two-thirds of the senators present and voting, a quorum being present.

Ritchie: Was Rockefeller's action in effect a set-up with Pearson? Did Pearson tell him in advance his strategy?

Riddick: Well, I would assume that that was the agreement between the liberals and Rockefeller. Who was advising him, I don't know. I'm informed that he wrote a note to the present parliamentarian that he wanted it understood with him that it was a decision on his own as opposed to the advice of the parliamentarian. Certainly it was contrary to the practices and precedents of the Senate, and I think that that is why the leadership, under

Mr. Mansfield as majority leader, wanted to vitiate in effect all of the statements made by the vice president and come back and do it under the rules, practices, and precedents of the Senate as we say according to Hoyle.

Ritchie: If Rockefeller's ruling had stood, what effect would that have had on the Senate?

Riddick: If that had been accepted without question and the Senate had accepted that procedure, it would certainly have left the doors open for any future Congress to follow any kind of a motion they wanted, as long as it was a rules change or what have you, under the so-called constitutional right to do anything they wanted by a majority vote -- which is a dangerous thing under the established Senate procedures. Now if they want to go the way the House proceeds of establishing a procedure that you can move the previous question by majority vote you can always get to a vote

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without any debate any time you want to. But the Senate has always operated under the so-called concept of unlimited debate; but the Senate is restricting this more and more by rules and special laws (with provisions for procedure that say that the Senate under its constitutional mandate to make its rules as it sees fit, shall hereby establish a procedure for the Senate that subsequent legislation pursuant to this law that we are passing may be debated for only a certain length of time, and that motions to discharge committees are highly privileged and debatable for only a specified length of time). All of these laws, and we've got a great number of them now, are gradually allowing the case history to encroach upon the established procedure of the Senate of unlimited debate, and permits more and more issues and questions to be resolved in the Senate under an absolute restricted debate, like

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under the so-called Congressional Budget Act, involving the impoundment resolutions, the deferral resolutions, and the waving resolutions (which waves provisions of the so-called Budget Act). All are under restricted debate for so many hours; it specifies that in each case how long it can be debated and whether a motion can be repeated, and so-on and so-forth. All of these encroach on that so-called established procedure of unlimited debate of the Senate, which the Senate has lived by for nearly two hundred years.

[end of interview #4]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #5

Senate Leaders and Followers

(July 12, 1978; July 27, 1978; August 25, 1978)

Interviewed by Donald A. Ritchie



Floyd Riddick (center) with Senators Howard Baker (left) and Robert Byrd (right), commemorating the new publication of *Senate Procedure* in 1981.

August 25, 1978

Ritchie: We've been talking about unlimited debate for quite some time now, and I wondered from a personal side what it was like for the parliamentarian to have to sit through that unlimited debate, particularly the filibusters.

Riddick: Well, I've had some interesting experiences in that regard. I remember in 1954, I didn't go to the desk until about 1951, my predecessor Mr. Watkins had a serious illness, and a major operation having part of one lung removed, and he was out for over nine months. In that period we got into a lot of filibusters. One was the so-called Power Act, which involved the Dixon-Yates contract. I remember that I was suddenly thrown to the wolves, so to speak, and we had one debate that ran eighty hours, which I had to stay with without any sleep or any time to go down and have meals. I'd

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get a sandwich and go out near the desk and eat it, and stay there. Well, that was really a hardship on a single individual. At that stage of the game we had only the parliamentarian and myself as assistant parliamentarian. When Mr. Watkins was out I was left with the whole assignment.

We also had involved at that time the election contest between Senator [\[Dennis\] Chavez](#) and Mr. [Patrick] Hurley, who had been Secretary of War. That was very politically inclined, and it was pretty rough treatment I got at the very beginning; that was the first thing that confronted me when I had the desk to myself without Mr. Watkins' assistance. On another occasion, I think it was about 1957 when Senator [Lyndon Johnson](#) was still the majority leader, I remember coming into the Senate one Monday morning at 10:00 o'clock -- well, I

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came in at 9:00 o'clock but the Senate came in at 10:00 o'clock -- and we didn't adjourn until Saturday night of that week at 12:00 midnight. However, Mr. Watkins was back then, and while he was in bad health, he took about six or eight hours of each day, each twenty-four hour day, while I rested. We came in Monday morning and we went out Saturday night. It was pretty rough treatment.

Ritchie: You must get very disoriented after a while, just sitting there through so much with so little break.

Riddick: I was still young then, so to speak, and I was able to endure it pretty well, as long as I'd keep drinking coffee and eating lightly. I was a little bit jittery and nervous, but when the pressure is really thrown on you I think your glands start pumping adrenalin sufficient to take care of you under such a crisis. Somehow, certainly until

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I was about ready to retire, whenever I got in under severe pressure, my mind seemed to be able to recall everything that had ever gone on before, and I was able to function, I thought, reasonably calm and able to meet whatever crisis I was up against.

Ritchie: I always wondered if the senators, when they get involved in these lengthy debates realize the burdens that they're putting on their staff, this twenty-four hour around-the-clock ordeal.

Riddick: Yes, they frequently apologize, but that doesn't help too much. It keeps you from getting mad maybe, but as far as your feelings are concerned you get awfully tired regardless of the bouquets they might throw in your behalf.

Ritchie: Would someone like [Wayne Morse](#) or [Strom Thurmond](#), who were champion filibusterers, come to you in advance to talk about tactics about holding the floor and things like that?

Riddick: Unless they had previously done it, they would. They were always concerned

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with their rights, and they would ask you under what conditions they could act. And not only that, most of these senators, when they go for a long speech, or participate in a filibuster, they keep somebody next to them all the time, and they're always able to pause long enough to whisper to that aide they've got next to them to undertake an assignment for them. It's not uncommon, even during the debate, when they're holding the floor for a long period of time, if they're in doubt of their rights, or in doubt of what they would like to undertake for fear they'd lose the floor, they'll send their aide up to the desk to ask us "what rights have I got?" "what can I do?" or what have you. We write it out, and he takes it back to the senator and puts it up on his desk, the senator reads it and he knows exactly where he stands. Sure we work together, because after all,

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that's what we're there for, to help the senators and the presiding officer in any parliamentary crisis.

Ritchie: I guess they were entertaining in their way, a person like Morse or like Thurmond. I don't know what your reaction to them individually was; did they drive you crazy when they got into those long-winded speeches?

Riddick: Well, some people get mad, but I figured always that that was what I was hired for, to assist the Senate regardless how tired or otherwise I might feel. I always let the thought dominate my mind: "This is what you were hired for boy, sit still." And I never got bitter about it at all, under any circumstances. Further more, I find if you get mad your mind isn't clear when you're trying to serve the Senate.

I might tell you an interesting story, I remember when we had under debate the so-called Public Power,

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Senator [\[Estes\] Kefauver](#) was participating in this. As you know, when senators start one of these filibusters they always map out who's going to speak and when he's going to speak, and how long he's going to speak. This particular evening, along about 4:00 o'clock, Senator Kefauver picked up the assignment to carry the Senate for most of the night, until he was relieved, whatever the schedule was.

Long about 9:00 or 10:00 o'clock in the evening, there weren't many on the floor, maybe two others, when his aide came up to the desk and said: "Doc, the Senator wants to know what he can do. He is equipped with a bag to take care of the situation, but something has happened to the bag and he's upset. He needs to go to the Men's Room to adjust himself." I said to the aide: Just tell him to ask unanimous consent that he be permitted to call for a quorum without losing his right to the floor,

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and then he could go out and adjust himself and come back." It was really entertaining, knowing what the situation was, to see him try to walk off that floor!

Ritchie: In a related story, this wasn't a filibuster, but I heard that Wayne Morse liked to give speeches late at night, just before the Senate was about to adjourn, and that on one occasion when [Daniel Brewster](#) was in the Chair, Morse hesitated for a moment and Brewster, who had to leave, suddenly adjourned the Senate. And the next day had to apologize.

Riddick: That's not exactly the situation, there are two or three things that I would like to mention here. The first instance, you remember when Senator Morse changed his political party; he first became independent and then he became a Democrat. Well, after he'd been elected a Republican and shifted his party allegiance to independent, he lost his committee assignments. The only committee

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assignment they would give him (he'd been on Armed Services and one or two other major committees) was D.C. This was before the current rules in which senators have to be given major assignments, they gave him two minor committees. He refused them; he said as a senator since he didn't have any committee assignments he had to hold his committee meetings on the Senate floor. And it was invariably on Friday evening when you wanted to get out for a long weekend! He would come in about 4:00 o'clock and hold you to 9:00 o'clock Friday night, and this was regularly done! So he did vex a lot of senators who had to sit there and preside, and it was getting tiresome, because generally speaking there would be not more than three on the floor: the presiding officer, one on the minority side, and Senator Morse.

This particular night you are thinking about, I tell this as

background to show you the animosity on the part of some senators because of the way he held the Senate in without what they thought was reason. This particular evening I had gone down to the Cosmos Club. Through all of the years that I'd served the Senate as parliamentarian I don't think that I had even been away from the Senate when it was in session more than three or four times, and this was one of the times. That evening I had been given assurance that there were going to be no other problems for the evening, and so I had my son's father-in-law as a guest and I was taking him to the Cosmos Club for dinner. While I was there all of a sudden I was called to the phone, and it was Senator Wayne Morse. He asked me: "Doc, can they do me this way?" I said: "Well, Senator, they've adjourned, I don't know how you can get them back in." But the thing occurred like

this: They had before I'd left gotten a unanimous consent agreement that at the close of business the Senate would adjourn or recess to a certain hour on Monday, this being I think a Friday night. What had happened was that Senator Morse had the floor, he'd been recognized, but he hadn't started his speech. He yielded to someone else to make some comments. He might have said a few words, but he hadn't said much. Well, somehow the other senator finished before Senator Morse had gotten his papers all straightened and he paused for a moment. Senator Brewster, presiding, knew that that order was that at the conclusion of the transaction of business the Senate would stand in adjournment or recess until Monday, which gave some sanction to the Chair, as they have done, to adjourn the Senate on their own, in a sense. But Senator Morse had been recognized and had only yielded and the floor hadn't been

taken away from him. But then Senator Brewster gave the order that pursuant to the previous order the Senate will stand adjourned until such-and-such a time. And this is when Senator Morse found himself standing there without finishing his speech, and that's when he came to the cloakroom and called me at the Cosmos Club, wanting to know if he had a right to continue. Well he, I think, put his speech in the *Record* without delivering it, and I think the *Record* so shows, but he did not get the floor back to make his speech that night. And I understand that the presiding officer, Mr. Brewster, was called in by the leadership the next day, or Monday, whichever it was, and forewarned that that was not the conduct of a senator. I question if it ever occurs again.

I remember Senator [\[John Marshall\] Butler](#) of Maryland, and Senator [\[George\] Aiken](#) one time,

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had been put in the Chair under a comparable circumstance, and they had engagements and they wanted to be somewhere else. They were put in the Chair with the understanding that they would be relieved, but they couldn't find a senator to relieve them. And they would threaten: "If you don't get me somebody in ten minutes I'm going to get up and walk out of here!" As a sort of a joke for a long time comments between Senator Butler and myself went: "If you don't get me somebody I'm going to go out of here!"

Ritchie: I'd like to ask you now about the leadership that you served under during your service as parliamentarian, some of the personalities that you've been in contact with.

Riddick: I think we've had some very strong and important senators during my term. I might mention just two or three on this occasion. I was very much impressed by the senior Senator [\[Robert\] Taft](#), by Senator [Carl Hayden](#), by

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Senator [Walter George](#) of Georgia,, and Senator [\[Arthur\] Vandenberg](#) of Michigan. There were others, [Millikin](#) of Colorado, [Douglas](#) of Illinois, these were very informed men; they worked hard at their assignments, and I was very much impressed by them. I didn't always, agree with all of their points of view, but I never raise a question about the beliefs and philosophy of another person. I would hate to be restricted in my philosophy of life and therefore I must yield the same to others.

I'd like to tell a little story on one or two of these men. You know that it got to the point that senior Senator Taft of Ohio became "Mr. Republican." He had brought to the Senate a man named George H.E. Smith, who had been professor in the graduate school at Yale. We wrote a little book together called *Congress in Action*, and we became very close friends. George Smith was brought down to

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Washington by Senator Taft to be the staff director of the Republican Policy Committee, but my association with him was as an individual not as a party man. One day I asked George, I said: "George, I am impressed by Senator Taft, and he

has certainly gained a national reputation as 'Mr. Republican.' What would you say brought him to the forefront as the leading Republican senator in the Senate?" And George said: "If I had to answer it in a few words I'd say: 'Let Bob do it.'" I said: "What do you mean?" He explained that Senator Taft was on the Policy Committee for the Republicans and was one of the group that helped to manage the Republican leadership in the Senate. George, as the staff director of the Policy Committee sat in all of these meetings that the Republican senators held, that is the members of the Policy Committee, and heard all of the

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discussions, and arguments pro and con, and the procedure.

He said that it developed in the Policy Committee that frequently they would decide who was going to take the lead on such-and-such a bill that was going to come before the Senate, who was going to spur the Republican members into debating and fighting the issue, or supporting the issue, and who was going to see that all of the data and information were pulled together for presenting the Republican point of view. And it was not uncommon for them at these meetings to say we've got to take a stand on say the F.D.I.C. [Federal Deposit Insurance Corporation], what stand are we going to take and who's going to prepare the Republican point of view on this issue? At that particular time I believe Senator Millikin was chairman of the Policy Committee and he would go around the table and ask each senator: "Would you be

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willing to undertake this assignment?" Each time all the senators would have an excuse: "I've got this to do," "I can't do that because I'm otherwise occupied on this which is more important to me." And after they'd go around the table, finally Senator Taft, who was then somewhat new in the Senate, would say: "Well, if nobody else will undertake it, I'll undertake it." This procedure developed into a repeat on nearly every issue, until they finally developed the saying: "Let Bob do it!" And it got to the point that Bob did nearly all of it. So naturally he became the important senator on the Republican side, or the one who was doing the job, until he was the real leader, regardless of what his title was.

Ritchie: He was only leader in name for a few months.

Riddick: A very short period of time before he had that cancer attack. That's George's concept of "Let Bob do it," as to how

he came to the front and became "Mr. Republican."

Ritchie: That's a little similar to Senator [Robert Byrd](#)'s rise as Democratic leader.

Riddick: That's exactly right, he undertook and did everything to the point that he couldn't be turned down in his bid for the leadership. Another story that I think is most interesting; Senator Carl Hayden told me this story. I remember when I first came up to the Senate to work I had interviewed him, because he was the head man here for all practical purposes -- he was also the chairman of the Joint Committee on Printing, and when I came up to set up the "Daily Digest" in the back of the Congressional Record, I was sent over to interview Senator Hayden. I hadn't talked with him for more than three minutes before he picked up the phone and called the Bureau of the Budget and told them that he was going to send me down to figure

out the estimated costs of running the Digest. Well, he impressed me so by his action that I wanted to ask him a few questions.

I had read the *Record* for many years and I always noticed that you never found that Carl Hayden said more than a paragraph or so in the *Record* on any bill. He'd get up and make a brief statement and that was it. I said: "Senator, I have heard since I've been around here that you are without doubt one of the most influential members of the Senate. That whatever you say they do. And I never see where you debate much. Why is it you never have much to say?" He said: "Well, let me tell you young man, when I first came to the House of Representatives the leader for the Democrats was [John Sharp Williams](#) from Mississippi, during the Woodrow Wilson administration. I had always been interested in the interstate highways system and had spent much time in that field and felt that I knew that subject

pretty well," (and as you know, he is considered the father of the federal aid to highway systems). He said: "I was in the House on this occasion and we were debating this highway bill. I went down into the well of the House that day and spoke for nearly an hour on this bill, setting forth my philosophy in every detail, and how I thought this highway bill should be developed and enacted. After I

finished I walked back down to the leader's desk, (you know, they have tables in the House Chamber for the leaders to sit) and I turned to John Sharp Williams and said: 'Mr. Leader, how did that sound?'" He said John Sharp Williams twisted his long handlebar mustache a little it and turned to him and said: "Young man, it sounded good. But it's on the *Record* now and it's hard to change after you put it on the *Record*." He said: "That taught me a lesson, and it leaves me more maneuverability to say little and get things done." That impressed me very much.

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Then, the next story that I'd like to tell you involves Senator Walter George of Georgia. I remember one day, and I was very impressed by his ability to speak and convince the Senate. As a matter of fact the Senate was debating the moratorium treaty with Germany and we at the desk were discussing the issue when the debate began and didn't believe they'd get much more than a majority vote. At that time, I believe Senator George of Georgia was the chairman of the Foreign Relations Committee, and he took the floor; [Nixon](#) was then vice president; and Senator George spoke for about forty-five minutes without a note, as he normally spoke without notes. During his speech there was total silence in the chamber, and we noticed senators coming in two and three at a time until there were nearly ninety senators on the floor. He held forth for about I

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would say forty minutes, and during that speech the vice president, Mr. Nixon, reached over and said: "There goes one of the last men that when he speaks he changes the points of view of senators." Well, to our amazement, they took the roll and I believe the vote was something like 90 to 2. It was just unbelievable how he convinced the senators they should support that treaty.

On another occasion (Carl Marcy was the staff director of the Foreign Relations Committee at that time) the Senate was considering a reciprocal tax treaty with Canada. As you know, the practice is for someone, some staff director or some aide, to sit next to the chairman of the committee to supply him with data and with details that he might forget while he's speaking. Well, on this particular occasion, Senator George took the floor on this reciprocal tax agreement, and I noticed

Carl Marcy in the back of the chamber instead of sitting next to Senator George. Nobody was sitting next to Senator George to assist him, but he was standing again without notes speaking. I walked around to the back of the chamber and encountered Carl Marcy and I said: "Carl why aren't you down there next to Senator George, assisting him?" He said: "Hell, he knows more about the treaty than I do, why should I be there?" And that was the attitude that those who worked closely with Senator George had towards the senator. He was very competent and made very brilliant speeches on the floor, and was considered one of the most informed senators.

I might say the same thing about Senator Vandenberg. As you know, Senator Vandenberg had been a newspaperman, and I was told a number of times by reporters that when he was

chairman of the Foreign Relations Committee he normally held a press conference after the meeting was over (in those days they held closed meetings nearly all together and the chairman would hold a press conference after the meeting). I was told by a number of newspaper men that if the reporters had been able to take shorthand, they would have had a much better story, if they had taken down exactly what Vandenberg said, than if they wrote the story as they saw fit, because he had a knack for taking a particular case history and organizing it to present it very succinctly and convincingly. He was a very forceful speaker, too. I remember after the 80th Congress when the Democrats took over, I'll never forget the speech he made one day. In the 80th Congress, under his leadership, he had allowed a very close party ratio on the Foreign Relations Committee.

Then when the Democrats took over, the Democratic caucus decided to reduce that ratio so that the Democrats would have a bigger ratio of the total membership, I think it was by two or more. This hurt Vandenberg's pride. He made one of the hottest speeches on that issue that you can imagine. He felt he had been humiliated because he had been willing to work with a one-majority during his leadership of the Foreign Relations Committee and he didn't think it was quite fair to shift it. But, as you know, the question always arises in making these ratios because if some major issues are going to come up in that committee during that Congress they like to be sure that they will have a majority supporting

the majority party to get legislation out of it. That seemed to be why this was done, because they were anticipating some major legislation, and the Democrats

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wanted a sufficient ratio on the committee so they'd be sure if they had one Democrat to deviate they'd still have enough to get a bill out of the committee. But this really upset Senator Vandenberg and he made one very forceful speech, and became so heated that he had to keep wiping around his neck with a big handkerchief; he was perspiring so.

Ritchie: Did they roll-back the ratio?

Riddick: No, he lost. They stuck to it. I don't say it was partisan, I'm just saying there was a difference of opinion between the two groups.

Ritchie: We were talking about the type of leader who stays in the forefront, as opposed to those like Hayden, who stayed in the background a bit, [Richard Russell](#) also seems to fit that category, as chief of the "Inner Club" for at least his latter years in the Senate yet never became the leader of his party, at least the formal leader.

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Riddick: Well, I'm informed that Senator Russell absolutely was offered the assignment to be the majority leader, after [\[Ernest\] McFarland](#). Senator McFarland had been defeated, he was from Arizona and he'd had to take stands to support his party and the President and some of these stands he took were very distasteful to the voters of Arizona and he was defeated; just like Senator [Lucas](#) of Illinois had been defeated. Of course, I understand there were several reasons why Senator Lucas had been defeated, one of which was because Senator [Kefauver](#) had gone back into Illinois and made a speech that reflected on the senator, and at that time Senator Estes Kefauver was a very popular figure in the United States.

Anyhow, I am also informed in the inner circles that there was no question that Senator Russell could have had the leadership after

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McFarland; he would have been elected leader of the Democratic Party without question, had he been willing to accept. But he refused to take it because he said

that the civil rights issue was going to come up and he could not take a stand in keeping with what was then popular on the civil rights issues; and since he had to represent his state he didn't feel he could take the majority leadership under the circumstance. He denied the post but recommended that Senator Lyndon Johnson of Texas be the one to take the post, and Senator Lyndon Johnson at his beckoning was made the majority leader and therefore became sufficiently popular nationally to get himself eventually elected President of the United States. I knew this relationship rather closely and personally because I was tied in with it a number of times. I know that on nearly all of the parliamentary issues, as long

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as Senator Johnson was the majority leader, Johnson very seldom took any action, if it were significant, before he consulted Senator Russell to see how he felt about the issue.

Senator Russell told me the story that after Johnson had gone down to the White House, after the death of President [Kennedy](#), that President Johnson called him to come down to the White House one day. He told me that when he went down he kept saying "Mr. President," and Lyndon Johnson said: "Call me Lyndon as you used to, after all we've been together all these years." He said: "No, Mr. President. Now you're the President of the United States. You to me are Mr. President." And he refused to address him otherwise for the rest of his life. Anyhow, he was called down to the White House by the President to ask him if he would serve on the Warren Commission to investigate Kennedy's assassination,

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which the President had to appoint. He said, I told him: "Oh no, Mr. President, please don't give me that. I've got more than I can do now and I just would rather not get into that." But he said the President said: "I'm sorry, Dick, I've already given your name to the press."

Ritchie: Talking about Johnson, I've heard that he helped to change quite a bit of the flow of the business in the Senate, that he was quite a forceful leader and that the procedures and the daily routine began to change as he was leader. In particular I've heard that he made use of unanimous consent to a degree that had never been done before, and also the way he would logjam legislation up and pass it in a rush. Could you comment on these observations?

Riddick: I'd always heard that the only way to transact business in the Senate was under unanimous consent. I'm not sure that you would say that he reduced the Senate to unanimous consent procedure,

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as opposed to the previous experiences of the Senate. What he did make popular was the use of unanimous consent agreements. Now if you go back to the Record of earlier years you'll find that they reached a lot of agreements towards the latter part of a session; the sessions weren't so long, and they would reach agreements as to how long they were going to debate various bills. Certainly in modern times Johnson at least reinstated or increased the use of unanimous consent agreements as opposed to doing things by unanimous consent. In other words, you might reach a unanimous consent that you were going to vote at 5:00 o'clock tomorrow on the passage of a bill, but you didn't work out all the details. What Mr. Johnson did was introduce the use of what we call unanimous consent agreements, a detailed agreement as to how you were going to consider or the procedure that you were going to use for the

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consideration of a specific bill; how long each amendment would be debated; how long the general debate of the bill would last; whether all amendments were to be germane to the bill; and details of that nature. This was all reduced to unanimous consent agreements, even specifying the time that you'd proceed to the consideration of a said bill.

Yes, Mr. Johnson in that regard introduced a new procedure in the Senate, or at least expanded it, or made it more common than it had ever been before in modern times. It was almost to the point that hardly any major bill was considered without eventually reaching a general unanimous consent agreement to the final disposition of that bill. Unlike in the last ten or fifteen years, generally speaking you would start on the bill without an agreement, debate it a day or two days, and then get an agreement. You would get an

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agreement on some before you even started debate. Still when Mr. Johnson came to the forefront it was sort of a practice to allow them to consider the bill a little to see if they did anticipate a long debate, and if they did they would try to shorten the debate by restricting the time on each amendment. These were hard to come by, of course, and when Mr. Johnson started this procedure it was a common

practice for him to consult us (Parliamentarians) before hand and we would write up the agreement so it would be sufficiently drafted to meet any contingency that he had anticipated, parliamentary-wise, so that he could accomplish his end. Then he would have that agreement read to the Senate as opposed to just getting up and verbally stating it as the present majority leader, Mr. Byrd, is able to do. After it was read then the question was submitted: "Is there objection to this

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agreement?" It really, before the end of his leadership, was almost a common practice to get an agreement on every major bill, before you finally disposed of that bill.

He obviously was a great leader. He became one of the strongest leaders I guess we'd had up until that time. Whether we'll have some stronger later I don't know. I'd heard various senators comment that he was a little bit too coercive at times, and too strong to their individual satisfaction. But it's rather difficult, if you become a strong leader, for an individual member who might not like the way things are going to buck it, because if the leader gets in the harness and gets strong enough he can prohibit you from getting any favors or prohibit you from getting any legislation that you might want considered, or even prohibit any of your amendments from getting agreed to. So sometimes when the leader

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gets too strong the individuals lose their effectiveness. So there are arguments on both sides and therefore some of the senators did complain, but there's no question about it but that Mr. Johnson was very forceful and was able to get legislation enacted which no other leader theretofore had been able to accomplish.

Ritchie: I've heard that he also increased the hours of the Senate, that when he was there he would work late into the evening, and Saturday sessions and things like that.

Riddick: Oh, I remember periods when you were trying to get ready to adjourn that more than once you'd go anywhere from a month to ten weeks meeting every day from ten in the morning till ten at night, and including Saturdays, with a few exceptions. They were long hours. He was a driver if I'd ever known one. I remember one day he came in and told me he wanted me to draft him an agreement right

quick and told me what he wanted. I said: "All right senator, I'll get it for you as soon as I can." Well it wasn't five minutes before he came back into my office and said: "Where's my agreement?" I said: "Well, senator, I've dictated it and the secretary (who is now the parliamentarian, he was with us as secretary while he was studying law at night) will have it ready as soon as he can type it. He went back out and it didn't seem to me it was over a minute before he was back in again and said: "Where's that damn agreement?" He gave Murray Zweben hell for not having it ready. He said: "I could have gone all the way back over to my office in the Senate Office Building and had it dictated and typed out and been back with it by this time" He was a driver, and I don't mean maybe. Whenever he asked you for something he wanted it five minutes before he asked you. He was that type of a person.

That reminds me of a story you'd be interested in hearing, I think it was after the election of '58, when there was a landslide of Democrats coming into Washington, many from the West. The story goes, and I think it's true -- I told him this one time and it tickled him -- that several of the Democratic senators from the West came into Washington in early December to find homes to be ready for the January session. Senator Johnson always kept tab on everybody. He had his staff keep tab on every senator-elect and what they expected and etc., all the information he could get on them. Well, as soon as they got into town he knew they were here, and he began to call meetings to discuss what he expected to do that session and what they were willing to do, to get an understanding of what they wanted. This went on for day after day after day, and the new senators couldn't get a chance to

locate an apartment or home to live in. After one of these meetings that he'd held one morning they were standing around talking together with several others, one or two of the old-timers, and one of the youngsters said to the old-timers: "What does Johnson mean? Why does he hold these meetings? Does he work this way all the time? Doesn't he realize that Rome wasn't built in a day?" And one of the old-timers popped up and said: "Yes, but Johnson wasn't the foreman of that job!"

Mr. Johnson was able to work with the minority leader. He and Senator Dirksen got along beautifully together. But they were always trying to compete with each

other. I heard another little story about them that shows you the typical Johnson as well as the competition. One evening, the story goes, Senator Lyndon Johnson had pulled out and was starting downtown in his car with his chauffeur.

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Senator Dirksen happened to pull by him and saw Senator Johnson using a telephone in the car, it was a new gadget at that time. Senator Dirksen was very much impressed, so the next day he called the Sergeant-at-Arms and said: "I was riding down the street last night and encountered Johnson and he has a telephone in his car. I'd like to get one in my car right away." So the Sergeant-at-Arms had it put in his car and then Senator Dirksen sat in wait to see Senator Johnson go out. The first evening this was convenient he had his chauffeur to pull up beside Johnson and he dialed and called Johnson on the phone, and said: "Lyndon, isn't this a great idea to have these phones in the car so we can talk this way." Lyndon said: "Yes, but excuse me Ev, I've got to answer the other phone!"

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July 12, 1978

Ritchie: You said earlier that Everett Dirksen was already famous while still in the House?

Riddick: Yes, he had gained considerable recognition in the House, and he had a great knack of speaking. As you know, the maximum limit that a member of the House can speak is one hour. He was able to get up in the well of the House and make his speech and close his speech right on time. Now, I became a very good friend of Senator Dirksen's. *Time* magazine's editor, Ray Leslie Buel, once interviewed me and asked, if he wanted to write a story on a typical or best Congressman, whom would I recommend that he take under consideration. I told him immediately Everett Dirksen, and there appeared in *Fortune* magazine of April 1943 a feature article on him. That was, I guess, one of the first, and certainly the biggest spread that he had up to that time in the national limelight.

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Ritchie: What was it that appealed to you most about Dirksen?

Riddick: Well, he was a good speaker and a good story teller, and he always wove his stories into his speech so that it would make the speech very effective. I remember on the Senate floor, when they were trying to eliminate or curtail the

number of reports and regulations required by the various agencies of the government, he came in to make a speech to have these requirements eliminated or reduced. And what did he come in with? He came in with a hollerith sheet that looked like a tape off of a computer; it was a huge stack of papers, and he would keep unraveling it and throwing it out on the floor and saying: "Now, listen to this one!" He'd read that regulation and make his comments and then speed along down further and he'd repeat it again. And boy, he had everybody in the Senate chamber spellbound!

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July 27, 1978

Ritchie: I'd also like to ask you about some of the old-time Senate characters, particularly people like Jim Preston and Guy Ives, with whom you said you were familiar.

Riddick: Well, they were certainly old-timers. I don't know exactly when Guy Ives came here, but Jim Preston told me he came up here in about 1887. He was for a long time the superintendent of the Senate Press Gallery, and had attended, he told me, all of the national conventions from his first arrival here around 1890 until about 1952.

Now, some of the things I'm going to mention to you require that I mention both of their names, because I don't remember which one of them related the stories to me; like for example I want to tell you a story on Senator [Boies Penrose](#). I don't know which one told me this story, whether it was Jim Preston or Guy Ives.

Those

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men did have great backgrounds, and I think that my concept of the Senate as a growing institution was greatly developed by the stories that they told me. I might say first, about Jim Preston, I got to know him around '48 to '53, when I associated regularly with him. I became a rather close friend of his. He had a major surgical operation and while he was recovering he needed somebody to join him for luncheons. I began to go with him for lunch every day, and it developed into Jim telling me about his experiences and impressions.

He promised me, in this association, that when he no longer needed his notes and papers, which he had collected through the years, he would turn them over to me -- he was remarkable in that regard -- his memory was great, he had a photographic mind, and he had a newspaper nose. He had clipped and saved all newspaper and

magazine stories that were of any significance, throughout his entire career. He knew darn near every politician in America, from county sheriff up.

He told me that when he no longer needed all of these papers, he was going to turn them over to me for use. Well, as he got older, in his last years, he didn't seem to remember it, or he got so mean, the last time I asked him he told me: "Why, I burned them all!" So instead of turning them over to me as he had promised, he had actually set them afire and just burned them to get rid of them. This is certainly in support of the work that you're trying to accomplish here to get what factual history you can that has not been written down before it is too late.

One of the stories that he told me would be of interest to you. He told me the story of Samuel Clemens. He said that "Mark Twain," when he was writing his book on *Innocents*

Abroad, had a little one room -- I don't guess you could call it an apartment -- but just a room, down on F Street. He was put on the Senate payroll by a senator from Nevada, and kept there because he didn't have any money to finance such an undertaking. The senator had faith in his ability to write, and he put him on the payroll solely to help him continue his writing. He told me that Mark Twain, whom he knew pretty well, was a most peculiar individual. He remembered -- to cite his peculiarity -- one day when they were holding hearings on a copyright bill. It was in December, I believe he said. There was snow on the ground, and Mark Twain came up here as a witness before the committee, in a white summer suit, just to get attention -- to act peculiarly so people would notice and pay attention to him.

Ritchie: You said that Preston had known Twain personally. I guess it was the connection through the Press Gallery.

Riddick: Oh yes, that's correct. I think I mentioned that he was the superintendent of the Press Gallery for quite a while. Because of his background, and knowledge of the peculiarities of the Senate, he was sent out to Hollywood -- or Hollywood got him to come out -- when they were making the picture on "Mr. Smith Goes to Washington." He went out there and became frustrated since they

wouldn't follow an accurate portrayal of Senate operations. He got mad and left; he wouldn't stay with them until it was finished.

He told me a lot of interesting stories. I wish I had all of his notes on them, because they do help to fill in gaps of Senate history. For example, he told me that when Woodrow Wilson was fighting for the Versailles Treaty, that after he had gone out west to campaign for the treaty and had his semi-stroke -- or whatever the situation

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was, he was going to meet with the Senate in closed session one day. He came up to the Senate and went to the elevator next to the Secretary's office, to go up to the second floor to the chamber. Since he did not have control of all of his muscles, they were assisting the President along. They brought into the elevator a chair, which was Boies Penrose's. It was a specially made chair, because Boies Penrose was a very big person. They put him down into the chair to ride up, and President Wilson said: "Well that's a mighty big chair. Whose is that?" They said: "Boies Penrose." He said: "I'll be damned if I sit in that chair!" And he jumped right up! I doubt if that's ever been put in the history books, but these fellows were there and saw it.

I think Guy Ives told me this story about Boies Penrose. He said Boies Penrose was a very

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unique person and a very powerful man. He told me that it was felt by many that Boies Penrose was responsible for having nominated at least three presidents of the United States. Being a powerful senator from Pennsylvania, he made people come to him, and he just didn't make himself available to everybody under all circumstances. As a matter of fact, I knew one of his secretaries, who was up here later after I came to the Capitol, who used to tell me a lot of things about him.

Jim Preston or Guy Ives told me an interesting story, which I will relate here because I'm going to try to move into some of the changes in the Senate, as Jim Preston tried to indicate to me. Boies Penrose came to the elevator one morning to go up to the Senate chamber, and as he walked into the elevator, the elevator boy said: "Good morning, senator." And the senator curtly

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replied: "I don't speak to hired help." That cut off that conversation! Well, the boy apparently forgot, and a few days later Penrose came in again, and he spoke to

the senator again: "Good morning, senator." He said: "I told you once, I didn't speak to hired help!" And in less than an hour the boy was off the payroll.

The reason for telling you this is that Jim Preston told me that the Senate had certainly changed from the time he came here until the time that we were conversing. He said that the Senate was really a club in the true sense; that the senators did not make themselves available, or talk freely to just everybody. They sort of had the concept that they were only responsible to God and their state legislatures.

A reporter would not dare go to talk to a senator on his journey from his office to the Senate chamber.

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They wouldn't consider telling a reporter how they planned to vote on a certain bill, or talk to him about the details of the bill. They were just not as available to the public or to individuals as senators are today.

He told me the way the Press Gallery was operated at that time, was that if a senator decided, say for example Senator [\[Henry Cabot\] Lodge, Sr.](#), of Massachusetts wanted to talk to the press, he'd call the Press Gallery and tell the superintendent that he proposed to hold a press conference at 2:00 o'clock tomorrow, and anybody who was interested could come over. Then the superintendent of the Press Gallery would trek with the interested members of the press over to the office to the press conference. It was the same about going down to the White House. They didn't have the press staffs always available

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right then and there to listen for every word that was being uttered on the floor, or trying to get conferences with senators when they were not on the floor or in their offices.

The senators were very reserved. They just didn't make themselves free for conversation under all circumstances. As a matter of fact, when I first came here, when I first started working at the desk, Senator [Arthur] Vandenberg of Michigan was President Pro Tem -- Truman had gone down to the White House following the death of Roosevelt.

Senator Vandenberg did not carry on conversation with me at the desk as to the procedures and the general legislative picture as I have experienced in later years. Today the presiding officers regularly talk about anything they want to inform themselves about. But that was not the case with

Senator Vandenberg. If he wanted something, he would ask you. He would lean over and whisper: "Could I ask you a question?" Then he'd ask the question, and as soon as he'd gotten to the point where he knew what he wanted to know, he'd cut you right off. That was the end of it. It was the same thing with the Senior Senator [Robert] Taft of Ohio. I met him many a time, and if he were not preoccupied he'd speak to you, but if he were preoccupied he'd pass you by, and wouldn't even speak, even though you might have said: "Good morning, senator." He'd just keep going, because he was preoccupied with what he was doing.

But the atmosphere, the attitude of the senators, has grown greatly different from what it was when I first came here, and certainly, from what Preston told me; it's greatly or entirely a different body.

Ritchie: Do you still sense an imperious nature in some of the senators now? Or is it pretty much a thing of the past?

Riddick: Some of them are more reserved than others. I remember for example, another illustration of the lack of availability of senators, when I first started working as assistant parliamentarian. One of the liaison officers, who was a colonel in the Army, came into the office one morning and said: "Could you get a word to Senator [Richard] Russell of Georgia for me?" He added: "We're having war games down in Louisiana next week and we'd like for the senator, as chairman of the Armed Services Committee, to come down to Louisiana and observe some of these games." Well I said: "Can't you go to his office and see him?" He said: "I've tried, but I can't get to him!" This was true. Now in the latter years of Senator Russell, the last two or

three, when he got to the point where he couldn't work and study as he had previously done, he was more available. But when I first came here he just didn't engage in small talk at all. It was strictly business all the way.

Ritchie: Was there really an Inner Club of senators like Russell?

Riddick: Oh, I think so. I think if you read [William S.] White's book on *The Citadel* he portrays that very strongly in one chapter, the Senate as a club. But anyhow, there's been a terrific change. Of course, obviously, the shift from the

state legislatures selecting the senators to popular elections, I think no doubt had a great deal to do with that. My predecessor used to tell me, and I'm quoting him and not my attitude, that the greatest mistake ever made in American government was when they changed the election of senators from that by the state legislatures to popular election.

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He used to say that the senators previous to that were much greater scholars and students than they are today; that they're now politicians. His experience, and he came up here about 1904, was that most senators could quote Latin phrases without notes; they were real scholars, and they spoke mostly without notes. This situation has changed today considerably.

Ritchie: Do you think that Preston was also disappointed in the quality of more recent senators as opposed to the ones he earlier dealt with?

Riddick: I don't think there's any question about it. He used to make that comment. But, you know, that is sort of natural. I think a person who lives in one era has a tendency to be critical of changes. It's rather difficult to readjust to new concepts of life. I think you naturally expect older men who have lived in one world not to appreciate and give full credit to what is being done in the new world.

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Ritchie: When you mentioned the inaccessibility of the senators in an earlier period, it's interesting that they met in executive session quite frequently, for all nominations and treaties. They actually closed the doors.

Riddick: Oh yes! I think that's a part of the nature of the Senate then as contrasted to today. Sometimes I'm inclined to think that the country might even be better off if they did it again. Until 1929, unless the Senate actually voted to open up an executive session (and an executive session meant the Senate was then considering either nominations or treaties), every door was closed and supposedly everything transacted accordingly was closed. In 1929, the rule was changed and everything was done openly unless they voted to go into closed session either on executive business or legislation. I think in recent years nearly everyone would say that the committees

would go into executive session. Going into executive session doesn't necessarily mean closed; it did gain the concept of being closed because executive sessions of the Senate were closed, as provided for under the rules before 1929.

Ritchie: They kept two sets of books, an executive journal and a legislative journal; they had an executive clerk and a legislative clerk,

Riddick: That's correct; and when they went into executive session the executive clerk would come in and sit in the closed session. The parliamentarian, of course, stayed in both executive session and the legislative session.

Ritchie: It seems like after World War II the practice of holding executive sessions really began to decline. I think in the whole 1960's there wasn't a single executive session. But now in the last five years they must have had five or six executive sessions. The whole thing has been revived all over again.

Riddick: Yes, but we don't refer to them any longer as executive sessions, we refer to them as closed sessions. Rule 35 provides for closed sessions, but executive sessions for consideration of nominations and treaties up until 1929 were closed, and that's when the rules were amended so that they would be opened unless they voted to have them closed. It was during that period, when the executive sessions were closed, that they used to refer to them as "executive sessions of committees," when they had the old mark-ups (of course, that rule has been changed now, too; since the so called "Sunshine" rule proposed by Senator [\[Lawton\] Chiles](#) was adopted.) Most of the mark-up sessions were all closed, and the same was true with the conference committees. But the "Sunshine" rule provides that they all have to be open, whether it's hearings or mark-up sessions, unless for one of the eight specified reasons

they are permitted to vote to go into closed session -- unless it is done in accordance with one of those provisions set forth in the "Sunshine" rule.

Ritchie: One of the problems the Senate had with their executive sessions was that reporters were always finding out exactly what went on inside.

Riddick: That's one of the reasons they threw them open, the reason they amended the rule. The vote on a nomination in an executive session would appear in complete detail in the next day's *New York Times*, or somewhere.

Ritchie: I suppose that caught someone like Preston in between, because he was trying to serve the Senate, but on the other hand he had to keep all those reporters happy.

Riddick: Keep them satisfied, yes. How it got out of the closed session, I don't know. Somebody had to tell it.

Ritchie: It was a persistent problem all through the 19th and early 20th centuries. A

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lot of them must have been relieved that they didn't have to worry about keeping it closed after 1929.

Riddick: That's another case where the precedents changed greatly. What we've done was to establish that the rule providing penalties for breaking secrecy and so forth for the old executive sessions is now applicable to closed sessions. So what was done by the rulings of the Chair and precedents with regard to security matters was transferred to the closed sessions as well. They don't apply anymore to executive sessions unless they're closed. The Senate has just transferred all the secrecy and penalties provisions in the rules against senators and employees to the closed session rule.

Ritchie: Have there been many cases, since you've been connected with the Senate, of people being held in contempt for releasing information?

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Riddick: No, it's sort of died out. You remember the case of Senator [\[Mike\] Gravel](#), when he read the confidential report from the Pentagon. There was some talk of censuring him, and I was consulted by both sides on the matter as to what could, should, and so forth, be done. But it never came to fruition; they just never acted on it.

Ritchie: Could they, if they had wanted to, censured him, or cited him for contempt for what he had done? Would the precedents and the rules have supported that?

Riddick: Well, they censured Senator [\[Hiram\] Bingham](#) of Connecticut for a much less thing than that. He was on the Finance Committee and when they were working out one of the tariff bills, one of his employees who attended these closed sessions was feeding the information out to

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corporations secretly. He was censured because he had allowed this employee in there who was revealing this information. So they have censured senators for things not as bad as a senator himself divulging secret information.

[end of interview #5]

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Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #6

The Impeachment Process

(September 28, 1978)

Interviewed by Donald A. Ritchie

Ritchie: This afternoon we planned to talk about the impeachment process, something that the Senate does not usually have to deal with, but which did become almost a reality in 1974, and about your work in connection with that.

Riddick: I might say, while the impeachment process is used very seldom, it is most seldom used in the case of a president, and that's what the committee was considering in this instance.

Ritchie: Had there been any other impeachments during the period that you were here, other than the Nixon impeachment?

Riddick: Proposed impeachment. No, [Halsted L.] Ritter was the last judge that was impeached [in 1933], and that was before I came aboard. I was doing research on Congress by that time, but I was not here.

Ritchie: In recent years it has become such a little-used practice that some thought that it would never be used again.

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Riddick: That's right. As a matter of fact, I think I have a place in here that we will hit a little later, that when the Rules Committee was considering this issue they discussed a proposed amendment to the Constitution to shift the impeachment of judges to some other process, as opposed to a Senate trial, because there were so many judges involved all the time that it would take too much time of the Senate if they continued this way.

Ritchie: I guess, then, you first became deeply involved in this during the summer of 1974, when it began to look that the House of Representatives would go ahead and impeach the president. Was that about the time?

Riddick: That is correct. The Senate did not start until the second session of the 93rd Congress to take it seriously. Early that spring there was talk of the possibility, but the Senate really didn't get down to brass tacks until later in the

summer. As a matter of fact, the issue had been raised that since the impeachment process had not been used much, and since this was most vital if they did get down to considering the impeachment of President Nixon that this set of rules that had been in existence for roughly a hundred years should be reexamined as far as procedure was concerned. And as a consequence, the Senate, on July 29, 1974, adopted Senate Resolution 370, directing the Committee on Rules and Administration to review "any and all existing rules and precedents that apply to impeachment trials with a view to recommending any revisions, if necessary, which may be required if the Senate is called upon" to try President Nixon.

Ritchie: Did you talk to Senator [Mansfield](#) and others before they adopted that resolution about the problems? Did they express their concern to you?

Riddick: Oh, yes. They raised questions as to what would be the established procedure, which I might mention later caused me to start preparing and consolidating information that the Rules Committee later wanted, which was printed as a Senate Document entitled "Procedures and Guidelines for Impeachment Trials in the United States Senate." So way in the early part of the summer I began to do research in this regard, and even instructed one of my assistants, Bob Dove, to spend full time practically on doing research and getting stuff together for me to work with him on later, when we got the Congress out of the way and had more time to do it.

Well, that Resolution provided that such review be held entirely in executive session, and that the Committee on Rules and Administration report its recommendations back to the Senate not later than September 1 of '74. It was a good thing, because

you see the reason for wanting to keep it in closed session was to give it very little publicity as to what they were going to do, or when they were going to meet, and so forth, because the Committee didn't want the public to think that the Senate had made a foregone conclusion that there was going to be an impeachment. But at the same time, the Senate didn't want to wait until an impeachment occurred and then find itself not ready and equipped to do the job properly. Now, such questions arose; you see this was July the 29th when the Senate adopted that

resolution. Well, that was late on into the second session of the ninety-third Congress, and the Senate raised such questions, as the committee did later with me: if this Congress should not complete the impeachment trial before January 3 of next year, what would we have to do? Would we have to start over again? Or would the Senate,

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even if it were in the middle of the trial, have to do it all over again since a third of the senators would have gone up for reelection, and many of them may not necessarily have been returned, so you would have new personnel. These questions were being considered, and that's why the Senate really wanted to be ready if impeachment should occur to go ahead without delaying another couple of months before they were ready to start the trial.

Ritchie: On that question, what was your conclusion on the changing Congress and the effect that would have on the trial?

Riddick: Well, our feeling was that, after all, it's sort of like a treaty in that regard. If the House has impeached, it becomes a Senate responsibility to try. And if it hasn't finished the trial, then it should go ahead and continue until it is finished. The leaders were hopeful, however, that they would finish

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under any circumstances. But it would cause some difficulty to start your proceedings with two-thirds of the Senate which had heard the first part of the trial, and then suddenly you might find twenty or more new senators having been elected since the trial began to come in and with just the remaining part make their decisions as to whether the President should or should not be impeached. But it did show that they were alerted to the problems and wanted to do the best they could to meet them.

Ritchie: I suppose the concept of the Senate as a continuing body also played a part in that.

Riddick: That would sort of sustain that situation, that you would continue it until you had concluded it with any new members.

Ritchie: I know in the McCarthy censure, he objected that some of the charges against him were about actions that had taken place in the previous Congress, but the Senate overruled him on that.

Riddick: That's correct. That was in the prerogative of the Senate to condemn him on the basis as a senator not necessarily what had been transacted in that particular Congress.

Well, with that assignment, the resolution having been adopted on the 29th, the committee began meeting on July the 31st, two days later, to do their job. The committee met in executive session, as they were authorized, and they held meetings on August 1, August 5, 6, 7, 8, 14, and 21. The report omits August 8th, but I thought it should be mentioned that they did also meet on August 8. It was proposed in the committee, as soon as they began to meet, that they would study their instructions by the Senate as set forth in S. Res. 370, that they would consider S. Res. 731, which was concerned with televising it, and that they would consider a Mansfield proposal for changes in the impeachment rule. Now on the first day's

meeting, the 31st, they introduced Senator Mansfield's letter and his proposal for changes, and discussed mostly during that session whether the subcommittee on rules should conduct the preliminary investigations and report back to the full committee, or whether to avoid duplicating the procedure, they should consider the whole proposition by the full committee in the first instance. This took up most of the first day's session.

They finally resolved it as follows when the chairman made this statement: "If there is no objection, we will consolidate the rules subcommittee with the full committee for the purpose of considering the proposed rules, and we will have the first meeting here at 4:00 o'clock this afternoon." There was no objection, so that is exactly what they did, allowing every member of the full committee to vote with the subcommittee. Now, they started off this procedure

with the present majority leader, Mr. [Byrd](#), who was chairman of the subcommittee on rules, chairing the proceedings, but after the first day's session with everybody present including the chairman, Mr. Byrd insisted that the chairman of the full committee should preside, and he did for the remainder of the proceedings. As a matter of fact, you couldn't tell the difference between any regular full committee meeting and the way they proceeded with the consideration of the changing of the impeachment rules.

Also, during this first meeting, they raised some questions about what should be the role of the chief justice if he should come to the impeachment trial, because this was the first time since the so-called [Johnson](#) impeachment trial that the chief justice would have had to preside over an impeachment trial.

Ritchie: Normally in the cases of judges it would just be the presiding officer?

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Riddick: The presiding officer of the Senate, whomever he was.

At the very beginning of the consideration of the proposition, I raised the question as to what procedure they should follow, as to whether they should take up the Mansfield proposals, which had been submitted to the committee, or whether they should consider the existing rules with possible amendments. Now the Mansfield proposal was practically a re-write of the impeachment rules, and I pointed out to the committee that as far as I was concerned as parliamentarian it would be better, from my point of view, if they would consider the existing, rules and if they were unhappy with them or they thought they should be modified, that they propose amendments to the existing rules, because that part of the rules which were not changed would leave us with some precedents to follow. Whereas, if they made a complete re-write

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it might give me no precedents to follow in case such a trial should come about. I might say, at this stage of the game, that this was what the committee followed. I stated specifically to the committee: "Well, I think that it might be very well if you leave the existing rules and supplement them with rules for this specific case. This has been the practice in the last several cases, that in addition to the body of rules that they have adopted a special set of rules to apply to the particular case that they were then considering." For example, when it came to the question of what hour you were going to meet, the rule says that you would meet at 12:00 o'clock, but in the Ritter case the Senate adopted a rule that would specify the hours that the Senate should hold meetings for the trial as opposed to what the rules provided -- 12:00 o'clock.

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So the Senate would come in at a different hour and go until a specific hour, pursuant to an order adopted in the form of a resolution.

Also at this first meeting they took up the documentary material that I had collected on the various impeachment trials and after prolonged discussion

decided that this material should be printed as a Senate Document so that they would have something available with which to work if a trial should occur.

Ritchie: I have a question I wanted to ask about Senator Mansfield's role in this. It struck me as unusual that Senator Mansfield wasn't a member of the Rules Committee. Usually, the majority and minority leaders are both on it, it's true right now, and Senator [Hugh Scott](#) was on the committee, but Senator Mansfield wasn't.

Riddick: He had been a member of the Rules Committee and at one time was

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chairman. But his role as majority leader became so involved that he found that he couldn't attend meetings and so forth, and therefore just withdrew, thinking that his role as majority leader was enough for him to manage. I might say that even now Senator Byrd is finding it very difficult, even though he's a member of the Rules Committee, to attend the meetings. I try myself to report to him each time after a meeting as to what the committee did, because he's unable to be there.

Ritchie: Now, Senator Mansfield seemed to have pretty strong opinions on what should be done. You said his letter was almost a re-write of the proceedings. Do you think that if he had been there as a member of the committee he would have enforced that position? Or was his not being a member of the committee a detriment to him in that respect?

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Riddick: Well, I'm not sure that he had drafted all that. The resolution was drafted under his instructions, but there were a lot of interested parties who wanted to see a considerable change in the impeachment procedure, if there was going to be a trial. I think what he did was just farther the resolution as opposed to setting forth all of his ideas as to how the trial should be conducted. Now, I do positively know that Senator [Hugh] Scott made a statement once or twice to the effect that he wasn't sure when we'd be considering a particular provision of the proposed resolution whether that was Mr. Mansfield's opinion or not. So I deducted from that assertion that somebody else had drafted the resolution but that to get it before the committee Senator Mansfield merely wrote the letter and submitted the whole resolution to the committee for its consideration.

Ritchie: And the committee, in effect, decided not to follow that recommendation.

Riddick: Well, the first thing the committee did was to order a comparative print set up of the Mansfield proposition and the existing rules, so that the whole matter could be before the Senate as to what should be done, whether it should be amendments to the old rules, or whether they should give a re-write of all the rules.

Ritchie: When you say there were other parties interested, do you mean other parties inside the Senate or outside the Senate?

Riddick: I don't know as they were outside, but it had to be fed through the senators under any circumstances. I thought it probably came from the Policy Committee.

I might supplement what I said about printing up the procedures and guidelines for impeachment trials in the Senate that the committee discussed that at some length, as to whether they should print it simply as a committee print, for the use of the committee, or whether they should print it as a document. But finally

it was decided that it would be printed as a document, and it was never set up as a committee print. The reason for debating which way it should be printed was if they had to have it printed up as a document it would take longer, and they wanted to have the use of it while the committee was discussing the procedures. But finally it was printed as a Senate document anyhow.

Jumping out of context just a moment I might say that there was a question raised, although the committee was meeting in closed session, as to whether they should admit into the committee room for a little while members of the Recording Studio for several minutes of silent footage for historical purposes. And they came in for it.

Ritchie: Oh, you mean photographing the session.

Riddick: Yes.

Ritchie: You said silent, so there weren't any sound recording devices there.

Riddick: No, just silent movie taking, as I recall.

On August 1st when the committee met the chairman suddenly interrupted the committee as follows: (reading) "The Chairman. Excuse me, may I interrupt for just a moment? We have a request from the Senate Recording Studio to be permitted to come in and take five minutes of silent footage for historical purposes, either now or on Monday. Does anybody have any objections?" Well, there were several excuses made. Some were not present that day, and so on and so forth, but finally, as I recall, they went on ahead that day and did that. At the afternoon session on July 31st, they started off by getting me to give some resume information about the procedure in the Johnson trial. Some of the information which I brought to them caused considerable discussion later on. I

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raised this question: "Well, the Senate, if it's going to adopt any special rules to supplement the existing rules, it should take into consideration what occurred at the impeachment of Johnson." In this instance, at the Johnson trial, they received the impeachment proceedings from the House and took a lot of action before they started the proceedings, and they did this without the chief justice present. It was done even before the oath was administered to the senators. They debated and changed the rules.

In the impeachment of Johnson there was a little conflict between the chief justice [[Salmon P. Chase](#)] and the Senate as to how this impeachment should start off and when the chief justice should be called in. The chief justice said the Senate had gone on and received the articles of impeachment and set arrangements to begin the hearings without letting him know about it. The chief justice sent

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a letter over to that effect, and to the effect that "the Constitution says that I as chief justice must preside at the impeachment trial and you are going ahead without my being present." Well, the Senate referred that letter from the chief justice to a committee, and nothing was ever done about it. But when the chief justice came in he very cleverly presented the case to the Senate by saying "without objection the Senate will use the rules which the Senate adopted the other day." That gave him approval as if he were there when the rules actually were adopted.

Also in that particular meeting questions were raised as to whether the chief justice should be allowed a vote in case of a tie, and what should constitute a quorum of the Senate, whether it would be a quorum of all the senators or a quorum of those senators who had taken the oath to participate in the trial. The assumption

concluded was that it would take a quorum of all the senators, the only thing was that a senator who had not taken the oath could not participate in the trial. That would be the senator's way of avoiding participation, whereas he would have to account for it when he went back up for reelection, if he bucked his responsibility to help try a president.

At the beginning of the August 1st session, the chairman stated: "Gentlemen, you have a copy of the comparative print before you, and I am wondering as long as we had yesterday Dr. Riddick starting to explain some of the matters that we are concerned with, I wonder if we might first perhaps, I can ask him now: Dr., are you familiar with the proposed rules and the so-called Mansfield proposal?" I said, "no, sir, I have just seen it and have not had a chance to read it." So without further ado Senator Byrd said: "Mr. Chairman, I suggest we proceed in the way you

directed, and the rest of us can comment. I think that is the right way to proceed." The chairman stated: "Very well, Doctor, why don't you just start down the proposed rules, if you don't mind reading. It is just a reading job at first, and you can call on Bob Dove to assist you there if the reading gets too much for you, and we will ask any of the members to make any comments or to ask any questions as they go along. But the first portion of these, until we get down to page 2, the proposed rules are not covered in the present impeachment rules that are in existence before the Senate, so would you go through those Doctor." Well, I proceeded to read the comparative prints for the rest of that day's session and discuss these various provisions, raising some questions that they should take into consideration if they were going to operate with the old rules as opposed to the

re-write of the rules as submitted to the committee by Senator Mansfield. Finally, on August 1, after we had gone through and discussed this at great length, comparing them and making comments, etc., the committee by a unanimous vote adopted a motion by Senator Byrd, when he stated: "I move in the next working session the committee proceed on the basis of using the standing impeachment rules as working text to be amended, modified, revised, or approved as the committee sees fit." So at the end of the August 1 session the committee unanimously voted to work with the old rules, modifying them, as opposed to taking a complete re-write.

Ritchie: Looking over some of the minutes for that session, it seems like some of the issues that were coming up in terms of modifying the rules were designed to make it seem less like a trial, or a court. They wanted to replace the term "accused" with the

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term "respondent"; they wanted to replace the term "court" with the term "Senate"; they questioned the appropriateness of the terms "judge" and "chief judge" when applied to Senate leaders. It seems like they were particularly concerned with focusing back on the fact that it was the Senate that was doing it.

Riddick: Yes, they definitely wanted to get it away from court procedure. While it was the Senate sitting as an impeachment court, I suggested that it was not a criminal trial, because you do not convict a person of a crime; the only thing you can do in an impeachment trial is to remove the man from office. If there is to be any trial of misconduct or the breaking of any laws, that would then have to go to the court after the trial. But the impeachment trial is solely to see whether he is going to be removed from office. I might say, in response to your point about changing

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the word "court" to "Senate I made that recommendation, which I think I include later in reading some notes from the transcripts.

After they had agreed to operate on the existing rules, amending them as they saw fit, or changing them as they saw fit, and after we went over all of these rules, discussing them one by one in detail, the committee agreed that the next two days of meetings, August 5 and 6, they would hear senators only. At the first meeting the first senator to be heard was Senator [\[Sam\] Ervin](#) of North Carolina. At the opening of these hearings when they received testimony from the senators, the chairman made the following statement, which I think is sufficiently enlightening as to their approach to be read in full here. After he called the committee to order, Senator [Howard Cannon](#) said: "This meeting of the Committee on Rules and Administration has been called to hear testimony from members of the

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United States Senate with respect to certain aspects of an impeachment trial which may occur.

On Monday, July 29th, the Senate unanimously approved Senate Resolution 370, which was introduced and sponsored by the joint

leadership of the Senate, Senators Mansfield, Byrd, Scott, Griffin, and the majority and minority leaders, and the assistants to the majority and minority leaders.

Pursuant to Senate Resolution 370 this Committee has been directed to study the Senate and precedents applicable to impeachment trials.

In respect to this investigation the Committee is instructed to report back to the Senate no later than September 1st, '74, or on such earlier date as the majority and minority leaders may designate.

It has further been directed by the Senate that such review of this Committee shall be held entirely in Executive Sessions.

The Committee commenced immediately on its work under those directives and held the first of four Executive Sessions on Wednesday, July 31st, this initiating its provision-by-provision review of existing rules and a proposal for changes.

Today we are hearing testimony from members of the Senate and we welcome both oral and written statements from our colleagues, all of which will, without objection, be made a part of this hearing record.

Any written statements submitted by senators on or before August 9th will be printed in the record.

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My colleagues on the Rules Committee share with me the determination that rules which will govern this most solemn of all proceedings provided for under the Constitution of the United States shall be in all respects fair and just.

In conjunction with that major responsibility the Committee also has had referred to it Senate Resolution 371, which would permit television and radio coverage of any impeachment trial, if it occurs.

After Senator Ervin concluded his statement, the chair announced, and there were several senators present in addition to the members of the Committee. The Chair said:

I may say that the Committee did make the determination last week that we would proceed on the existing rules rather than attempt to set forth a new body of rules, and we would then attempt to determine whether there ought to be any changes or additions to those rules, for example, in the areas where the rules may be soft, and we went through them quite carefully from beginning to end, with the advice and the assistance of the Parliamentarian because many of the areas where existing rules are soft

have been covered by precedent in the past, and so we did find that they are not as lacking as some people might assume.

Ritchie: I wanted to ask you about the physical set-up in there. It was an executive session, there was no one there, I assume, except for a limited number of

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staff people, and then they were hearing witnesses who were all other United States senators. Did they sit around a common table? Did they have witnesses sitting at a witness table? I'm trying to see in my mind how formal this situation was, or informal.

Riddick: Now, I'm talking from memory. As I recall, we had two different set-ups. Number one, we met in the committee room most of the time, and as I recall we sat around long tables as opposed to the podium, or main desk that the senators sit around with the mikes and so forth. As I recall we just sat around a big table with chairs all around and the presiding officer sitting at the middle of one side of the long table. But I just don't recall exactly.

Ritchie: I also get the feeling from the pieces that you have read that there was a great sense of solemnity to those meetings.

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Riddick: That's absolutely true. They got in some dickering between the two sides, the two parties, but as I recall in final analysis after they would have a little somewhat heated discussion, they would resolve it back down to: "After all the thing we want to do is work out a set of rules that will give a fair and equitable trial if such should occur."

As I said, the senators were heard on August 5 and 6. After that, they met again on August 7th.

Ritchie: On August 7th they talked primarily about radio and television coverage.

Riddick: On August 7th the day was spent considering S. Res. 371, to authorize televising of the impeachment trial; and finally they voted to report S. Res. 371 by a vote of 7 to 1. I might read this resolution, if you are interested: The Chairman said: "And the Chair votes aye." (There was only one no vote. "Suppose I read

this through once to be certain now that we have all mistakes taken care of."

To permit television and radio broadcast of impeachment trials.

Resolved that:

The proceedings in open session of the Senate with respect to the trials of impeachment may be broadcast by radio and television. Rule IV of the Rules for Regulations of the Senate Wing of the U.S. Capitol is also accordingly suspended for the purpose of photography.

Such broadcasting and photography shall be accomplished in conformity with procedures thereon agreed upon by the Committee on Rules and Administration in consultation with the Joint Floor Leadership. The implementation of such procedures shall be effected by the Joint Floor Leadership after consultation with the Chairman and Ranking Minority Member of the Committee on Rules and Administration.

And the Minority Leader, Mr. Scott, and Mr. Byrd said that was their understanding, as to what they had approved.

Ritchie: I would guess that the proceedings of the House Judiciary Committee, which were getting very favorable attention at that point, influenced their desire to break down the usual reluctance to televise any Senate proceedings.

Riddick: Well, I don't know that that alone was the reason for the decision. I am inclined to think that they were so anxious to make it a fair trial, that they wanted the whole world to be able to look in on what was going on. I think perhaps that was the strong incentive that made them vote that way.

Ritchie: Despite all their general prejudices against televising.

Riddick: That's right.

Ritchie: You mentioned one vote against it. That was Senator Griffin, wasn't it?

Riddick: That is correct.

Ritchie: And you said there was some tension between the two parties. You had people like Marlow Cook and Hugh Scott who had long been defenders of [Richard Nixon](#). How much tension was there on the committee?

Riddick: Well, it wasn't strictly on the basis of Nixon versus the Democrats. It wasn't quite that way. The things that they got sort of testy on were as to how these rules should be

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amended, if amended, to give a fair trial. So it was sort of an impersonal matter as opposed to a defense of the president himself. It was sort of an objective concept that these rules would have to be such that it would give the Anglo-Saxon concept "not-guilty until proven guilty." You didn't go in on the presumption of guilt.

Ritchie: Was there any sense of the desires of the president's lawyers? Did they make their feelings known through any of the committee members?

Riddick: As far as I know, there was nothing at all said about his defense lawyers, except to the extent when we talked about the managers of the House, if impeachment should occur, the question was raised as to the counsel for the respondent and for the counsel for the managers. This was a definite issue, you see, because they wanted to be

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sure that each side had sufficient lawyers of their choice to defend or prosecute as the case might be.

Ritchie: That's right, the House members do come over, don't they?

Riddick: They come over as the prosecutors.

Ritchie: And the role then of the Senate is really as judge.

Riddick: Well, they're sort of the jury.

The committee met on August 2 to start a mark-up of the proposed changes in the impeachment rules. It was a long session and there was quite a bit of detailed discussion of the various proposed amendments. To give you an idea, which would also expose some of my activity with them, I'm going to read two or three excerpts.

The Chairman. May I ask Dr. Riddick what has been the procedure in the past?
They were talking about, as I recall, well I think the colloquy will show what it was about.

Dr. Riddick. Well, we have selected presiding officers other than the president pro tem. You have your two sessions. That is definitely a two-track system, and when you come in, say for example you come in at twelve o'clock for legislative business, you might meet until twelve thirty, and then you go into the trial. Then if you go until four o'clock and you adjourn the trial you are still back in legislative session to transact further legislative business during that day if you wanted to. That has been the practice. To resolve what Senator Byrd might be thinking, there is certainly, to make it crystal clear, if you said "unless otherwise ordered by the adoption of a motion" or words to that effect.

Senator Byrd. It might be difficult to adopt a motion. Why could we not simply resolve it like this, Doctor; you could say "the presiding officer of the Senate," and then put a comma "in the event of the legislative or executive session having preceded" and that means if you have had a legislative session, and executive session to take up nominations or something preceding them, it is possible you would have an executive session to take up the nomination of a vice president, for instance. You might be willing to do it by unanimous consent, in which case the presiding officer of the Senate would have been presiding, and in that event then he shall so announce when that hour occurs. If there had been no legislative or executive session proceeding that, and we had come in for this, then it is clear that he is not in the Chair at that moment.

Senator Scott. Could I ask you to indulge me a moment? We have this

party leadership meeting at eleven thirty. I know generally you want to sit with the members of the minority side. I would like to say that I have no objection to what you do here, or with the remaining sections with the exception of the fact that Rule XIV and Rule XXIII generally. I would like to be heard, and I would like to reserve the opportunity for other senators on this side, and myself, to be here to discuss the question of hearsay, the question of the division or non-division of articles of impeachment, this also involves Rule VII, XXIII, and XXIV.

Senator Byrd. These two other amendments which I intend to offer at least propose, Senator Scott, I would want you to be here.

Senator Scott. Could we just reserve it as to whatever you gentlemen would see to be likely controversial, those are the only ones I would like to be here on.

These drafting changes I have no objection to.

The Chairman. When would you suggest that we meet again? I would like to get into that.

Senator Scott. We can try for two this afternoon.

The Chairman. Very well, when we recess, we will recess until two this afternoon.

Senator Scott. I specifically say for the record, that on these suggestions by the staff of changes, with the exception of the potentially controversial ones, I have no objection.

The Chairman. Let me ask Dr. Riddick a question here.

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Dr. Riddick, did any problem ever arise under Rule XXIII?

Dr. Riddick. I do not think so, but Legislative Counsel and I sort of worked out a phrase that would certainly alleviate any such. It read:

"The Presiding Officer of the Senate" strike out line six down through, and including the semicolon on line ten, and insert, "The Presiding Officer of the Senate in the event a legislative or executive session has preceded the beginning of a daily session of a trial of impeachment shall announce the beginning of the trial at the time fixed therefore."

Senator Allen. Let me suggest this, Mr. Chairman, and Dr. Riddick.

I believe it would take care of it if you just knock out "the Presiding Officer of the Senate shall so announce" because if he is there, he is going to be there, and he does not need to make an announcement about it, and when the time comes, the Presiding Officer of the trial will make a proclamation. You do not need two proclamations there. If the Presiding Officer of the Senate is there for legislative business, good, but if you do not have any legislative business there is no need for him coming in and making an announcement.

Just knock him out there. He does not have any place there.

The Chairman. Do I correctly understand then that your suggestion would be on line eight, to eliminate the words "for such thing?"

Senator Allen. On line twelve.

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The Chairman. Well, on line eight you would eliminate the words "for such thing."

Senator Allen. Oh, yes, that has already come out.

The Chairman. And then?

Senator Allen. I have line eleven on that. I must have a different print here.

The Chairman. Line nine you would eliminate the words "the Presiding Officer of the Senate shall ***"?

Senator Allen. I must have a different print here, because these lines are different.

The Chairman. Shall so announce.

Senator Allen. I have it now, Mr. Chairman.

The Chairman. We would eliminate then the words "for such thing," and then eliminate the next following, "the Presiding Officer of the Senate shall so announce and verify."

That would be the entire elimination.

Senator Byrd. No, leave in "and thereupon."

The Chairman. You would say "when the hour shall arrive the Presiding Officer upon such cause shall cause such proclamation to be made?"

We can read the whole thing. "The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be, unless otherwise ordered, twelve o'clock meridian and

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when the hour shall arrive the Presiding Officer upon such trial shall cause proclamation to be made and the business of the trial shall proceed."

"The Chairman of the Senate sitting in such trial shall not operate as an adjournment of the Senate, but upon such adjournment the Senate shall resume the consideration of its legislative and executive business."

Ritchie: I have a question on the role of the chief justice as the presiding officer, and the role of the parliamentarian. You would, in effect, be sitting in front of the chief justice, aware of the precedents in the Senate. Would your role to the chief justice be the same as to the presiding officer? And would he be bound to go along with the precedents and the suggestions you passed on to him?

Riddick: You anticipate, and I haven't said a word to you about this, the same question that the committee asked me. They inquired: Who would assist the chief justice? Would I assist the chief justice as I do the presiding officer of the Senate? I said, Well, senator,

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I don't know." That would depend in part I guess as to what the chief justice wanted. When the last trial, the Johnson trial, took place, the only time the chief justice presided, we didn't have a parliamentarian of the Senate. So I had no precedent to support me that the parliamentarian of necessity would sit next to the chief justice and aid him as the parliamentarian aids the presiding officer in regular session of the Senate. I assumed, since I had had a few calls from the court on different matters, that they anticipated that the chief justice would call on me for any advice that I was able to give him. But I had no way of knowing.

Ritchie: The chief justice is not as familiar with the precedents of the Senate, and you pointed out that Chief Justice Salmon Chase was quite indignant when the Senate seemed to be acting independently.

Riddick: And overruled him.

Ritchie: And I would think that the current. chief justice would have bristled a little bit at the Senate presuming to tell him anything. It would have put you in a very difficult position.

Riddick: Well, I'm not sure. My reaction would be that the chief justice, on that very grounds, would delight in the parliamentarian assisting him because the Senate would feel then that they were getting the same kind of advice for the procedure for the impeachment that they themselves would get when acting on legislation. This raises an interesting question that I informed the senators about when they were discussing these aspects, namely that Chase himself had said when the impeachment rules were not sufficient to cover the situation that he would fall back on the rules of the Senate for his guidance. So I would assume that the chief justice,

whether he always followed the advice of the parliamentarian or not, would at least want him there to give him the benefit of what the practices of the Senate had been, and then he would have the same right that all presiding officers have to ignore the advice of the parliamentarian and rule as he wanted. But generally speaking I think he would find, just like the senators find, that it's better to follow the practices and precedents of the Senate which are told him by a non-political person, rather than to go out on a limb on his own, as Chase did frequently, and get overruled by the Senate. And there's no question but what the vote of the Senate is going to determine the procedure, regardless of what the chief justice would rule, even though he be the presiding officer for such an impeachment trial.

Ritchie: That's a good point.

Riddick: Now, another instance that I might cite to you. I'm just trying to

pick one or two illustrative cases to show you how carefully they went over all of these rules for impeachment to see how they should or should not change them. Let me finish reading that last case.

The Chairman. Any objection to that amendment?

Senator Pell. Is there not some thought about the traditional lack of the Presiding Officer turning the gavel over to the Chief Justice?

The Chairman. We do not have to spell that out in the rules.

Without objection, the amendment will be approved.

Rule XIV?

Now, I see no necessity for any change there.

Is there objection to any of Rule XIV?

With objection, it will be approved.

Senator Byrd. May I ask, Mr. Chairman, and Dr. Riddick, would it serve possibly a good purpose to strike the word "shall" on line four and insert the word "may"?

It may be more convenient just to adjourn the Senate sitting at the trial until the next day until the hour it is to resume.

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Dr. Riddick. Under the rule you would have two immediate adjournments. One, you would adjourn the trial, and immediately adjourn the session.

Senator Byrd. Why not have it "may"?

Dr. Riddick. I see.

The Chairman. "but on such adjournment the Senate may resume the consideration of its legislative and executive business."

Is that it?

Senator Byrd. Yes.

On this rule, it is forced to go back into legislative or executive session.

Dr. Riddick. The only thing, if you went into it, it would be like unfinished business, and you would immediately make another motion to adjourn, if you did not want to transact any business.

Senator Byrd. You see some harm that would be done if we changed "shall" to "may"?

Dr. Riddick. Yes. It takes two adjournments.

Senator Byrd. Under the present rules.

What I am saying is, why is it necessary that we not change the rules so as to allow the Senate to adjourn sitting as a trial at 5:30 today until the hour of 12:00 o'clock tomorrow, sitting again as a trial?

Dr. Riddick. Then you might have to be compromising because it says,

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"The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate."

You are going to have to have two adjournments.

Senator Byrd. That it true, you would. That is all right. Let us leave it as it is.

The Chairman. As is.

Rule XIV will be approved,

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During a later discussion, Senator Allen said: "Another thing occurs to me, as the Rules Committee might possibly recommend a constitutional amendment providing two alternative methods of impeaching Federal judges." This is what I told you about a while ago. They raised the issue of amending the Constitution so that the impeachment trials of judges, which might in the future take up much time of the Senate, so as the Senate wouldn't be bogged down with all of these trials. So this is what Senator Allen was talking to.

Senator Allen. They ought to be tried in district courts, it seems to me, or some other way rather than making the House impeach and the Senate try. There are so many of them.

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The Chairman. There are certainly a lot of them.

Senator Allen. Four hundred or more.

The Chairman. We hope they would not all be impeached at the same time.

Senator Byrd. Would you have the Clerk make a note of that?

The Chairman. Yes, sir.

The remaining one is Rule XXVI, and I have no proposals to make there.

Dr. Riddick. There is one other point under XXV. It is the last word.

The Chairman. Yes, the last word of the form on Rule XXV, "unless otherwise ordered by the court" -- strike the word "court" and insert the word "Senate."

It would read "unless otherwise ordered by the Senate."

We have tried to conform.

Senator Byrd. Where is that?

The Chairman. That is just before the start of Rule XXVI, "unless otherwise ordered by the Senate."

We have gotten away from the use of the word "court."

That sustains your point, which you raised a while ago.

Ritchie: You were quoting from the transcript for August 8th, so the committee was meeting on the day that Nixon

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announced he would resign the next day. Had you anticipated this?

Riddick: It wasn't definite. I might say that much of that day senators were going in and out of the White House. As I recall, Senator Goldwater went up that morning and talked with the president. They were going and coming and while we knew things were touchy, the president still had not said he was going to resign. If it hadn't have been so late in the session I think the Senate might have adopted these amendments to the impeachment procedure anyhow. Because they thought they should be for all times, to bring them up to date, in other words.

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Ritchie: Was there any sense of relief in the committee, perhaps, that they wouldn't have to follow through with all this?

Riddick: Well, we were still in session, as I recall, before he made his announcement that day, and had finished that day's proceeding. But then, to prove

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my point that the senators of the committee were concerned with amendment of the rules, they went on and met again on August 14th and August 21st to finish, because they had a mandate from the Senate to file a report by the 1st of September.

Ritchie: Did you feel, or do you think there was a sense of the committee that perhaps it would have been better for the impeachment process to have worked its course, rather than to have the president resign?

Riddick: Frankly, I didn't take any poll on that, but my conversations with different senators, not only of the members of the committee itself but other senators, convinced me they were glad that they didn't have to be confronted with this trial. You know, this is a serious thing, and it's a sad thing, and it would not only throw a burden on them to cast their decisions in the Senate, but also made them feel that the country was so torn apart that any prolonged

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trial would really upset the country. Now, this was the impression I got from talking to the different senators off record. And they were just tickled that they were not going to have to go through this trial: guilty or not guilty it was something that was rather awesome, when you think that you've got the president of the United States down on his knees being tried, and it doesn't matter whether it's Nixon or whomever it is, it's the top man in the country who is being humiliated to come down before the Senate for a trial as to whether he is guilty of any of these charges or not.

Ritchie: If the impeachment had run its course, was it anticipated that the president himself would actually appear at the trial?

Riddick: Some had said yes and some had said no. We had no way of knowing because our work was done completely independent of a case history. We weren't

just thinking of Nixon, we were thinking in terms of amending the impeachment rules to make a better procedure to give you a better trial. A few times in these meetings they would say "if the president should be impeached," or "should we try the president," things of that nature, but it was an assignment by the Senate, and they were looking at it as a general overall assignment.

The committee met again on August 14th when they heard three other senators and a James Thornton, staff member of the Senate Agriculture Committee, who was speaking in behalf of Senator [Humphrey](#), who was unable to be present. Then they started back further asking questions with me. But nothing particular was done that day, and they adjourned until August 21st for further questions and answers and proposed changes. There are two other pages that I

might cite very briefly here that would give some concept of what they were still working on.

On the 21st the chairman had raised a question about the proposed changes in Rule XX. "In other words," the chair said "that would get away from -- in the current rules, where a person who makes the motion to into closed session and has it seconded, it is a closed session."

Is that correct, Doctor?

Dr. Riddick. Well senator, I think that is true under our legislative rules, but I think under precedents this is what we followed before.

(That is, they would move to go into executive session and do it by majority vote.)

The Chairman. This is just restating what they did in the precedent, is that correct?

Dr. Riddick. That is correct, because the Chief Justice -- that is the first time he voted, was to go into closed session.

Senator Byrd. Also, it provides for that taking place without debate, which is good.

The Chairman. Do you see any reason why this amendment should not be put in?

Dr. Riddick. No, sir, I do not. The only question I would raise is whether you want a yea and nay vote.

The Chairman. I think you ought to in a situation like this.

Senator Byrd. I think you ought to have a yea and nay vote going into closed session.

Dr. Riddick. That would be the only question.

The Chairman. Without objection, then, that amendment will be added to Rule XX.

Now, one last one.

Senator Hatfield. All right, then, let me ask you this. If they found him guilty on the first count or the first charge, do they have to go ahead and try him on the others?

The Chairman. The trial is already concluded on all of them. The trial is concluded on all of the charges, and then the jury may find him guilty on count Number 1 and count Number 3 and not guilty on count Number 2, 4, and 5.

Senator Hatfield. And the degree of punishment, then, is related to the--
The Chairman. That is correct.

Now, the question in Rule XXIV was the question of the limitation of time for the members to speak on a question -- interlocutory question and final question. We had some discussion on that.

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I don't have any proposed language, but I think that is something we need to discuss.

Now, this is quite limited here. You will recall, I think Senator [Javits](#) raised the question that this was not adequate. And other people raised the question. Although we do have the escape clause there, ". . . unless by consent of the Senate."

And it may be that you prefer to leave the rule as it is and then require consent if any changes are to be made.

Senator Byrd. I would just as soon leave it like it is, with the exception of providing for orders and decisions to be made without objection up there. Orders and decisions could be made, Doctor, by unanimous consent or by yea and nay vote.

Dr. Riddick. Yes.

Senator Byrd. How's that? "All the orders and decisions shall be made...?"

The Chairman. Well, aren't you going a little broad if you make "All the orders and decisions shall be made without objection or by yea and nay vote"?

There are certainly some orders and decisions of the Senate as a body that you wouldn't want to run the risk of just, say, without objection.

Senator Byrd. Well, any senator could object. It seems to me that there could be some minor orders and decisions that -- certainly decision, minor decision you wouldn't need a yea and nay vote on.

Doctor, what do you think?

Dr. Riddick. I think you are right. The same problem that was presented before, because if something is non-controversial why have a yea and nay vote on it.

The Chairman. Then we could use the same language that we put into Rule XX and say "All orders and decisions shall be acted upon without objection or, if objection is heard, shall be made and had by the yeas and nays, which shall be entered on the record."

Senator Byrd. Do you see any problem with that?

Dr. Riddick. No, sir.

The Chairman. Do you see any difficulty there?

Dr. Riddick. Using "without objection," I think you could say without objection, will not have yeas and nays and get a division vote.

Senator Byrd. Except, doctor, can a senator reserve the right to object and get some debate in?

Dr. Riddick. No, because wherever there is a unanimous consent proposal, while we do tolerate "Mr. President, I reserve the right to object" the chair can say, as we have done, "This is not debatable. Is there objection?" But they normally let it run along, so they might resolve the solution quicker.

The Chairman. All right, then, if there is no objection, we shall. insert after the word "decision," "shall be acted upon without objection is heard ..."

Ritchie: Now, the committee made its recommendations to the Senate, and all but one voted for televising and the committee agreed to report back S. Res. 390 with the proposed changes, but the Senate itself never acted.

Riddick: The Senate itself never acted on either. But they did report it back to the Senate unanimously with the proposed changes.

Ritchie: Now, should an impeachment occur in the future, would it be natural then for the Senate to go back to this proposal?

Riddick: They may or may not. If it's another trial of a judge they might just follow the existing rules as they did in the case of Judge Ritter, which was in 1933. But they might, on the other hand, if they get another impeachment trial, pick up these resolutions as they reported, S. Res. 390, as being a better procedure, and just adopt them when they find the occasion for another impeachment trial.

Ritchie: I have sort of theoretical question now. For about a hundred years after the Andrew Johnson trial, historians were almost unanimously agreed that it was almost impossible under any circumstances to impeach a president, and that the Andrew Johnson trial had proved that since he was not removed from office, and it was questionable whether he had gotten a fair trial in the House of Representatives, with the political pressures and everything else. Do you think that, given the circumstances of the Nixon case, that it would have been possible to impeach the president, and that the impeachment process is still a useful one, through which the Senate and the Congress can respond?

Riddick: I don't know. Your assumption is one way, and as a matter of fact they thought they would impeach Johnson. If it hadn't been for the courage of the senator from Kansas to vote against impeachment, Johnson would have been

impeached. Now, whether some senators would have changed their vote, or in final analysis after a trial would have voted not guilty, is a conjecture. I have no way of knowing. I do say that I think that these senators talking, and these senators who were in defense of the president, going down to the president and talking to him convinced the president that he didn't have much chance of a trial without being found guilty, which perhaps caused him to resign. Whether that's what made him resign, or whether after they put the seriousness of the situation to him he decided that the country would be better off if they didn't have to go through one of these impeachment trials, I don't know. It's all conjecture. But the things that I have mentioned do point up the issues that were confronting the country, that were confronting the senators, and that were confronting the president himself.

Ritchie: One other question. Senator Hatfield raised the question of punishments at one point. Is there any other punishment other than removal from office that the Senate can inflict?

Riddick: Not punishments. That is a punishment in a sense, but it really is not the levying of a punishment. Not only have they removed them from office but they have adopted resolutions on one or two occasions, I don't have the facts in front of me right now, which they included in the resolution, that that person should never again be eligible to hold public office. That's a hell of a penalty, in a

sense, but it's not levying a punishment as such. Now whether the Senate would have the right in that resolution to prohibit him, say the person impeached should ever challenge that later on, whether that would stand up in the courts that he couldn't run for office, I don't know. Because

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that's done by simple resolution, and that's not law.

Ritchie: I understand that if the president had been removed from office it would also have affected his ability to collect his pension from the federal government.

Riddick: I don't know about that. I wouldn't want to say. That would be a legal interpretation, and I know that there are provisos in the pension laws to the effect that if you are convicted of felonies and so forth you are not eligible for pension, but whether the law would authorize that particular thing I just have never checked.

Ritchie: And if there had been several charges against the president, and the Senate had voted any one of those charges, he would have been removed from office?

Riddick: That is true, as they were told in these committee meetings. That's why finally they included in the rules that an article could not

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be divided. I think you'll find that in the resolution as it was reported. Because it doesn't matter what part is good or what part is bad, if you find him guilty of any portion of that article that is sufficient. That issue was raised at some length, and we discussed the possibility if they should impeach the president, would you go any further? Well, the assumption is, and I think the committee agreed on this, I don't believe there was any vote on it at all, but I think they mentally were in accord on this, that if on any portion of an article they should have found Nixon guilty, then right then he was no longer president, that the vice president should be standing at the door, when the vote was announced, to take the oath of office.

Ritchie: It probably would have taken place right there.

Riddick: Because, as I pointed out to the committee, on various occasions in

the history of our country, when Inaugural day fell on Monday and the date of expiration of the president's term, which was March 4 before the last amendment, when the last day fell on Sunday, that is his term of office expired, the new president would take his oath of office independent of the Inaugural ceremony, because you must have a Commander-in-Chief in case there should be a crisis. There would be nobody to give the army orders if he had not taken the oath of office, and the Constitution specifically provides, in effect, that he's not president until he has subscribed to that oath of office. It doesn't matter if he's elected; he must take his oath of office -- and sometimes now, if they find that the inaugural ceremonies are going to run to 3:00 o'clock -- they give him his oath of office before that hour so there will be a Commander-in-Chief.

[end of interview #6]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #7

The McCarthy and Dodd Cases

(October 18, 1978)

Interviewed by Donald A. Ritchie

Ritchie: Previously, we talked about impeachment, but now I would like to bring up the question of censure in the Senate, its own housekeeping of its members. You said there were six or seven censures in the history of the Senate, and you participated in two of them.

Riddick: That's a pretty high average. There have been seven censured, but on six occasions. The cases of [\[Benjamin\] Tillman](#) and [\[John\] McLaurin](#) were both in 1902. There were two other trials, of [\[Thomas Hart\] Benton](#) and [\[Henry\] Foote](#), but they were not censured.

Ritchie: That's an indication, I would guess, that the Senate is very reluctant to move against any of its own members, and that it would take a very serious offense before the Senate would take any kind of disciplinary action.

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Riddick: I think there is no question about that. The [McCarthy](#) case, for example, had been building up for a long period of time. It wasn't something that just happened overnight. I remember distinctly, that Senator [\[Ralph\] Flanders](#) of Vermont for nearly six months or longer before he introduced his resolution, kept coming to the desk and asking me about the procedures on this detail and that; and he stated on different occasions: "Well, I've got to come up and learn my lesson today as to how I should move in this direction." Well, that was a long, drawn-out thing too, so it wasn't a sudden thing of deciding one day to consider censure and then the next day of starting out in that direction.

Ritchie: The McCarthy censure was certainly the most famous of all Senate censure cases, and the most dramatic.

Riddick: There's certainly been more written about it than any other case, I'm

sure. The earlier cases, even though the Senate might have been excited about them, there wasn't the publicity. The press wasn't as alert, or as expanded as it is today so it could give the publicity to them that it gave to the McCarthy case.

Ritchie: You arrived in the Senate about the time of Senator McCarthy's peak. You had been here working on the "Daily Digest" when he arrived, but it was about 1950 that he became a national figure.

Riddick: That is correct.

Ritchie: And a very controversial figure. What type of a person was McCarthy, from your perspective, watching him on the floor and seeing him around the Senate.

Riddick: Well, as you said, I came up to set up the "Digest", and I remember one day walking down the corridor between the Russell Office Building and the Capitol Building and encountering him. He'd been here about a year, and I inquired of him what his interests were

going to be. As you know, most of the senators endeavor to specialize in some particular area, and I was inquiring of him what did he propose to devote his energies to, what subject matter, or what course of activities he proposed to specialize in. He said he hadn't fully made up his mind, that he had been talking with some of the professors over at Georgetown University to get them to help to guide him in what he should specialize in. That is about the last that I had any contact with him until he began to make these speeches accusing our government of allowing Communists to infiltrate into the system.

Of course, his first speech got him national recognition overnight, because as you know at that time this country and most officials were very conscious of the activities of the Communists, particularly the Russian Communists, and of their

infiltrating into our system. The speech really set off a storm. I guess he found himself much like Don Quixote beating his horse. Every time he would make a speech he'd get more attention, so on he'd go and take another shot at the Communists.

Personally, he was very likeable, that is as far as my association with him was concerned. He never offended me any, but he was competent at getting very vitriolic and very arrogant and very condemnatory of other persons with whom he was associated. But my dealings with him were not that kind, with me he was concerned with the parliamentary law and related matters. He was always very reasonable and very friendly with me when I had any dealings with him.

Ritchie: Did he stand out noticeably on the Senate floor when he debated, as adding a more vitriolic note to the debate?

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Riddick: He had a tendency to be overbearing at times, versus somebody with whom he was speaking, and he was of such a nature that a lot of the senators didn't care to get entangled with him, because he might be offensive in some regards, or try to play you down or reflect on you so that no senator particularly cared to get entangled with him. It was somewhat the same as I heard about the senior Senator [\[Huey\] Long](#). People just didn't care to get entangled with him, so they sort of stayed at a distance.

I might say that after they had kept talking about McCarthy and his case for a long period of time, the first focus was really brought about when Senators Flanders of Vermont introduced his resolution on censure, which was privileged of course. That was the famous S. Res. 301 of the 83rd Congress. That resolution was very brief but very crisp in its

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determination. It read:

Resolved, that the conduct of the Senator from Wisconsin, Mr. McCarthy, is unbecoming a Member of the United States Senate, is contrary to senatorial traditions, and tends to bring the Senate into disrepute, and such conduct is hereby condemned.

Ritchie: Was this the amendment in July of 1954?

Riddick: July 31, 1954.

Ritchie: In June, the month before, Flanders and [Herbert Lehman](#) had introduced a resolution to strip McCarthy of his chairmanships.

Riddick: That's correct.

Ritchie: But that was not a censure?

Riddick: That was referred to a committee. These were some of the questions that Flanders raised with me when he'd say: "I'm coming up today to learn my lesson." He found that that was not a privileged proposition -- of committee assignments -- but when you go to defend the reputation of the Senate, as he was proposing here in this resolution, it becomes a privileged matter.

Ritchie: Meaning it doesn't get . . .

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Riddick: It doesn't have to be referred to committee.

Ritchie: I see.

Riddick: And so the Senate did proceed to take this up immediately.

Ritchie: Now, with the other resolution, once it was sent to committee it was felt that the probability was that the majority party -- that is the Republican Party -- would not act on embarrassing a Republican chairman.

Riddick: Well, I don't know what the reason was, but it went over to the Rules Committee and stayed there without action. I think there was perhaps a report of some kind made after the trial began, but Senator Flanders concluded that the only way that he was going to be able to get anywhere with his charge was to do something directly on the floor.

Ritchie: One other thing on this I wanted to ask, on the question of privilege, and the whole question of "unbecoming of a senator." "The rules of the Senate,

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Rule 19 says that no senator may reflect badly on another senator.

Riddick: Reflect on a state of the Union or do anything unbecoming a senator, or reflect on another senator.

Ritchie: In effect, does not that prohibit other senators from criticizing their colleagues? So how does one break through that to accuse another member of conduct unbecoming of a senator?

Riddick: Well, it's alright to censure a person as long as you do it in a formal fashion. I will point out something to you in a few minutes that will focus exactly on what you are talking about.

So the Senate debated this resolution [S. Res. 301] right off at the beginning, and soon after the debate started on the resolution the Majority Leader, Senator [Knowland](#), moved that the resolution be referred to a special committee with instructions. The resolution was

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very brief to begin with, but it was modified and finally agreed to by a vote of 75 to 12. The motion they agreed to provided the following:

To refer the pending resolution together with all amendments proposed thereto, to a select committee to be composed of 3 Republicans and 3 Democrats who shall be named by the Vice President; and ordered further, that the committee be authorized to hold hearings, to set and to act at such times and places during the session, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony as it deems advisable, and that the committee be instructed to act and to make a report to this body prior to the adjournment sine die of the Senate in the 2nd session of the 83rd Congress.

That, having been agreed to by such a vote on August 2, then on August 5, the Vice President:

pursuant to the order of the Senate of August 2, 1954, referring the resolution (S. Res. 301) to censure the Senator from Wisconsin, Mr. McCarthy, to a select committee, appointed as members of the select committee from the majority, Mr. [Watkins](#), Mr. [Carlson](#), and Mr. [Case](#), and as members of the select committee from the minority, Mr. [Johnson](#) of Colorado, Mr. [Stennis](#), and Mr. [Ervin](#).

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This was a select committee, and it announced hearings to begin on August 30. But the House adjourned *sine die* on August 30, and that *sine die* resolution carried a proviso which permitted the Senate to adjourn *sine die* at any time prior to December 25, and that the Senate might adjourn in the meantime for more than three days as it saw fit to. The Senate that night, when it did adjourn, adjourned under the order until after five days following notification to be assembled, and that such notification was to be given to the senators by the majority leader and the minority leader.

Senator Knowland was the majority leader at that time, but the Senate found itself in a rather peculiar predicament: the majority party did not have a total majority. I believe the membership was 47 Republicans, 48 Democrats, and 1 Independent.

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So whatever they were going to do in this trial had to be more or less nonpartisan.

To point out the significance of the political situation in the Senate at that time, I remember on the closing night of that session Senator Knowland had this to say: "Mr. President, I have presented the case. I have presented it from a position in which no man has heretofore been asked to serve, a position in which I have the responsibility of being majority leader in this body without a majority." And Senator [\[Lyndon\] Johnson](#), the minority leader, responded to Senator Knowland's accusation as follows: "Mr. President, the Senator from California frequently refers to himself as a majority leader with a minority; and he has made reference to all the problems that go with that situation. If anyone has more problems than a majority leader with a minority, it is a minority leader with a majority."

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So that sort of pointed up the picture, I thought very cleverly, as to what was the situation existing in the Senate at that time.

The Senate, pursuant to this order to authorize the two leaders to call them back, reassembled on November 8, for the trial. In the meantime, the Watkins select committee had filed its report on S. Res. 301, which was Senate Report 2508 of the session. But the Senate did not begin to debate the trial until November 10.

Ritchie: I wanted to ask you on that, as parliamentarian, did you and Mr. [Charles] Watkins serve as consultants to the [Arthur] Watkins committee? Did they question what types of offenses might be censurable?

Riddick: Yes, the parliamentarian actually testified, but Mr. Charles Watkins, the parliamentarian was not so active at that time because he had undergone

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a serious operation and had been away from the Senate for nine months. So I was in the peculiar predicament of having to carry the ball all the time in the

relationship with the committee, but Mr. Watkins himself testified. We talked it over at length and he testified about some of the problems that the Senate would be confronted with, and what were some of the precedents and practices with regards to censure.

Ritchie: Was there anything in particular that concerned you at that stage? Any major problems that you foresaw?

Riddick: Nothing other than that we were asked a lot of details about what had been the practice in the past, and I was in the meantime studying and getting prepared for the trial, because I knew we were going to have some problems that were going to be unusual as far as parliamentary procedure in the Senate was concerned.

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The debate started November 10 and went through until November 18, when the Senate adjourned (they were in session seven days), and they adjourned until November 29, because McCarthy had been sick and had to go to the hospital for that period of time. When the Senate came back into session they agreed to vote on the final passage of the resolution with a prescription set forth as to the time when debate was going to become under control. What it really resolved down to was that any amendments to be offered were going to be debated for an hour, except substitute amendments were going to be debatable for four hours, and that this time was to be equally divided between the Chairman, Mr. Watkins, the manager of the bill, and the proponent of the amendment being proposed. So they really didn't begin to vote on anything until December 1, and on December 1

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and 2 the Senate acted on all the proposed amendments and finally reached a vote on the passage of the resolution.

Now there were several things that were significant: the senators became very excited about the situation; it was a very impressive thing -- that the senators were called upon in effect to convict one of their fellow members with whom they had been working very closely. There isn't any question but what nationally McCarthy had become very popular and when he was speaking, or even most of the time during the whole trial the crowds were backed up clear to the Rotunda in the Capitol waiting to get into the Senate to hear the debate. You should have seen the people go agog when McCarthy would come through the corridors. I had occasion several times when he wanted me to accompany him down to his office through the hallways or the corridors, to observe the

people; you could hardly walk along; they were all wanting to get his autograph and touch him or speak to him. But there was just as much hate on the other side.

I remember for example, and I don't think that I'm telling any tales out of school, that senators would come up to the desk and literally curse him for all the trouble that he had brought upon them, as they felt. I might cite that Senator [Fulbright](#) came up to the desk and said: "That SOB has hurt my image in the public. He's referred to me in speeches so often as "Halfbright" that the country is partially beginning to believe it!" There was a lot of animosity during the trial.

I remember, for example, Senator [Flanders](#) got so excited in his debate on the resolution that he began to make remarks against the senator (McCarthy) and a point

was made and the Chair made him take his seat. Then a motion was made that he be permitted to proceed in order. But it was a rather delicate thing, because as we have already said, the rules require you not to reflect on another senator. When you let yourself go, so to speak, you might say things that you shouldn't, and there were some on both sides; obviously, those in defense of McCarthy were going to get up and make a point of order if you said anything that reflected on the senator.

Of course, we had a lot of parliamentary maneuvering on this. Some senators thought that it should take a two-thirds vote to adopt amendments to the resolution. They were on the defensive side, feeling that if they established that it would take a two-thirds vote, they might not be as severe on him. So the Chair, the Vice President, was finally required to rule on it,

and he held that there was no question but that any amendment could be adopted by a majority vote, because under the precedents and practices of the Senate even amendments to a joint resolution proposing an amendment to the Constitution could be adopted by a majority vote, and likewise amendments to a treaty, that took a two-thirds vote for approval, could be agreed to by a majority vote, and that this resolution would be no more sacrosanct than that, and that it could be agreed to by a majority vote. So they lost their battle on that procedural aspect.

The unanimous consent agreement adopted by the Senate required that amendments to the resolution must be germane, and as a consequence a number of amendments were ruled out on points of order. But the amazing thing to me was, and I'm not going to take it completely chronological as to what each

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amendment proposed -- the amazing thing to me was that the resolution that the committee reported was greatly altered by the Senate. If I might read the resolution to tell you what the committee reported to the Senate, it was as follows:

Resolved, that the Senator from Wisconsin [Mr. McCarthy] failed to cooperate with the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration in clearing up matters referred to that subcommittee which concerned his conduct as a senator and affected the honor of the Senate and, instead, repeatedly abused the subcommittee and its members who were trying to carry out assigned duties, thereby obstructing the constitutional processes of the Senate, and that this conduct of the Senator from Wisconsin [Mr. McCarthy] in failing to cooperate with the Senate committee in clearing up matters affecting the honor of the Senate is contrary to senatorial traditions and is hereby condemned.

Section 2. The Senator from Wisconsin [Mr. McCarthy] in conducting a senatorial inquiry, intemperately abused and released executive hearings in which he denounced, a witness representing the executive branch of the government, Gen. Ralph W. Zwicker, an officer of the United States Army, for refusing to criticize his superior officers and for respecting official orders and executive directives, thereby tending to destroy the good faith which must be maintained between the executive and legislative branches in our system of government;

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and the Senate disavows the denunciation of General Zwicker by Senator McCarthy as chairman of a Senate subcommittee and censures him for that action.

The funny thing is, a division of this resolution was demanded, which is available to any member on demand, and the Senate then worked first on the first part, which was modified for language purposes but didn't really change the intent much, and then it was adopted. But when the Senate came to the second part, instead of condemning him for reflecting on the General, they adopted an amendment by [Bennett](#) of Utah to strike out all of section 2 and insert in lieu thereof something that again was concerned with the Senate itself; the Senate

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didn't seem to care about condemning McCarthy for his reflection on the General, only because of his reflection on the Senate as an institution, and on the senators themselves.

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After the Senate amended the second part after that fashion, they agreed to the second part. After that, the whole resolution was adopted which read as follows -- this is what the Senate by a vote of 67 to 22 agreed to as a censure of Senator McCarthy:

Resolved, that the Senator from Wisconsin, Mr. McCarthy, failed to cooperate with the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration in clearing up matters referred to that subcommittee which concerned his conduct as a senator and affected the honor of the Senate and, instead, repeatedly abused the subcommittee and its members who were trying to carry out assigned duties, thereby obstructing the constitutional processes of the Senate, and that this conduct of the Senator from Wisconsin, Mr. McCarthy, is contrary to senatorial traditions and is hereby condemned.

But the second part of that resolution read as follows, as it was amended to get rid of the provision relative to the General:

The Senator from Wisconsin, Mr. McCarthy, in writing to the chairman of the Select Committee to Study Censure Charges (Mr. Watkins) after the select committee had issued its report and before the report was presented to the Senate charging three members of the select committee with "deliberate deception" and "fraud"

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for failure to disqualify themselves; in stating to the press on November 4, 1954, that the special Senate session that was to begin November 8, 1954, was a "lynch party"; in repeatedly describing this special Senate session as a "lynch bee" in a nationwide television and radio show on November 7, 1954; in stating to the public press on November 13, 1954, that the chairman of the select committee (Mr. Watkins) was guilty of "the most unusual, most cowardly thing 'I've heard of" and stating further: "I expected he would be afraid to answer the questions, but didn't think he'd be stupid enough to make a public statement"; and in characterizing the said committee as the "unwitting handmaiden", "involuntary agent", and "attorneys-in-fact" of the Communist Party and in charging that the said committee in writing its report "imitated Communist methods -- that it distorted, misrepresented, and omitted in its effort to manufacture a plausible rationalization" in support of its recommendations to the Senate, which characterizations and charges were contained in a statement released to the press and inserted in the *Congressional Record of*

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November 10, 1954, acted contrary to senatorial ethics and tended to bring the Senate into dishonor and disrepute, to obstruct the constitutional processes of the Senate, and to impair its dignity; and such conduct is hereby condemned.

That's what the Senate finally approved.

Ritchie: The impact then, is not the Senate evaluating McCarthy's activities, or his charges about Communism, or his behavior during the Army-McCarthy hearings,

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but it's really a condemnation of McCarthy for dishonoring the Senate through his attacks on the Senate as an institution and on individual senators.

Riddick: That's right, for the lack of respect. That's really what it resolved into in final analysis.

Ritchie: At the point when the resolution was amended and the second section was changed, the word "censure" was removed and replaced by "condemned."

Riddick: Right.

Ritchie: And McCarthy's supporters in the Senate then stood up with a point of order and asked if the word "censure" was in the resolution itself. The Vice President announced that it wasn't and although he refused to interpret that in any way, he took it as his prerogative as presiding officer to change the title of the resolution from censure of McCarthy to condemnation. Did that make any difference?

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Riddick: Oh, I don't think so. My experience in the two censure cases that I worked with is that an individual member really is hurt when the Senate calls him into question and literally condemns him as an unworthy member of the Senate. That's a killer-diller.

I know from the time that McCarthy was censured until he died he would call me frequently, as a regular practice when he was going to hold a press conference, he'd call me and read his statement to me and say: "Do you think that's something that would offend the Senate's dignity? Or do you think that it would bring me into disrepute as a member of the Senate?" This was a regular practice. He became very inactive; he really, it seemed to me, became almost ashamed to come on the Senate floor, because he didn't show up regularly. As is public

record, he began to drink pretty heavily, because he really was hurt. He felt that he had

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really been kicked out of school, so to speak.

Ritchie: You said that on some of his calls you could tell that he had been drinking.

Riddick: Yes, his conversation was such that his lips were very thick so that you knew that he had been drinking.

Ritchie: Were you able to evaluate his statements and other things he was asking, to make any recommendations to him?

Riddick: Oh, well, I would tell him whether I thought it would be subject to criticism; and I would tell him that I didn't think there would be anything wrong with that; that it would be a matter of his personal opinion and that I didn't see where it would reflect on the dignity of the Senate. I tell you, I think he got very much concerned after that. Until then, he was very arrogant. He would come in on the Senate floor and blast at an individual without hesitancy. But after the

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Senate had voted to condemn him, he was really hurt. I think he really felt that he wished he had never gotten into it.

Ritchie: Do the senators adopt any particular attitude towards another senator who has been censured? Do they not talk to him? Do they avoid him or refuse to debate him on the floor, or anything like that?

Riddick: No; I think the biggest thing is the feeling of the individual who's been censured. I think they feel a guilt complex, or something. For example, I noticed that regularly the senators were very buddy-buddy with Senator [\[Thomas\] Dodd](#) after his trial, but Senator Dodd was a different person. He felt that he had really been hurt.

Ritchie: There's one other question I wanted to ask on the McCarthy censure. We talked about McCarthy's personality, I wondered about the types of people who had the courage to stand up

against him, particularly Ralph Flanders, and what type of a person he was. You said you had some dealings with him.

Riddick: Yes, the funny thing is, I guess it's like most activity in life, if you are a little bit timid when you started something, say for example when you start to speak or when you start to play ball, you might be timid and a little bit scared to start out in this particular activity. But the more or the deeper you get into it the more self-confident or more determined you get to do what you think you should do. I think this is quite true in this case.

Some of the senators, like Senator Flanders, most of his conversation was very confidential, very quiet, he didn't make any assertions, until he really got into the trial. He tried to figure out ways that he was going to go about to accomplish his end, but it was all sort of

hesitant like, I mean he wasn't like a man running a race, he was feeling his way along, how he'd come through. Because, after all, you don't want to stick your neck out against an individual if you don't think you've got a just cause, I'd say. I think this is very true in the Senate. A senator will not charge another senator out publicly, certainly, until he feels that the situation is such that the Senate is going to do something about it and support his feelings. He might have personal feelings, but he just doesn't expose them.

Ritchie: And Flanders had never been a really outspoken person?

Riddick: Hardly. He wasn't very assertive in any of his endeavors on the floor, legislative-wise. He was a very mild, calm person all the way through. But this time when he started speaking against McCarthy on the floor he let his feelings get away with him at that time. I guess

he felt that he was taking the bull by the horns and he was going to assert himself like he wanted to, when, I believe it was [\[Herman\] Welker](#) of Idaho who called him to order, and he was forced to sit down, but then another senator made a motion that he be permitted to continue.

You see, the rules provide that if a senator is requested by the Chair to sit down (they have modified it since) the Chair sat him down and he could only proceed

on that issue if a motion were made that he be permitted to proceed in order, which was determined without debate. And that was the case in this instance; after Senator Flanders was asked by the Chair to sit down, and a vote was taken, and he was permitted to proceed in order.

Ritchie: So many of the really more influential senators and strong leaders in the Senate avoided the issue, they didn't want to tackle McCarthy head-on but someone like Flanders took on the task.

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Riddick: Yes, a lot of the senators felt that he did hurt the dignity of the Senate and reflected on the Senate, but they didn't want to get out in front. It's sort of a nasty issue that they didn't want to get involved in. They were more concerned about legislation, but after all these are jobs that have to be done. If somebody is going to try to tear down the image of an institution, somebody's got to protect it, or expose what the situation is or the public to judge.

Ritchie: There's a quote on this from William S. White that "it was the institution that finally brought McCarthy to the book."

Riddick: I think that's true. I think if it hadn't been reflecting on the institution as such, to the point that the senators felt that they had to defend the institution he'd have never been condemned. There were attempts, as you know, a lot of amendments were offered and voted down, which were

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to soften the blow. Senator [Bridges](#) of New Hampshire offered two or three substitutes in which he was trying to soften the blow and really not condemn him but saying that the Senate takes itself seriously and no member should do things that would be unbecoming of a senator, and things of that nature. But not just to bear down on McCarthy as such.

I tell you frankly, I think there was a division of feelings in there. I think the senators were concerned about the Communistic infiltrations that were occurring in our government, and therefore, they had a feeling that this was something that had to be brought to the attention of the Senate, but at the same time they also wanted to save the image of the Senate. That seemed the way it broke down in a lot of respects, in talking with the senators as the debate went on. A lot of the senators told me that they felt that McCarthy in this regard

was doing a service to the country. Others would say there was nothing to it.

As you know, this situation is really what caused Senator [Millard Tydings](#) to lose his seat, because people were accusing him of getting too friendly with the Communists. There were a lot of people excited about the situation, and this is what made the trial so significant, because there were two extremes here at play.

Ritchie: The other major censure case of your career, the Thomas Dodd case, seems to be so different from the McCarthy case. From what I could see, Thomas Dodd seemed to be a very popular person with his colleagues.

Riddick: He not only was a popular senator, if I might interrupt, but he had an air about him and a dignity that was becoming to a senator. He looked like a senator, really. You were impressed by his reserved conduct, and the way he

approached problems. Simply, he was an impressive person and looked as if he were a senator when you'd see him walking around the chamber and between the office buildings and the Senate chamber.

Ritchie: And yet, in effect, the censure of Dodd was similar to the censure of McCarthy because didn't it come down to the whole question of drawing disrepute on the institution of the Senate, moreso than specifically the charges against him?

Riddick: Well, there was a difference in the situation in many regards; after all, McCarthy was really charged because of his arrogance against the Senate, but the charges against Dodd were because of his management of his finances. It was an entirely different thing. You see, even though a law had not yet been enacted which prohibited senators from taking money from the public and mixing it in with their private accounts, a terrific amount

of opposition against this practice was developing which lead to the enactment of such a law; the public sees this practice to be immoral. This was something that Senator Dodd was unable to explain.

The bad thing about the Dodd case, it seems to me, was that it exhibited a case of his staff betraying him. Members of his staff had gone to Drew Pearson and exposed facts unbeknowning to the senator, and the senator really didn't realize what his predicament was until he was in the middle of it. What I'm saying doesn't mean that it's right to do smething that's wrong, but also I should think that members of a senator's staff should certainly be loyal to the senator. How is he going to operate if he can't expect his staff to be loyal to him? Not if he does something wrong, I don't know that they should find themselves in the predicament of harboring a

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criminal, but if the senator can't trust his staff, how does he know that they're not doing all kinds of things against him, even in the field of legislation itself.

Likewise, this case of Dodd's differed in that an individual senator didn't have to take the matter to the Senate as Flanders did. We then had the Select Committee on Standards and Conduct. While some senators might have gone to the committee itself and exposed their feelings, it didn't seem that that was the case. It seemed that it was the press bringing pressure to bear on the committee that they should clean house, so to speak. You had a non-partisan committee that took the issue up without a single individual having to make charges, and it conducted hearings on its own to see what should be done about it.

The select committee first met in January of 1967, in executive

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session, to hear John Sonnett, counsel to Dodd, as to whether they should proceed with the case or not. The committee called me about the matter and I gave them the best advice that I could; of course, they were concerned with my advice about procedure; only procedure, and I gave them the advantage of what I had learned under the McCarthy case and also what the experiences of the Senate had been. It was a new committee, with certain defined powers and that was why my advice was sought, whether or not the committee had the authority to initiate this case under the circumstances. The members of the committee wanted to be sure of themselves before they proceeded.

On March 13 of that year the committee began the second phase of its investigation. The first meetings were in closed session, and it proceeded to hold hearings with members of Dodd's staff. The first ones it

heard were James P. Boyd and Marjorie Carpenter, I think Boyd had been Dodd's administrative assistant and Carpenter one of his aides. The committee held hearings, receiving testimony from witnesses, most of whom had either been employed at one time with Dodd or were close affiliates with some of his people back in Connecticut, or here on the Hill. These hearings ran March 13, 14, 15, 16, and 20. The committee concluded the hearings with Dodd the last to testify. Then the committee filed its report and reported the resolution, and it provided:

Resolved, That it is the judgment of the Senate, that the Senator from Connecticut, Thomas J. Dodd, for having engaged in a course of conduct over a period of 5 years, from 1961 to 1965, of exercising the influence and power of his office as a United States Senator, as shown by the conclusions in the investigation by the Select Committee on Standards and Conduct, a) to obtain and use for his personal benefit funds from the public through political testimonials and a political campaign, and b) to request and accept reimbursement for expenses from both the Senate and private organizations for

the same travel, deserves the censure of the Senate, and he is so censured for his conduct, which is contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into dishonor and disrepute.

That's the resolution that the committee reported, and the Senate proceeded to consider that on June 13. On June 12 the Majority Leader, [Mike Mansfield](#), had announced the program for the consideration of that resolution, and the resolution was debated on the 13, 14, 15, 16, 19, 20, and 21 of June. So it wasn't just brought up one day, and agreed to the next. It was debated at great length. As in the previous case, division of the resolution was demanded, and there were a number of amendments offered. Senator [Russell Long](#) offered a substitute that tried to soften the blow. He became quite a defender of Dodd's. Unlike McCarthy, who voted present and stayed on the floor and took some part in the debate, Dodd asked and was granted permission to absent

himself from the floor during several of the votes, and he was not very active during the debate at all. Senator [Allen Ellender](#) of Louisiana offered an amendment to strike the second part, which was agreed to by a vote of 51 yeas and 45 nays. Then the resolution was adopted by a vote of 92 to 5. As adopted, the resolution read as follows:

Resolved, (A) that it is the judgment of the Senate that the Senator from Connecticut, Thomas J. Dodd, for having engaged in a course of conduct, over a period of five years from 1961 to 1965 of exercising the influence and power of his office as a United States Senator, as shown by the conclusions in the investigation by the Select Committee on Standards and Conduct, to obtain, and use for his personal benefit, funds from the public through political testimonials and a political campaign, deserves the censure of the Senate; and he is so censured for his conduct, which is contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into dishonor and disrepute.

Ritchie: I suppose it's that last phrase that reminded me of the McCarthy censure, that while Dodd's offense was contrary to the law of campaign funding, it also tended to bring public dishonor to the Senate.

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Riddick: By the senator, in effect, being takers, financial takers.

Ritchie: Yes, and because of the extreme publicity that the case had gotten, from Pearson and the other newspapers, which helped to bring it to the floor and to get such a large vote against Dodd. The McCarthy censure was closer by comparison, but 92 to 5 is an overwhelming rebuke by his colleagues.

Riddick: Yes. Do you have any other questions?

Ritchie: About the Select Committee on Standards and Conduct that essentially had organized the censure of Dodd, this was the first case that they had handled, and I understand they were an outgrowth of the problems dealing with the Bobby Baker investigation, and of a sense of the Senate that it was time to police its own ethics and morals. We now have a Committee on Ethics in the Senate.

Riddick: Which is a renaming of the original select committee on conduct.

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Ritchie: How well do you think the Senate has been able to handle this whole question of ethics in the period that you've been observing? Is it possible to police itself other than in these rare instances of a major case against a person who has offended all sensibilities?

Riddick: It's a difficult thing. You know, in some regards I'm inclined to think the Senate has tried to regulate itself too much. Instead of individual senators

being the leaders of the country and being able to stand high in the opinions of the public throughout the country, the Senate has taken on the attitude that they've got to pass laws and rules and regulations to keep them in line. Senator Dirksen used to insist that as long as he was going to be a member of the Senate he was not going to let the Senate adopt ethics rules. What he felt should be done was to leave the policing to the constituency.

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That if his conduct was not becoming of a senator, then at the next election let his constituents vote him out.

Well, now, if that philosophy is followed, and the senators conduct themselves on a scale that makes them admired and respected by the rest of the country that's a great thing, and in my opinion much better. But when you move in the other direction, of passing rules and regulations, you obviously set a mousetrap for yourself, because the governing game has become so great and so big, I say this in defense of the Senate, that the senators have to delegate certain powers. I think sometimes they find that their own staff has trapped them. Matters of this kind have been called to my attention, that the senator didn't actually know that this was occurring until he had been caught or trapped by his own staff. You

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remember the case of Senator [\[James\] Allen](#). His staff released some information contrary to what had been expected, and he didn't fire this administrative assistant but put him on leave for a period of time as a punishment, for releasing something that was in his confidential files.

So if you pass a lot of laws, stipulating that you can't take money for a campaign and then one of your advocates or campaigners sees fit to raise money somewhat contrary to the law or on a shady basis, and get it into the kitty, you're trapped before you know it. Now, I don't mean to say that sometimes senators might not know what all is going on. I don't say that, but I say the job is so big that it's practically impossible for an individual senator today to oversee or override every particular in his office. It presents a different problem, and I'm

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afraid it's going to get worse instead of better. You know the situation right now, cases pending before the Ethics Committee. What's going to be done, I don't know. I've had a lot of conferences already with some senators on the committee,

however, I am not free to divulge anything at all, but where they will go from here remains to be seen.

Ritchie: This brings up the whole question of the standards for a senator, what is becoming of a senator, and how difficult that it is to live up to the public image that we're creating.

Riddick: Well, as I said a few minutes ago, they have passed so many rules and laws and rules restricting themselves that it makes practically a maze that they've got to follow in order to avoid charges. As you know, there are charges and countercharges going on all the time against senators, particularly by their opponents in the campaigns, and particularly by the outs to get the ins

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out. So, a senator's life is almost like living in a goldfish bowl. He's exposed from every angle, and his every move is being watched by the public, and consequently, if his skirts are not clean there's certainly going to be endless charges that will be established eventually to his hurt.

In some regards it hurts the image of the Senate when all of these charges are being made, unless they are refuted. I've even in conversation with some associates of mine, in my rural community where my farm is down near Williamsburg, heard an individual, an ordinary citizen, say to me on one occasion: "You all up there are crooks!" Well, this is an attitude that is growing, and of course there's not a bit of truth in it. There might be some things that can be established at times, but most of them that I've heard are just grasping at straws

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to find something that they can criticize the incumbent with.

I remember one senator called me just last week. He had been accused of doing something illegal, according to the rules of the Senate. It was involving proxies being cast in a conference committee. Well, there's no regulation in the rules to that effect. But what the candidate running against the incumbent was accusing the incumbent senator of, was that he had done something contrary to the rules, and quoted from the provision of the rules that was regulating the standing committees, but had no reference at all to conferees. So, if you're groping at the straws you pull out anything that you can, even if it's a half-truth, to accuse somebody. Eventually, I guess, it's all fanned out in the public, but it's a slow process, and it gets very expensive.

[end of interview #7]

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.
[end of interview #8]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #9

Senate Procedure

(November 21, 1978)

Interviewed by Donald A. Ritchie

Ritchie: I'd like to move from a discussion of the rules of the Senate to the precedents of the Senate. You've been involved with both sides, and there really are two volumes on each of these, and two traditions. We talked earlier about your first job with the parliamentarian's office, which was to read through Mr. Watkins' compilation of precedents, and then to come up with a publication of them. I wonder if you might describe just what the need was for the publication of the precedents, and what the difference is between the precedents and the rules of the Senate, at least for the layman to understand.

Riddick: As I said earlier, I think, I finally decided to accept the assistant parliamentarianship because I had been assured that I would be permitted to write the volume on *Senate Procedure*. I always had that interest in mind.

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The precedents of the Senate are just as significant as the rules of the Senate. The rules are very vague in some regards, and the practices of the Senate pursuant to those rules are developed and established, and as they are established they become the rules of the Senate until the Senate should reverse this procedure.

To illustrate what I mean, the rule on roll call votes says "a roll call vote may not be interrupted." Well, what does that mean? In general language that means one thing, but in practical day-to-day operations in the Senate it means an entirely different thing. When does a roll call vote begin? Does it begin when the chair directs the clerk to call the roll? Does it begin when the chair directs the clerk to call the roll and the clerk calls the first name? Or does it begin when the chair directs the clerk to call the roll and the clerk calls names until a senator

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responds? Obviously, the latter is the case. Now, it's like a mosaic picture. Every little detail has to be fitted in so you get a complete detailed picture.

This becomes very important, because if a senator is debating an issue and at the last split second he decides he wants to offer another amendment, or he wants to talk further before they vote, he's got to know when his last split second is available to him to get recognition and do this. Well, this is just one illustration of how you have to fill out the gaps of general instructions or general rules that are maybe ambiguous or maybe not detailed enough, which almost certainly could not, when they were drafted, be anticipated enough to take care of every possible situation. So the rules provide or allow an established procedure that when the Senate is operating contrary to a rule, a senator can make a point of order that the

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procedure is not in accordance with the rules, and the chair will rule.

Of course, that too presents a case sometimes, because when can a senator make a point of order? We've got also established precedents that if a senator has been recognized and is speaking, even though you think he is going to do something contrary to the rules, you cannot interrupt him to make a point of order except by his consent, or after he has concluded his remarks. If a senator in his speech refers offensively to any state of the Union or reflects adversely on a senator, or says something unbecoming a senator, while you can't make a point of order you can rise and say: "Mr. President, I call for the regular order," without being recognized. That calls a halt there.

But if you are trying to make a point of order on some action that the Senate is proposing to take, it has been established that you may not

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make such a point of order until the senator having the floor yields for that purpose or gives up the floor. No right of the Senate is lost on such grounds because as long as the senator is speaking the Senate can't take any action anyhow. So you still will have time to make your point of order before that action is taken and prohibit it if it's not in accordance with the rules. Anytime that a point of order is made, and the chair rules, if no appeal is taken from the decision of the chair, that becomes the order of the day for the Senate, and remains just as binding on the Senate in future procedure as the rules themselves where they are specific. If an appeal is taken, and the decision of the chair is sustained, that too becomes binding on the Senate. But if an appeal is taken, and the chair is reversed, the decision of the Senate becomes binding on the Senate. This is how precedents are established.

Precedents are established pursuant to points of order and rulings of the chair, or points of order and the question being submitted to the Senate for decision. But parliamentary inquiries are not binding on the Senate like a ruling of the chair, because a ruling of the chair pursuant to a point of order can be appealed. A response to a parliamentary inquiry is not subject to appeal and therefore is not necessarily the will of the Senate, because whatever the chair says is in effect only a guidance as to how he would rule if a point of order should be made, but it is not binding on the Senate. Now, in writing *Senate Procedure*, if we have case histories, say hundreds of times or a few times, that parliamentary inquiries have been made and responses have been made by the chair, but nothing has ever occurred contrary to it, and it has become the accepted procedure, we would list that as the

way the Senate does it, but the footnotes designate that they have been responses to parliamentary inquiries as opposed to rulings by the chair.

Ritchie: It seems that there is a lot of overlap as well, that one precedent doesn't necessarily replace completely what was done in the past but just in this specific instance. Wasn't there a lot of problem in deciding the whole history of each ruling, in selecting what was the most recent ruling? It seems to me such a complex job to figure out the exact precedent that covers everything.

Riddick: It is. I've never counted them, but I imagine that when I sat down to do the work I had to deal with at least a million precedents. You see, any thing, any practices that had become established practices of the Senate prior to 1884, which were not reversed by the last adoption of the rules, and 1884 was the last time the Senate has

adopted its rules in entirety, and that wasn't at the beginning of a session, any of the practices prior to 1884 that had become well established, were picked up too, to point out what the procedure of the Senate is, or was and still is. But basically most of our precedents were written from the practices of the Senate since 1884, the last time of general reoption.

Over that period of time there have been a lot of times that a practice would go a certain way, we'll say from 1884 to about 1905, hypothetically speaking, but after

1905 the Senate had reversed that practice. I would just ignore all of those previous practices if that practice had been developed pursuant to rulings of the chair and votings of the Senate so that they began the new procedure after 1905 and I would only write the precedents since that date, totally ignoring those others. Now, if a precedent had been established, we'll say in 1915, and

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in 1940 they had a comparable precedent but it supplemented that first precedent some, I would explain both and point out "as modified by the precedent of 1940" or whatever. So it was a rather difficult assignment to pick up all of these precedents, some contrary to the practices of today, some not completely contrary but somewhat different, and then select those and put them down so that all you would be doing really was to spell out the current practices of the Senate.

There were a lot of them, say all the precedents occurred since 1935, that would mean it was a modern practice of the Senate. I'm thinking about those precedents set under unanimous consent procedure, where at one time the wavy a unanimous consent was drafted the chair held that no further amendments would be in order after the hour had arrived to vote on the bill. Since that date, we've

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got uniform practices to the effect that even though we have agreed under unanimous consent to vote at 4:00 o'clock, when 4:00 o'clock arrives if there is a pending amendment, you'll vote on it, and then you can call up endless other amendments if you want to (unless the agreement specifically prohibits it), but no more debate. And you'll vote on these, because the idea is that the greatest right of a senator is a chance to offer an amendment to get something modified before you pass the bill. This today is the uniform practice, that you can call up amendments even though the hour to vote on the final passage of the bill has arrived, according to the unanimous consent agreement. But when we wrote this up we put both in: we put the established practice first and then at the bottom we'll say "but in 1935 the Senate did this ..." That doesn't deprive the senator of the knowledge that he's

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entitled to, if a fight should occur on that issue again.

Ritchie: That brings up a question, the last volume of *Senate Procedure* in 1974 is over 1,000 pages long, and the others have been similarly lengthy, and yet you said you went through a million precedents, so are there other precedents that you just had to leave out because of size limitations?

Riddick: Well, we didn't cite the precedents necessarily, but if you'll note there are often many precedents on the same procedure. For example here's page 142 where there are three lines of text and about five hundred citations that sustain those three lines.

Ritchie: As the parliamentarian, would most of your responses come from what's available in *Senate Procedure*, or would you have to go back to the files to look at more specific cases?

Riddick: Well, since Mr. Watkins started compiling precedents back to 1884, until I came in and began to do them myself,

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he had gone through every one of the Records from that date until the current date to pick up the precedents of the Senate under that situation. As I said, a lot of them we abandoned. Say, for example, Rule IX, that sets up an established procedure giving precedence to appropriation bills over other bills and so on. We've not used Rule IX since the turn of the century, and consequently if there were precedents on Rule IX, I didn't worry about them. We were not using them anymore, why incorporate them in there? On the other hand, if we had established some of the procedure set forth under Rule IX under another rule, I would include them. In other words, like there is nothing in the rules to the effect of preferential recognition, but the procedure has been established that the chair will give preferential recognition to the Majority Leader first, the Minority Leader second,

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and then on down, the manager of the bill, and so forth. You establish that procedure in the absence of any particular place that has been set forth in the rules. Now, if there is something set forth in the rule, giving preferential treatment to general appropriation bills, which were given some preferential treatment under Rule IX, that was transferred to under Rule XVI or some other rule -- we would bring those in, even though they might have been originally established under Rule IX.

Ritchie: If the Senate should adopt the new codification of the rules that you're proposing, what would that do to *Senate Procedure*?

Riddick: The codification is in keeping with the practices and precedents. Rule IX, I'm proposing to be eliminated, since the Senate doesn't use it anymore, and there is no reason to encumber the rules with that rule.

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Ritchie: Would a member be able to go to the new rules and basically get the procedure, or would they still have to refer back to *Senate Procedure*?

Riddick: Oh, well now we don't include the precedents in the compilation of the codification. All we are doing is picking up all provisions of the rules and compiling them into one package which otherwise one might have to go to five books to run down details. If you've got them pulled into the rules themselves they'll be all in one body of rules, numbered. So you will have the rules all in one place.

Ritchie: I was thinking of one of the most vocal critics of the precedents, Senator [Joseph Clark](#) of Pennsylvania, who at one point argued that the precedents should not be considered binding, that the written rules should be made plainer, and that the Senate should operate more on its rules than its precedents. Is that a practical solution?

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Riddick: I don't think that would do much good. I don't think it would accomplish much. On a few things you would. It could be what he had in mind at that time, and I think he argued this at one time; he was on the Labor and Public Welfare Committee, and he at that time was very much concerned about getting food stamp legislation before the Labor and Public Welfare Committee. Well, the reference of legislation to dispose of food surpluses began back soon after the Depression when we had plenty of agricultural products that were bogging down the prices of agriculture, and people were going hungry. So Congress passed legislation to give school lunch programs money or at least make food available to schools for free lunch programs. That was to get rid of the surplus agricultural commodities and also in the hopes of increasing the price of agricultural commodities so that farmers would have a better income. Obviously,

that should have gone to Agriculture and Forestry.

Well, then as they began to expand this idea of making food stamps available, which was also to make surplus food available to communities, or to use so much food that the price of agricultural commodities would go up, as well as helping people who couldn't buy food. It still went to the Agricultural Committee. In the 1946 reorganization act, as amended by the 1970 act, the jurisdiction of the Committee on Labor and Public Welfare specifically stipulated that food stamp programs should go to Labor and Public Welfare. But that never occurred, and since the chairman of the Agriculture Committee, and the members of that committee, were rather powerful figures, they insisted that that legislation keep coming to the Agriculture Committee, regardless of the fact that the rules said it should go to Labor and Public Welfare.

Or, another case that would be of interest to you; when they wrote the 1946 act, becoming effective beginning in the 80th Congress, Senator [Vandenberg](#) was the President *Pro Tem*. He was also the chairman of the Foreign Relations Committee, and under the rules at that time, all foreign banking legislation was to be referred to the Committee on Foreign Relations; Bretton Woods, for example, should have gone to Foreign Relations. But it didn't work out that way, because Vandenberg was then President *Pro Tem*, the former Vice President, [Harry Truman](#), being in the White House as President. The reference was to be made by the President *Pro Tem*, and he instructed Mr. Watkins to refer all international banking legislation to the Banking and Currency Committee. He didn't like handling banking legislation, he wanted it to go to Banking and Currency, so that's where we referred it. It went

that way until Senator [Fulbright](#), who had been chairman of the Banking and Currency Committee, wanted it to go to Foreign Relations when he became chairman of the Foreign Relations Committee. Because of his insistence, and conferences with the leadership, that's what occurred. So without any rule change at all, we went back to following the written rule of the Senate that said that all foreign banking legislation would go to Foreign Relations.

Ritchie: So, in effect, it's what the Senate at any moment, and particularly its more powerful leaders, wish rather than whatever the rules that were established in the past say.

Riddick: That's how they establish precedents. Some of these precedents and some of these issues I was just talking about were established at different times when appeals were taken from the decision of the chair, and the chair was sustained.

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Ritchie: As parliamentarian, sitting up there, how do you juggle between a rule that says clearly that something should be sent to the Foreign Relations Committee and the precedent that says that it will go to the Banking Committee?

Riddick: We follow the precedent until they reverse it, once that precedent has been established. Now, in the first instance, like when Senator Fulbright wanted to take over the jurisdiction of legislation that had been going to the Banking Committee with him to Foreign Relations, we (parliamentarian) wouldn't do it just because he individually said so; we consulted the chairman of the Banking Committee; we consulted with the leaders, and they were all in accord that since Fulbright had expertise on this and had handled it before the other committee, and since the rules said so, we should go ahead and refer it that way. Then it would be up to a senator to take an appeal, if he

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wanted to, and if he didn't like the way it was being referred.

Ritchie: So the Senate precedents are more influential in the operation of the Senate than the Senate rules?

Riddick: Yes and no. You follow the rules in the absence of instructions to the contrary. You get these instructions to the contrary by the ruling of the chair; of course, he normally rules what we (parliamentarian) tell him, and it's because the powers-that-be have said that they want this change done; the chair rules and then an appeal will be taken and the solution will be agreed upon.

Ritchie: Some of the members, I gather, have the feeling that the precedents are a maze of things, that it has a tendency to frustrate them from time to time when they would like to get something passed and yet the precedents are established against them. Clark one time called the precedents "nutty" and "outdated, having no relationship with the modern world."

Riddick: Well, that's what kept them up to date! In other words if your rules get antiquated and you don't amend your rules (and they haven't been readopted since 1884), you bring these rules abreast of the times by modifying them by precedents and practices. This is pursuant to a majority action of the Senate, in effect.

Well, getting back to our real problem of compiling the *Senate Procedure*, it is no easy task. It has been quoted at length so much in the Senate that the Senate now gives deference to it, as Senator [\[Thomas\] Eagleton](#) once said, when he was debating an issue on the floor, he was trying to prove his case, and he said "I quote from *Senate Procedure*, the nearest thing to the Bible that the Senate has." They do give deference to what's put in there, because in putting it down I had no desire to change the procedure

of the Senate, I compiled them to the best of my ability to carry out the practices and precedents of the Senate in accordance with the rules of the Senate, unless they conflicted on some particular like those we've just been talking about.

Ritchie: I have sort of a general question now. You said that you used to hold seminars for the incoming senators, and you still talk to the new senators. We have twenty new senators coming in in 1979. As the compiler of *Senate Procedure* and a longtime parliamentarian, what would you recommend to this new group of incoming senators? How should they go about learning the ropes to become effective senators?

Riddick: Well, I think they're planning to put on, as they did at the beginning of the last Congress, what you might call a mini-school for a few days. They run these senators through brief seminars of instruction by letting the Secretary of the Senate and some of his

staff talk to them; the parliamentarian talks to them, the Majority and Minority Leaders talk to them in group and so on and so forth, to give them an overall feeling of the Senate, not just the technical procedures; then after that each senator can very quickly pick up the procedure for himself.

I think the best way for him to learn it, is to preside. Because he gets the feel of it; because the parliamentarian is there to advise him on every procedure that he

must rule on, or everything he should say even, except for recognition. The parliamentarian never intervenes in whom he is going to recognize, but in every other regard the parliamentarian whispers to him what the procedure is. If the new senator presiding doesn't understand exactly the situation after he's ruled on it, and he has some time for discussion, he can quiz the parliamentarian about it and talk over the particular procedure.

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Now it isn't that some of the senators don't know some of this. The parliamentarian always whispers because he doesn't know positively whether the senator knows the facts or not, and it's better to whisper and not let the presiding officer get embarrassed than it is not to whisper every time. So as a result I always whispered when I was there; and the parliamentarian still does it. He tries to keep the chair posted on each step of the procedure before it arrives, if he can stay ahead; or if it's too complex and he can't be ahead, sometimes he has to whisper one sentence at a time to be sure that the chair states what the procedure is.

Ritchie: How can they ever go about mastering that complex assortment of precedents?

Riddick: It's impossible. The thing that they can do is when a bill is coming up, or when a situation is developing, that is going to involve a point of order, or what have you, consult *Senate*

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Procedure which is indexed according to subject matter and the chapters are even indexed, so that if they see something coming, or a problem arising, that they expect some trouble about, they can rapidly go to that book and get the exact section and read through it and be equipped. Or, if they are managing the bill, and they know what their problems are going to be, they can read through these sections and be prepared to manage that particular bill.

Ritchie: Who were the best parliamentarians that you saw in the Senate?

Riddick: It depends in part whether you are talking about managing a bill, or presiding over the Senate, or general over all knowledge of the whole picture. I never talk about the incumbents. I would say that Senator [Russell](#) and Senator [Allen](#) were as good as any that I've ever encountered. There are a lot of them now,

including the leader, who work hard at it, and know their subject matter very well, but I wouldn't like to compare them.

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Ritchie: Is the most effective senator the one who absorbs the precedents and applies them when necessary, or the one who figures out the loopholes, the way around the precedents?

Riddick: I think it pays off to know your rules, and know them well, in rapid action by the Senate, because you can block certain things being done that shouldn't be done, certainly from their respective points of view. It blocks action being taken hurriedly that an individual senator doesn't think should be taken hurriedly. But if you don't know your rights you don't want to get up and make a fool out of your self. It does pay to know the rules, and to know them in a split second and be ready to act, because you can't call in an assistant, or go up and consult with the parliamentarian in rapid action by the Senate. You can, if you know your way around, you can always call for a quorum, if you know you've got a right to call for a quorum

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at that time, and find out what your rights are. But if you call quorums too often, you might be called a nuisance before long, and lose your image, so to speak. So in many regards it's very advantageous to know your procedure, and know it well.

On the other hand, some of the senators who accomplish most in the enactment of legislation have not necessarily been those who know most about the rules and procedures. PR (public relations) becomes a great thing in dealing with people, and particularly if you are able to present your case well. Some people know the rules, but they are not able to present their case sufficiently, or successfully, to convince the others that they are right. So the ability of an individual to present his case, his PR, his personality, his ability to see the needs and wants and desires of the other senators -- all of these things come into play in enacting legislation.

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I remember one of the best presiding officers that we ever had, as far as I was concerned, with which my predecessor, Mr. Watkins, agreed, was Senator [Fred Payne](#) of Maine. It wasn't that he knew more of the rules necessarily. He had a quick grasp of the rules if you explained to him what his problem was or what he

was up against. But he had a knack to do the job, and he was so gracious in his conduct in presiding. He was able not to rub anybody the wrong way. He was able to understand when he should interrupt and when he shouldn't get into it.

I remember recently a senator was talking about a certain procedure in the House and the chair interrupted to tell him something, and the senator said, "I don't remember asking the presiding officer a parliamentary inquiry!" It rubbed the speaking senator the wrong way. A number of these things have occurred. I remember a shouting match once between Senator [\[Clifford\] Case](#)

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of New Jersey and the Majority Leader, Mr. [Mansfield](#). I wasn't in the chair at that particular time, but if the presiding officer had taken care of that situation in due time we'd have never gotten into that situation. So it's a knack of knowing when to intervene, when not to intervene; how to control your PR all the time, how to be graceful, gracious, and all the rest combined, and be able to use that gavel after an expert fashion.

Ritchie: I have a feeling that very few can fit that definition.

Riddick: It's hard to be a great presiding officer. Some are more firm than others, and we've had quite a few who have been very successful.

Ritchie: Do you have any in mind?

Riddick: I was thinking of Senator [\[Prescott\] Bush](#) of Connecticut. Now, the vice president [\[Walter Mondale\]](#), there have been quite a few of them who have been able to preside very successfully. Today they don't stay in the Senate long enough to really learn

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the procedures. They only preside in crises, and the crises are so darn hot that they're going to follow the lead of the parliamentarian.

[end of interview #9]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #10

Senate Ceremonies

(February 15, 1979)

Interviewed by Donald A. Ritchie

Ritchie: You've told me that one of your last official acts as parliamentarian was to plan the ceremony for the swearing in of Vice President [Rockefeller](#) in the Senate chamber. Could you give me a little background on how you got involved in that proceeding?

Riddick: Well, you see under the 25th Amendment to the Constitution, there's a new procedure by which we get a new vice president in the case of the death of the incumbent vice president, or if the vice president moves down to the White House. The first one, of course, was President [Ford](#). He was first selected as vice president, and then when President [Nixon](#) resigned he went down to become the president of the United States under this new procedure. Ford, having been the leader of his party in the House for some time, preferred to take his oath in the House of Representatives.

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So, he was not sworn in in the Senate at all. Actually, the first vice president under the new procedure to be sworn in in the Senate was Mr. Rockefeller.

I had urged the majority leader of the Senate, Senator [Mansfield](#), to insist that Mr. Ford be sworn in in the Senate, but Senator Mansfield said that he was going to give him his choice, since he was the man being sworn in.

Ritchie: Why did you insist that he be sworn in in the Senate?

Riddick: Because he was going to become the presiding officer of the Senate, and I felt that he should be sworn in in the Senate. But, Mr. Manfield said that since it was Gerald Ford's desire to be sworn in in the House, he wasn't going to intervene, or try to convince him to the contrary.

I had met with Mr. Ford in the House, but he just preferred to be sworn in over there, and so that

was it. The fact of the matter was that I made about a quarter-of-an-hour to a half-an-hour film with him as to how he was going to preside when he came over to the Senate as vice president. I don't know where the film is now, but it was an interesting procedure, because he had not had any experience in the Senate at all, and he desired that I come over and work with him a little before he came in and presided first in the Senate.

Ritchie: Why did they make a film of it?

Riddick: It was a news item, because he was going to become the presiding officer of the Senate, and all of his experience had been in the House. I forget which of the news services wanted it, but there were, gosh I don't know how many different photographers and news services there making a film of his anticipation of becoming the presiding officer of the Senate. Well, I actually retired on June 30th of 1974, but in

anticipation of an impeachment trial of President Nixon in the Senate, I was asked because of my years of experience to stay on until the end of the year. So on December 19th the next to the last session of the Senate that year, Vice President Rockefeller was sworn in and that's why it was one of my last official acts in the Senate as parliamentarian of the Senate.

Ritchie: What procedure did you follow on Rockefeller's swearing in?

Riddick: Well, we'd never done it before, so that's what made it a significant thing, as far as I was concerned. While they had sworn in vice presidents previously in the chamber, that had not been done for many a year, and not at all under the new procedure for electing a vice president to fill an unexpired term.

Ritchie: There was a tradition of that, that while the president was sworn in outside on the steps, the vice president was sworn in in the Senate chamber.

Riddick: That's correct, but we didn't have any of the specific procedures to follow, and more important than that, there were going to be many more important people present as far as our country was concerned than had been on

the previous occasions, because we were going to have present the president of the United States, the chief justice of the United States, and a great number of members of the House and Senate as well as other VIPs. As you know, they didn't used to have all this protection. The presidents didn't have all the security protection that they do now. So with the increased consciousness of security, we met on a number of occasions with various officers, police officers around the Capitol and so forth, to be sure that everything was set in the proper fashion for protection. On that occasion we met with them and it was finally agreed what the procedure was going to be as far as the security was concerned.

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Now, I think it is significant to point out that at that particular time Senator Mansfield, the majority leader, was out of the country. I believe he was in China at that time, or at least in some part of Asia; and also the Secretary of the Senate, Mr. Frank Valeo, accompanied the majority leader. So Senator [Byrd](#) of West Virginia, who was the assistant majority leader, was then the acting majority leader, and Darrell St. Claire played the role for the Secretary of the Senate. After we mapped out where everybody was going to sit -- President Ford was going to sit in front of the podium, the President *Pro Tem*, [Eastland](#), would preside for a while, and the new Vice President was going to come in, take his oath, sign the oath book (for a moment or two he had a seat there in the front) and then he was going to replace President *Pro Tem* Eastland and preside, for a few moments.

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Ritchie: You said that the Security Service was very concerned about this. Did they put any constraints on the proceedings?

Riddick: The responsible officers were meeting with us to work out how the seating should be arranged so that everybody would be seated in a place that would be suitable to them for watching or observing, in case some confusion did start. Of course, I didn't have too much fear about anybody coming in, because nobody could get in the chamber except those with passes. Sometimes, as you've seen, people who are not desired manage to get a pass. Anyhow, they were concerned, and we met together, and it was finally worked out that Darrell St. Claire and I would be the only staff on the rostrum, and all the others would be VIPs. They appointed a committee to escort the President and the new Vice President into the chamber. That was to consist of the Senator from West Virginia,

Mr. Byrd, the Senator from Pennsylvania, Mr. [Hugh Scott](#), the Senator from Nevada, Mr. [Cannon](#), who was the chairman of the Rules Committee, and the Senator from Kentucky, Mr. [Cook](#), the ranking minority member of the Rules Committee, and since Mr. Rockefeller was from New York, they had Senators [Javits](#) and [Buckley](#) both, and from Michigan, Mr. [Griffin](#), and Senator [Moss](#) of Utah. I forget exactly why Senators Moss and Griffin were included -- oh, Mr. Griffin was the assistant minority leader, and Senator Moss of Utah was acting next to Mr. Byrd of West Virginia in the absence of Mr. Mansfield. The delegation came in, with their representatives, Mr. [Albert](#), who was then the Speaker, Mr. [Rodino](#) from New Jersey who was the chairman of the House Judiciary Committee, and then Mr. [McFall](#) and Representatives [O'Neill](#), [Rhodes](#), [Arends](#), and [Hutchinson](#), who came in and were announced before the ceremony started.

After the vice president was sworn in, the majority leader got permission that the new vice president be permitted to address the Senate chamber.

Ritchie: You pointed out earlier that Chief Justice Burger was there to swear in the vice president; could anyone else have sworn him in?

Riddick: Yes, as I recall Mr. Rockefeller preferred that the Chief Justice swear him in, I believe that was a request that he made. But at any rate somebody else could have sworn him in.

Ritchie: For instance, the president *pro tem* could have sworn him in.

Riddick: I believe so. But the president *pro tem* did not do it. After Mr. Rockefeller made his speech, the Senate adopted a resolution congratulating him on being the new vice president, and after we adopted that, the new vice president had been instructed where he was to sit, but there was a little confusion, so I went down to the front and brought him back around, and he "bounced" the president *pro tem* because the vice president

is the senior presiding officer under the Constitution. I point this out because I think it of significance; after all, I had helped to work out the complete details as to who was to be recognized and when, and what they were to say on the

occasion. But when the vice president came up to preside, the procedure was that he was to recognize Mr. Byrd first. So when the vice president took over the gavel, I whispered to him that he was to recognize the Senator from West Virginia first. In the *Record* the statement reads: "The Vice President. The Senator from West Virginia. I know him very well too!" I had said to him that it was the Senator from West Virginia, Mr. Byrd, and this in the *Record* is partly a response to me when I said, "There's the Senator from West Virginia." So that is why he added: "I know him very well, too!" Mr. Byrd had questioned Mr. Rockefeller at great

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length when he was testifying before the Rules Committee which had to pass on reporting his nomination favorably or unfavorably to the Senate.

Then after the ceremony in the Senate chamber they recessed and went into the Reception Room, S-207, for a little reception in honor of the new vice president. Just before they went in I had received a bunch of enrolled bills to be signed; they had already been signed by the Speaker as they always are; so I took them in the reception room and Mr. Rockefeller signed his first public laws at that reception. There were standing around him President Ford, Mr. Kissinger, the Secretary of State, and Mr. Albert, the Speaker of the House, together with a lot of other celebrities; and I have a picture of that which I've had framed, showing him signing his first bills.

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Ritchie: One thing I wanted to ask was about televising of the Rockefeller swearing-in. Was that the first time that Senate proceedings were televised?

Riddick: I believe so. I'm pretty sure it was. We had to pass a resolution. It's been quite a little while now and I wouldn't want to make an emphatic statement, but I'm almost certain that that was the first televising of Senate procedures. The Senate had on various occasions adopted special resolutions to authorize a picture to be taken of the Senate while it was sitting in session, as carried in publications like *The Capitol*, and *We The People*.

Ritchie: Did you have to design any of the ceremony to fit the television?

Riddick: Oh, no, they take just what ever they want to. But I did see some of it and it was very well done, it seems to me; that is, from the point of view of the photography and reproduction of exactly what went on.

Ritchie: The Senate has always been so reluctant to televise; and the House has begun a television program.

Riddick: Well, it's a closed-circuit system. I don't know if the Senate will get into it. They got the authority in the case of the New Hampshire election contest, but I don't know whether they will ever go further or not.

Ritchie: Is there just a deep sentiment against it?

Riddick: Well, there are a lot of things that cause them to hesitate, because there might be too much stage-play on the part of some senators; there might be some senators who will feel they will have to get in and say something, whether they wanted to or not in order to make an impression back in their respective home states. If you have a senator up here who never participates, somebody might say, "Well, what's the matter with our senator? Maybe we'd better get rid of him, he never participates in these programs."

So, there are a lot of factors involved, in which I don't think that I am competent to pass upon.

Ritchie: Do you think that televising the proceedings would have any affect on the parliamentarian, who is whispering to the presiding officer? Do you think the presiding officers will want to be seen repeating all the whispers from the Parliamentarian?

Riddick: I don't know. It's done very unnoticeably. We turn around and just whisper rather lowly. In fact, I think the public would accept this, because after all, parliamentary procedure is a very technical thing and every senator cannot inform himself to the letter of the law in a short period of time. Even then, there might be variable opinions, and he can't study all of the precedents and practices and be ready to rule instantaneously on a point of order that might be unexpectedly brought up. So, to keep uniformity it's good to have

somebody there to advise and counsel at all times. Of course, as you know, I might have mentioned before, that the parliamentarian doesn't really rule, he

only advised the chair how he should rule. The chair doesn't have to rule the way he is advised, but since he's not informed on all of these points, he's glad that he's got somebody to give him counsel and even write out the rulings if he's got time, so that he will be sure that he's ruling in accordance with the practices and precedents and rules of the Senate.

Ritchie: In terms of precedents, when you went back over the Rockefeller swearing-in, did you try to find out what they had done for previous vice presidents? What kind of precedent did you look for?

Riddick: No, we didn't think it was necessary to go back. The only thing that we were concerned about was if it was going to be broadcast that it be effectively done, efficiently done,

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and not embarrass anybody. Since there is no actual rule involved, since there is no binding precedent that would control the situation, we didn't think it was necessary. The thing to do was to do a good job at that time. It might be used in the future.

Ritchie: Also, I noticed that Rockefeller did make an address to the Senate. Is that common practice? Or do they have to particularly permit him to speak?

Riddick: The vice president doesn't have a right to address the Senate. I remember when Senator [Barkley](#) became vice president. He'd been majority leader for years, and the leader made the request that he be permitted to address the Senate before he became vice president. He thanked the Senate very much for this opportunity, and as he used the phrase, he said, "I'm glad of this opportunity to address the Senate before I go in to the world of oblivion." Because he has to keep quiet thereafter.

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He can only rule in case of points of order, or make announcements of appointments pursuant to certain laws and so forth. He does not participate in debate, nor does he make statements to the Senate as a participant or member of the Senate.

Ritchie: Is that true of all presiding officers as well?

Riddick: That's true. No presiding officer is supposed to make statements from the rostrum; he's the presiding officer. We have pretty well established, for example, that since he's the senator from his state, not to deprive him of his right

to protect his state; it's been established that if there is no other senator present to suggest the absence of a quorum, he can call for a quorum. You might have ten senators who wouldn't care to get a quorum, but he wants the side he's representing to be protected, so if he doesn't have somebody there to call a quorum from his side, we have the established

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precedent that he has a right to say, "In my capacity as a senator from so-and-so, I suggest the absence of a quorum. Say somebody puts a unanimous consent request, before he would say, "without objection, so ordered," since he's got to protect his side, and if he's afraid that his side would want to object to that request, it is necessary that he have a right to suggest the absence of a quorum in order to get an objector into the chamber.

Ritchie: There's a lot of ceremony in the Senate in many ways, things like the swearing in of senators, there's the counting of the electoral ballots, there are all of the things they go through on a regular basis. There are others that happen unexpectedly, and one of them is funerals in the Senate. Since I've been here there have been a few, and I've noted some confusion at times as to what has to be done, and when. You were involved in helping to set up

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some of the state funerals, both in the Rotunda and in the Senate chamber.

Riddick: There have been one or two in the Senate chamber since I've been working at the desk, but I don't think I participated in those determinations for the Senate chamber ceremonies and funeral services because Mr. Watkins was still parliamentarian. There has been some well established ceremonial practice, but it has varied from time to time. I remember when I first came up to observe procedures to write my doctor's dissertation on political and parliamentary procedure in the House of Representatives, I attended a service in the Senate chamber, and this service was to memorialize senators who had died since the last services of that nature. And at that time it was quite a formal thing, it was almost like going to church. You had your chaplain there, they pulled in a piano on the floor and they had a good pianist, and they had a soloist to sing, and then the

different senators would eulogize the passing of the senators who had gone to their Great Beyond. They made quite an affair of it, and these speeches had been prepared at great length (some of them didn't speak as long as others, of course), and all of the senators had prepared their remarks, instead of just spontaneously jumping up and making comments when they hear of the death of somebody. But that has more-or-less passed; for the last ten or fifteen years I've seen no such memorial services. It seems that the few that we have had were held in the Rotunda.

Ritchie: I know that McCarthy's funeral was in the chamber.

Riddick: In the Senate chamber, but Mr. Watkins was still around, and he had experienced a number of them, so he managed that.

Ritchie: Any widow can request a Senate funeral, can't she?

Riddick: They give deference. They can request it, but sometimes the Senate takes it

in its own hands to do it. Of course, they would consult the widow before doing it.

Ritchie: When they have a funeral in the chamber, I've noticed that they don't go on the Record.

Riddick: It's not a Senate session, that's right. It's an assembly for a said purpose.

Ritchie: So they just adjourn and the room is used for other purposes.

Riddick: That's right. They call the Senate to order for that purpose only. They might adopt a resolution to authorize the funeral service to be held at such-and-such a date, and that the Senate at that time would assemble for that purpose.

Ritchie: There is also the Rotunda funeral. How does the ceremony in the Rotunda differ from the ceremony in the chamber?

Riddick: Well, I don't know as there's too much difference. The point is, as this little brochure, which I think is worthwhile to mention, "Those Who Have Lain In State In The Rotunda," states it's a problem of who's entitled to the use of the

Rotunda. The Rotunda, being in the center of the Capitol, is part of both the House and the Senate. This little preface that the Architect of the Capitol prepared on the number of services held in the Rotunda, has a lead-off to this effect:

A grateful nation has often paid tribute to citizens of eminence at the time of death by honoring their remains in the Rotunda of the United States Capitol. In the 140 years since the Rotunda was completed, there have been twenty-four such state occasions. There is no law, written rule, or regulation governing the matter of who may lie in state in the Rotunda. Use of the Rotunda is controlled generally by concurrent action of the House and Senate, however the Rotunda has been used without full concurrence of both houses, especially during the adjournment or recess. The wishes of the family of a great individual are also respected by Congress.

Now there are some variations from this, of course. They say, "at the time of their death."

L'Enfant's body had been interred at Digg's farm in Prince George's County, Maryland. He died in 1825, but the Rotunda was used for his reinterment in 1909. So, they haven't all occurred at the time of the death. Likewise,

the unknown soldiers, they might have been killed months before they were brought over here, and the ceremonies occurred in the Rotunda. But anyhow, the main services were held on the occasion of the death. There have been twenty-four ceremonies in the Rotunda, of the twenty-four, the first resolution used was in the case of L'Enfant in 1909. Up until that time they had already had eight services without the use of resolutions and after that there were seven other occasions on which no resolution was used; in nine cases resolutions were used. If Congress is not in session you can't adopt a resolution, and I think that was the case in those since the 1909 event in which resolutions were not used. So it doesn't mean that since 1909 they haven't adopted a resolution each time when the Congress was in session.

Ritchie: Presumably, there are only types of people who are entitled to Rotunda funerals, and usually they are

presidents, vice presidents, or very distinguished senators like [Robert Taft](#). When something like this occurs, and it usually occurs unexpectedly, what is the triggering mechanism, what procedures are followed, and do the Senate and House organize the proceedings? Is it automatic?

Riddick: No, it's not automatic. For example, in the case of Senator Taft there were several meetings held to decide if they were going to hold a funeral in the Senate or the Rotunda. After consultation with Senator Robert Taft's son and all, I had suggested to the majority leader that they were very concerned to get his body to lie in state. It was agreed upon, and the Senate adopted a resolution to that effect, and invited the House. We only adopted a Senate resolution, but in that resolution the House was invited to participate in the ceremony. The same was true in the case of Senator [Dirksen](#). They haven't had many that were for

senators, I believe [Charles Sumner](#) was the only other senator before Mr. Taft who had lain in state in the Rotunda. But since then they had funerals for Senators Taft, Dirksen, and [Humphrey](#). Of recent, they had the Unknown Soldiers, President [Kennedy](#), General MacArthur, Herbert Hoover, Dwight Eisenhower, and an unusual one, J. Edgar Hoover in 1972.

Ritchie: How did Hoover get in there?

Riddick: I just don't know who instigated that. I wasn't in on that at all. In fact, there was no meeting held. It could have well come from the House side. I don't know. Then of course, there was a funeral for President [Lyndon Johnson](#), which was pursuant to a House Concurrent Resolution, and one for Senator Hubert Humphrey. He died while he was a Senator, but he had been vice president. So they have had very few for those who had just been senators only.

Ritchie: So, in a sense, the Rotunda ceremony has pretty well replaced the Senate chamber ceremonies?

Riddick: Well, not necessarily, because Senator [Russell](#) had become a very prominent senator and they did not ask that his body lie in state, and his ceremony was a peculiar situation. The Senate adopted a resolution for the

funeral services authorizing all the Senate to go to the funeral down in Georgia. His funeral was to be held at Winder, and we were to alight at the air force base near by and proceed to the funeral services in a body. But that was an unbearable day. It was the foggiest day they had had in ages down there, and I'm told that our plane got as low as eleven feet to the ground and could not see the ground sufficient to land, because you didn't know what you'd run into. You could see the ground, but you couldn't see anywhere far enough to be sure that you were landing both planes safely.

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All of the senators were on two planes. There was an agreement, some kind of an agreement, or at least an assertion by Mr. Mansfield that that was never going to occur again; that they were never going to allow all the senators under such circumstances to go in two planes for a funeral, for fear that the whole Senate would be wiped out. Both planes tried, both planes were heavily loaded, both planes tried two or three times, circling, trying to come down and alight. It was on the military air force base. I guess there was sufficient protection with radar and all, but the danger involved was unbelievable. So finally, when they tried the last round and couldn't see well enough to land, they took off and landed in Charleston, South Carolina, where it was clear, and held the funeral services by radio and television from the Naval Air Base in Charleston. It was an unusual situation. And I'll tell you,

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if you've ever seen an excited young fella, the high muckety-muck of the base was off that day and some lieutenant was left in charge, and he put that base under such guard as you've ever seen. The vice president sent for me, he was flying in Airforce 2, and he wanted to ask me a few questions, and I started over and by golly the military put guns right in my chest and said, "Where are you going?" Checking me out; I mean they really were on the alert that day. I'll bet that lieutenant was glad when those planes left that base!

Ritchie: On the overall, how important is ceremony in general to the Senate? Is it something that the senators themselves consider very important, or is it sort of a necessary nuisance that they have to go through?

Riddick: Well, I think the ceremony for funerals, except for the few that have lain in state, is sort of dying off. I think that might have been true for the years gone by, in

other words, we've had ups and downs. Right at the moment, the latest thing we had was sending everybody who wanted to go to attend the funeral of Senator [Allen](#) in Alabama. There was quite a crowd there. But unless it was somebody that has gained quite a bit of recognition in the Senate as in the above case and in the case of Mr. Rockefeller's funeral recently (the actual funeral was just a family funeral but they had a ceremony a few days later and all of the senators were permitted to go up to New York for that ceremony in his behalf). With these few exceptions, little emphasis is placed on such ceremonies. I guess it might have been that way always. Anyway, the Senate does not set aside days anymore for formal ceremony in the chamber as they used to. A few comments are made at the time of the death, and they hold a day for senators to make comments in the *Record*, but it's not a

memorial service like they used to hold. The senator might not even make the statement on the floor, he might just submit it and have it put in the *Record*. It's just not quite as formal as it used to be.

Ritchie: Is that something of a sign in the change in the Senate? They no longer wear the cut-off coats, and no longer give the great orations. Are they more business oriented than in the past"

Riddick: Well, I don't know that it's a case of the time in the Senate; it seems to me that it's a time of our whole concept throughout the world, our attitude toward death and so on. In fact we've got so many more senators, so many more representatives, and so many more people, that the attitude of the country seems to have changed somewhat, unless of course it's an assassination or something most unusual, for example the shooting of our ambassador in Afghanistan [Adolph Dubs]. If he'd

just died a normal death, you perhaps would have not seen anything about it. But the fact that he was murdered, and even by people of a foreign country, makes it an entirely different thing. This could be the same story in the case of our country here. Senator Allen, you know, was rather young, in perfect health everybody thought, he did have diabetic complications, but nobody anticipated that he would die so young, and it was all so sudden. That could be one of the reasons why his funeral was given special consideration by the Senate.

Ritchie: Do you think that ceremony other than just for funerals is also declining? The whole ceremonial approach to business in the Senate, the style in which they conduct their business?

Riddick: I'm not sure. Take for example the swearing-in of new senators. I believe in the years gone by they swore in senators according to the time that their state became a member of the

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Union, or became a state. But ever since I can recall, they swear-in senators alphabetically regardless of the state they are from, and four at a time. This is an established procedure that they follow. Now, that's not quite ceremonial in the way that you are speaking, but it is quite a ceremony. The tickets for the seats in the gallery are issued to the people who are close friends or members of the family of the senators being sworn-in, and they make quite a little to-do of it. And this is done every two years. I guess we'll continue that way. Also occasionally you have the two bodies meeting in joint session for a ceremony in honor of the anniversary of Lincoln or of Washington, just like we read Washington's Farewell Address. That we do every year. That wasn't begun until the later part of the 1800's, but now we do it every year for the anniversary. While very few

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attend particularly, you'll have a few in there, and they go through that ceremony. So it's hard to say. It depends on the type of ceremony as much as anything else.

[End of interview #10]

Floyd M. Riddick
Senate Parliamentarian, 1964-1974

Interview #11
Contested Elections: The Durkin-Wyman Case
(December 4, 1978)
Interviewed by Donald A. Ritchie



U.S. Senate Historical Office
Floyd Riddick (right) with Senator Robert Griffin of Michigan

Ritchie: There's nothing more heated in Senate procedures than a disputed election. They have been occurring ever since the Senate has been in existence and we have several volumes, including one that you've worked on, of disputed election cases. I remember that you said that one of your first cases on the Senate floor was the heated debate over the New Mexico election between [Dennis Chavez](#) and Patrick Hurley, and then it came full cycle when you left as parliamentarian, your first assignment for the Rules Committee was the disputed election between [John Durkin](#) and [Louis Wyman](#) of New Hampshire. It went on, I guess, for half of 1975 and was settled finally by a reelection in September 1975. There's already been a book written on it called [Donn Tibbetts] *The Closest U.S.*

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Senate Race in History (New Hampshire, 1976). I wondered if you would comment a bit on the Durkin-Wyman case and how you got involved with it.

Riddick: It was sort of interesting to think that one of the first things that was thrown into my lap after Mr. Watkins went to the hospital, the first time that I really had the responsibility to be the parliamentarian of the Senate, was to handle the contest between Chavez and Hurley from New Mexico. It was a rather

bitter fight, and considerably political. The thing that amazed me most was that the first thing after I had resigned as parliamentarian to come over to be with the Rules Committee was that a comparable situation should occur again. It happens, as you said, that one of the best books, or the only book on it, was written by Donn Tibbetts, who was a reporter, I believe with the *Manchester Union*. He stayed with that case all the way through from the beginning to the end

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and wrote the book entitled *The Closest U.S. Senate Race in History*.

This matter was brought to the Senate's attention early in the beginning of the 94th Congress. At the beginning of that session, Mr. [Mansfield](#), on January 28, submitted the question to the Senate and by a vote of 58 to 34 Mansfield's motion was agreed to, to refer the subject matter to the Rules Committee. I think I can best give you that by reading a little section from the report here that points that out:

The Senate on January 28, 1975, approved by a vote of 58 to 34 a motion offered by Senator Mansfield that the credentials of Louis C. Wyman and John A. Durkin, and all papers on file with the Senate relating to same, be referred to the Committee on Rules and Administration for recommendations.

Several meetings of the Committee were devoted to study and discussion of the scope of the investigation necessary to arrive at an understanding of the New Hampshire dispute, and on February 19, 1975, a motion offered by Senator Allen, as amended by Senator [Hatfield](#), was adopted by a roll call vote of 8-0. That motion called for "a recount of approximately 3,500 ballots which were before the New

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Hampshire Ballot Law Commission, and for consideration of all the protests made by either party at any stage of the proceedings contemplating that the Committee would take appropriate steps on each protest to ascertain the validity of such protest and the accuracy of the count of the matter protested. (U.S. Congress, Senate, Committee on Rules and Administration, Report, Senator From New Hampshire, The Durkin Position, 94th Congress, 1st session, 22 May 1975, Report No. 94-156, Part 1, p. 4.)

Senator Griffin. The Chair does have a point that we had not made a motion and I suppose if we are going to put the question before the committee at some place and somehow a motion has to be made. I would like to suggest this, that I move that a panel consisting of Mr. Schoener and Mr. Duffy and Dr. Floyd Riddick to be used to examine separately and behind the screen someplace the ballots that are submitted for the decision of the committee after those that have been, by agreement,

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weeded out as no longer being controversial; that that panel endeavor to mask or use a template device on every ballot reasonably possible to conceal the party or the candidate from the committee; have the ballots submitted and the committee's decision then reported to a separate auditing committee; that those ballots which are not capable of being so masked would then be shown on a large screen behind the committee here with a projector or some kind of a projection device, so that everyone in the room could see how those ballots looked and what was on the ballots that could not be masked and in those cases only counsel for the two parties be permitted a very reasonable amount of time to make an

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argument. (U.S. Congress, Senate, Committee on Rules and Administration, Hearings, Senator From New Hampshire, 94th Congress, 1st session, Part 1, 25 February 1975, pp. 308-309.)

That was the motion that he made, and after the motion was made they discussed it at great length and made some modifications to the accomplishment of what we finally began to carry out.

Ritchie: You were being put in a hot seat in this case, because Duff was the Democratic counsel and Schoener was the Republican counsel and you were going to be the non-partisan in-between person. Meaning that probably your vote was going to be the decisive one.

Riddick: Well, that was true. The thing was that they fixed it so that if we didn't get a unanimous vote, and it was a 2-1, that we would bring that conflict back to the Rules Committee for decision. As I said, they discussed it at some length, and Griffin said:

I think /it/ ought to be explained, I included Dr. Riddick for the reason that he is recently retired as the Parliamentarian of the Senate.

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There should be no way that this committee would know how that ballot was counted or have any information at all.

Now, how are we going to protect and be sure that is the case?

The Chairman. The suggestion that the Senator made some time ago was that we have two counsels at a table. It would be perfectly acceptable to me to have Dr. Riddick. (Ibid., 310.)

After they made these modifications, I think a little part here would be useful that gives the background of what the fight was and how they were going about it:

The Chairman. The suggestion that I made a few days ago was that we bring the ballots up here and have the two counsel with observers from both sides. I would be willing to accept Senator Griffin's suggestion that we have Dr. Riddick to work with the counsel to separate all of the ballots that were then undisputed.

Senator Griffin made the motion that they try to determine which of the remaining ballots could be masked and that those be masked and be presented to us. The ones that could not be masked would also be presented to us, but all of the identifying marks would first be removed before any ballot was presented to the committee on a ballot-by-ballot basis.

After the committee has made a decision on a ballot, it would be placed in a box and no count would be attempted until after a decision has been made on

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all ballots. Then the GAO people, if that is who we designate, could make the count of the ballots in the box.

Senator Griffin. The other two elements, Mr. Chairman, in my motion were that those ballots that could not be masked be projected on a screen and that with respect to those ballots only, the counsel for the two parties have a very limited but reasonable opportunity to make an argument.

Senator Hatfield. And we can look at them as well.

Senator Griffin. Of course.

The Chairman. I was just stating what the situation was. I would find it perfectly acceptable to place the ballots in the box. I do not have a strong feeling one way or the other on the screening, as long as the ballots are going to be here. I think the screening cannot represent an accurate reproduction of the ballot no matter how you try because ballots are not on the type of paper that was intended for screening.

Senator Hugh Scott. The ballots will be here.

Senator Robert C. Byrd. Are we then going to have a division of his multiple motion?

The Chairman. Well, the question is open for discussion now.

It is my understanding that he is willing to accept the modification of that or vice versa.

Senator Griffin. The modification having to do with putting them in a box and not counting, yes.

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We can divide the question. That is fine with me.

Senator Pell. Who would make the determination as to which ballots could be masked?

Senator Griffin. The panel of the two counsel with Dr. Riddick.

The Chairman. They would make the determination as to whether a ballot could or could not be masked.

Senator Griffin. So the deciding vote would be with Dr. Riddick and I think we all have confidence in him and if they had a serious question about it, they certainly would not mask it. (Ibid., 312.)

They continued this discussion, as I said, for some time, and one further thing that Senator Griffin said I might add here:

Senator Robert C. Byrd. Now, would the Senator repeat his motion, please?

Senator Griffin. I don't know whether I can or not.

The motion was that there would be a panel of three: Mr. Duffy, Judge Schoener, and Dr. Riddick; that this panel would look at those ballots which were still contested after the two sides had gone through the 3,500 ballots and eliminated whatever ballots they could agree upon to be separated and no longer contested; that this panel would, to the extent practicable, mask these ballots, and I think we have to

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work in here what our understanding is, if there is a divided opinion. (Ibid., 318.)

So they proceeded then until they reached a vote, and agreed to that motion by a vote of 7 yeas to 1 nay.

Ritchie: Were you caught by surprise by this debate?

Riddick: I had no foreknowledge at all that this was under discussion until Senator [Cannon](#) called me and told me they were "talking about you here in the Committee. You better come down, you might be interested in hearing what they're going to say."

Ritchie: Of all the members of the committee, Senator Griffin seemed to have argued this case the most heatedly, from what I've read, and probably from the most fiercely partisan position. It seems quite a testimonial that he would have chosen you as a person with complete confidence to sit on this panel. Obviously, it was a pretty critical position.

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Riddick: Well, the members of the Committee had been debating before this motion was presented for several days and they couldn't reach a modus operandi. Every thing they'd try to agree on they'd have a tie vote on. You see, the Committee at that time had a membership of eight, and it was three Republicans and five Democrats. One of the Democrats would frequently swing with the Republicans, and it was a four to four vote.

Ritchie: That was Senator Allen of Alabama?

Riddick: Well, there were some other variations at times, but generally speaking I think that was true. So they were trying to find some way that they could proceed. They had had a number of votes and they just couldn't reach an accord as to which way they would proceed to get the count underway. This is what Senator Griffin came up with, and it was acceptable so it was adopted and we started to work.

Ritchie: And they called this the "Riddick Committee?"

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Riddick: Yes, the "Riddick Panel." After this motion was adopted, as soon as we could get the ballots together in rooms down in the basement of the Russell Building, we started our work. We had all of the ballots in the room; we had to separate them. We had them all behind lock and key, with Schoener having one key and Duffy having another key. They wouldn't go into any room and look at anything unless I was present. It was a most tight security placed on everything, to be sure that there was no suspicion that anybody was taking advantage of anybody else. It's the first experience I had had in this regard, so it was most interesting to me, but it was tiring and one of the hardest assignments I had had since I'd been to the Senate.

To give you some background, some of the involvements and how they were trying to break up the conflict or resolve the situation, I thought that to read some sections from

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the reports would be enlightening. The reports were filed in two parts, one was called the "Durkin Position," that was part 1, and part 2 was called the "Wyman Position"; the "Wyman Position" being prepared by the Republican staff, and the "Durkin Position" being prepared by the Democratic staff. Well, at page 9 of the report of the minority, they wrote this:

In a further attempt to eliminate ballots from the mix, the parties were asked to review *all* the protested ballots from the Ballot Law Commission and to waive those no longer being contested. To supervise this process, the so-called "Riddick panel" was organized. This three-member panel consisted of Dr. Floyd Riddick, Parliamentarian-Emeritus of the Senate, James Duffy, Subcommittee Majority Counsel, and James Schoener, Subcommittee Minority Counsel. The panel first convened on February 26, 1975, and completed its initial task on March 10, 1975. As a result of waivers by representatives of both Mr. Wyman and Mr. Durkin, approximately 1,000 out of the 3,500-odd ballots which had been before the Ballot Law Commission remained for presentation to the Committee.

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During the course of these proceedings before the Riddick panel, however, two situations developed which were later to pose problems for the Committee. On the one hand, 38 ballots from the town of Troy and Dover, Ward 3, which were recorded on the official Secretary of

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State's tally sheets as having been protested, *were not found* among the 3,500-odd ballots in the Ballot Law Commission envelopes. On the other hand, 37 ballots from the towns of Derry, North Hampton, and Salem *were found* in those envelopes which did not have any indication on them as to whether or not they had been protested or counted and, if counted, for whom. Since the Committee had determined in phase I of its review not to recount the whole State, but only those ballots having been protested to the Ballot Law Commission, the absence of some ballots and the presence of extra ballots represented a matter of some concern. No action on these problems, however, was taken by the Committee at that time. (U.S. Congress, Senate, Committee on Rules and Administration, Report, Senator from New Hampshire, The Wyman Position, 94th Congress, 1st session ' 22 114y 1975, S. Rep. No. 94-156, part 2 pp. 9-10.)

Two other paragraphs here:

Mr. Durkin had continuously objected to the masking procedure during the Committee debates.

Ritchie: Excuse me. The masking procedures were in effect taking the lines which said Senate race, and masking out all of the other lines?

Riddick: Well, we had the "skip Louie" vote concept; they had all kinds of variations. As I will show you when we get through with this little aspect here, I will call your attention to

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the drafting of the resolution which presented some of these problems when the committee decided how they were going to present it to the Senate. Carrying on further there, as I said, Mr. Durkin refused to participate until the committee had again considered the matter shown in the committee staff transcript.

The committee did reaffirm its decision to mask, but this time by a 4-3 vote, Senators Cannon, Pell, and Williams dissenting . . .

The Riddick panel thereafter resumed its work on the afternoon of March 12.

You see, we had gone back to get a reaffirmal because Senator Durkin didn't want to take any part in it.

Sessions were conducted on March 13, 14, and 17, with the panel completing the separation process on the 18th. The panel then tallied the ballots in each category and, after making several errors . . .

That is, the panel actually made errors in its tabulation.

. . .and being required to conduct its own mini-recount, the panel announced that it had unanimously agreed that 426 ballots were capable of being masked in a template exposing only the voting squares. (Ibid., 14.)
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What had happened, we had put them into various categories and each had counted, but on some of these categories we couldn't get a comparable tally, in counting through them again, so that's why we made errors in retabulating. It was in one hell of a mess, to be honest with you, and it was rather difficult to get three parties in tabulating as to how they had counted so that they could reach an accord. But finally we did reach that accord unanimously.

Ritchie: Tell me, with the three parties, did you have any difficulties with Duffy and Schoener?

Riddick: Oh, no. It turned to be a grand panel. We had no conflict. The problem was that we had these 3,500 ballots all piled in a bulk. First we had to get them out of the proper ballot boxes, because they were scattered in these huge bunches of boxes. I forget, there were 166,000 ballots or something like that we had to take

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care of, but anyhow it was a big number of ballots that we had. Then what we were concerned with, because the committee had voted to do that, were these 3,500 ballots that were the so-called contested ballots. Our assignment really was to take these 3,500 ballots, go through them first, and if the panel with the legal counsel for Durkin and the counsel for Wyman, sitting at these tables with us, would take one of the 3,500 and if all could agree -- they'd say "That's a Durkin vote," "That's a Wyman vote, no question" -- we'd throw that out because we didn't want to bother the committee with voting on each of these if nobody had a question, when there were so many involved there, and all interested parties being well represented. So we went through every one that way, and when the panel could unanimously agree as to what we were going to do about a particular ballot, we would likewise put

that in a category. When the panel had a 2-1 vote we would set that ballot aside to bring back to the committee for them to decide what to do.

The first group that the committee was going to run through was this group that the panel completely agreed on how they should be counted. So we'd rapidly go through those before the committee; they had no questions, they voted with us. I don't think they changed any of our votes in that regard. Now, I gave you, in the discussion above, the point of view of this panel's operation from the minority report. I'd like to read the majority section so that there will be no political assignment here either.

In Washington, the Riddick panel began the process of examining boxes of ballots and exhibits taken from the State Police vault and, in the presence of representatives of the contestants, determined which ballots could be masked and which ballots should be seen by the Committee without masking because of legal issues not apparent on the face of the ballots or because markings were not contained within appropriate party circles or candidate squares.

During the process, additional ballots were withdrawn from further consideration by the Committee or the Senate because of prior stipulation or agreements by the parties. Ballots were marked in red or green ink, or with a check mark instead of a cross were determined to be no longer in dispute if not otherwise protested.

When the panel reported its findings to the Committee, it was decided that the unmasked ballots would be counted first and that in casting its votes, all members of the Committee should be present, but if at least six members were present, votes could be taken on individual ballots. And if a ballot was voted 4-2 or in any other manner less than 5 to 1, it was set aside for later consideration when all members were present.

The Committee began to vote on the unmarked ballots first, and then proceeded to the masked ballots, in open forum. Approximately 656 roll call votes were taken by the Committee, and each was publicly announced as cast, along with the results.

So you can see it was a real assignment.

It was apparent in New Hampshire during the canvass of the votes on election night, during the state-wide recount conducted by the Secretary of

State, and during the review of certain protested ballots reviewed by the Ballot Law Commission that, notwithstanding the law, voters used many other methods in marking ballots, including large crosses, double crosses, large checks, double checks, pen and ball point pens, as well as pencils, red ink, green ink, and other variations not spelled out

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in the law. (U.S. Congress, Senate) Committee on Rules and Administration, Report, Senator from New Hampshire, The Durkin Position, 94th Congress, 1st session, S. Rep. No. 94-156, part 1, 22 May 1975, pp. 5-6.)

This made it impossible for anyone to know how the call by the Committee on a particular ballot would affect the vote total for either candidate.

Senators marked their Committee ballots individually but when the roll was called, each Senator publicly declared how he voted on each of the New Hampshire ballots.

This procedure was followed in counting the unmasked ballots which were viewed in the entirety, and was also followed in counting the masked ballots, except that masked ballots were viewed through a metal template. Ballots were folded so as to fit within a template resembling a bookcover with cutouts on the front and back covers, exposing only the squares beside the names of candidates for U.S. Senate -- Durkin and Wyman -- but not Mr. Chimento . . .

He was the third candidate and he had so few they weren't concerned.

. . . since a three-sided template could not be practically designed, and since Mr. Chimento was not a serious party to the dispute.

When the maskable ballots were folded for the template, each was placed into the template out of view of the Committee members, and a letter A was stamped on one side of the ballot through a cutout at the lower center of the template, and a letter B was similarly stamped out on the opposite side.

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Thus, when Committee members cast their individual ballots indicating how the New Hampshire ballot was cast, they designated either A or B or No vote. These results were also publicly announced during the calling of the roll. (Ibid., 6-7.)

This was also briefly but completely discussed by Mr. Tibbetts in his book, *The Closest U.S. Senate Race in History*, at pages 256 through 263.

During our examination of these ballots to do the job thoroughly, the committee authorized us to go to New Hampshire for an examination of various details, particularly to check Manchester voting machines, which we proceeded to do on May 4. This also presented quite a political thing, because since I had been named the chairman of the panel, all three members of the panel, including a staff member named Peggy Parrish, went up to make this observation. But when we went up they presented a different picture. I'm reading from Tibbetts' book, in which he said:

No sooner did the group check-in and sit down in the cocktail lounge and informally begin to discuss their task when tempers flew.

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We walked into the lounge as the controversy, focused on a staff memo issued by Chairman Cannon, began boiling into a storm of controversy. Cannon had used the memo to appoint Majority Counsel, Attorney James Duffy, "in charge" of the team. Cannon directed that if any dispute arose he could be reached by telephone but "in the event you cannot reach me, Mr. Duffy is authorized to make decisions."

The Cannon edict did not set well with Minority Counsel, Judge James Schoener, counsel for the Committee's three Republican senators.

Dr. Floyd Riddick, Senate Parliamentarian Emeritus, had been chairman of the three man team screening ballots, but suddenly the Cannon memo had erased him from that position even though he was on the trip.

Peggy Parrish, Committee secretary, was also along on the trip and she added fuel to the argument. We had observed her in action in Washington and she was a domineering "take charge" female who sometimes made reporters frankly wonder if Senator Cannon were running the Conimittee or Miss Parrish. (Tibbetts, 102103.)

Ritchie: Is that an accurate description of the controversy there?

Riddick: Well, that is what occurred, but it doesn't give the whole picture, as few statements in print do, because it was a different assignment really. When we went up there we were concerned

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with politics again. Politics in the count as to whether we should accept this, or not accept this, or if the whole sheet in the voting machine was dependable or not, that was sort of a political issue. Personally, I had talked with Senator Cannon and told him I didn't care to be in charge of this, because a lot of the

things were concerned with the New Hampshire law too. Judge Schoener and Jim Duffy had been working with this for a long period of time, because as you remember the subcommittee on Privileges and Elections had held hearings on this before it was thrown before the full committee, and they were familiar with a lot of these details and I really didn't care to be burdened with that assignment. But it gave them a chance again to bring politics into it. It suited me very much that Senator Cannon had put Duffy in charge. There really weren't many decisions made that made any difference anyhow.

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Ritchie: Did it stay that way, with Duffy in charge?

Riddick: Oh, no, it was only for that trip, just for that trip.

Ritchie: But it stayed that way, with Duffy in charge, for that trip.

Riddick: That's right. And we were only there for two days. We made examinations, and the report that was made back to the committee, as far as I was concerned, was very appropriately done. I didn't see anything wrong with it at all.

Ritchie: Was Tibbett's description of Peggy Parrish an accurate one also?

Riddick: Well, I'll tell you, that's something I just would rather stay out of. There isn't anything gained by taking sides anyway, and to agree or not to agree would just place me in an embarrassing situation. I might say, I like Peggy very much. But you see, they drafted a report, which gave them another argument, of course, that night with some ballot

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experts who had come up. They made the machines and so-on. They had come up, I forget from what part of the country, different places, to be advisory to us as to whether this was in accordance with expectations, if the machines were accurate, and so on and so forth. The experts were meeting with Mr. Duffy and Peggy, she is a secretarial person and was assisting in the secretarial work, and they were in the room drafting a report, and Judge Schoener and I were not present at that time; this is what caused a lot of debate and consternation in the Senate. It gave another loophole, so to speak, for them to raise an issue about. And when you're in a ball game you do all you can to win, so each side picked up every advantage they could in arguing their case. I didn't get disturbed about it one way or the other. As I said, I didn't think it was a completely objective statement. In the first

instance, I didn't want the assignment, and secondly, I thought it was a completely different task. So I didn't feel one way or the other about it, but likewise I wasn't coming back before the Committee and state that I had been slighted or had not been slighted, because I wanted to keep out of the political aspects. My whole role in the Senate has always been non-political. This did give them, as Tibbetts says, another political issue, and here is how he recounted that:

Minority Committee leader Hatfield attacked Chairman Cannon's decision to appoint Attorney Duffy head of the team sent to New Hampshire and said that heretofore the Committee "had tried to maintain an impartial objective stance" by electing parliamentarian Riddick chairman of the Rules Committee staff panel.

Cannon acknowledged that he had made the decision that Duffy, not Riddick, head the team that went to New Hampshire.

Under questioning by Senator Hatfield, Duffy denied he had assisted the two Committee voting machine experts in preparing their affidavits, but

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minority counsel, Schoener claimed that he found Duffy, the two experts and Committee secretary Parrish "in her room at the Sheraton-Wayfarer starting to write down their affidavits." Schoener said, I feel badly I have to mention this but I was astounded!"

Duffy maintained that the experts carried out the job the committee hired them to do and he was adamant that he did not try to curtail the experts examination of the machines. Duffy admitted he had invited the experts to Miss Parrish's room to "provide any assistance, but not to dictate the affidavits."

Hatfield asked Duffy if he left messages for Judge Schoener and Dr. Riddick as he had for the two experts inviting them to the room. "I don't recall if I did," Duffy responded.

Duffy acknowledged that the Riddick panel was established during the screening of the protested ballots "so Dr. Riddick could act as a mediator between Judge Schoener and myself, but the Manchester investigation was completely different." (Tibbetts, 107-108.)

Ritchie: And you would agree with that?

Riddick: I agree with that completely.

Ritchie: On this Tibbetts book in general, did you find it to be an accurate portrayal of the whole controversy?

Riddick: Oh, I think so; of course, anybody observing gets their petty likes

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and dislikes about particular events. He perhaps felt that some were interfering when they shouldn't, or participating when they shouldn't have, and just have been sitting by and listening. So I think that some of these things that he attempted to bring out I couldn't be critical of. Well, let me restate that. I think that if I had been assigned the job I doubt if I could have done it better.

Ritchie: Did you get much press inquiry while you were working on this? Did people try to interview you?

Riddick: Oh, gosh, yes. Everybody wanted the inside information, and as I will point out in a moment there were some places where I was the only one who knew what the actual changes were -- the secret ballots, the secret votes, and all. As we considered each ballot, I had to pull the slips off the ballots as they had been cast and attached in New Hampshire; and then after the committee voted, I had all of the

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information before me, including how the committee voted; where they had reversed either or not; and then I had to staple them back on the ballot and put it in this box. I was the only one there that knew what was going on in this regard. I did not try to tabulate it, but I got all kinds of questions: "Were there any changes over the way they had been counted in New Hampshire?" Well, Hades, I was doing a secretive job and I wasn't about to tell anybody anything that I knew. I didn't give an impression to anyone, not even the senators. So, I kept it secret, and I felt that that was my assignment.

This is a little out of place, but I thought that while I was mentioning it, there are another couple of paragraphs on pages 255 and 256 from Tibbett's book:

The Rules Committee sent two of its subcommittee staff, James Duffy and James Schoener (majority and minority counsel) along with Senate Sergeant at Arms, William Wannall, to

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New Hampshire to place the voting machines under security and seal and to collect 185,000 paper ballots, check sheets, tally sheets, and other relevant materials. These ballots were removed to Washington, D.C., in an armored truck with an escort of U. S. Marshalls.

Several meetings of the Committee were devoted to study and discussion of the scope of the investigation necessary to arrive at an understanding of the New Hampshire dispute, and on February 19, 1975, a motion offered by Senator [James Allen](#) (D-AL), as amended by Senator [Mark o. Hatfield](#) (R-OR), was adopted by a roll call vote of 8-0. That motion called for "a recount of approximately 3,500 ballots which had been before the New

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Hampshire Ballot Law Commission, and for consideration of all the protests made by either party at any stage of the proceedings contemplating that the Committee would take appropriate steps on each protest to ascertain the validity of such protest and the accuracy of the count of the matter protested."

Acting upon that motion, the Committee created a three man panel consisting of Dr. Floyd Riddick, the parliamentarian emeritus of the Senate, and the two Committee legal counsel, Duffy and Schoener. This panel was to examine those ballots to determine whether they could be masked so as to conceal from Committee members anything which could identify the candidate, the political party, or otherwise influence the Committee, and yet leave enough of the disputed voting mark exposed to decide the issue on each ballot.

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That in a way reviews part of the other, and you can set it forth at the appropriate place.

Well, I have pretty well pointed out that after we had eliminated the non-contested ballots that both the Durkin and Wyman people agreed upon (so that the committee wouldn't have to count them), we turned the others back to the committee for their tabulation; and I pointed out how many votes they had taken to make this decision. After the committee finished all of its voting, they found so many tie votes. They went through and examined every one, but there was a big number of tie votes that they could not resolve, enough to make the difference in the election. So the problem was: what are you going to do now? The Committee first talked about filing a report to the Senate, but this brought up a question as to what kind of a report, and how should we make

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it. To show you how this was developed, I think two or three excerpts here will give you an idea of what was done. The Chairman, talking in the committee meeting, said:

Well, I think the Senator has made it quite clear that he is attempting to void this whole election through any process that he can take, and this is one of the diversionary tactics adopted.

This is a response to Senator Griffin.

The Senator referred to Dr. Riddick making the rulings, and Dr. Riddick did not make the rulings, and it was made clear in the record here all through this proceeding on the Riddick committee that the rulings were only when the parties were unanimous, and where these two gentlemen did not agree on a particular issue, then the matter came back to the

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committee for a decision, and it was not a matter of Dr. Riddick making a ruling.

I would like to ask him, have I correctly stated the situation?

Dr. Riddick. That was my understanding from the instructions of the committee, that we would unanimously agree or otherwise bring the issue back to the committee.

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The Chairman. And that was followed throughout with respect to the segregation of the ballots in going through and deciding what could be masked, and the stipulation as to whether they were valid protests, is that correct?

Dr. Riddick. I would have gladly made decisions had I been instructed to make decisions.

The Chairman. But you did not during any part of this whole process, is that correct?

Dr. Riddick. Yes.

So this I point out to show that what we were really trying to do was not to let the panel make decisions for the committee but resolve as much of the work for the committee as we could with the controversial issues being brought back to the committee for decision. That was in the May 15 proceedings, found on page 1,524 of the committee sessions on this problem. Then the problem was: what was the committee going to do after they had gone through and counted all of these and still had this great number of tie votes. I read from page 1,543 of the hearings, open sessions

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of the committee on these problems:

Senator [Robert C. Byrd](#). May I offer this suggestion: It seems to me that here is a situation in which the talents of Dr. Riddick are peculiarly well fitted, and would require an effort such as Senator Allen has suggested. It would seem to me that Dr. Riddick working with the majority and minority counsel could organize issues to be voted upon in the most practical way.

Senator Griffin. Could we make him a chairman in this instance?

Senator Hugh Scott. Yes; would that be all right?

Senator Robert C. Byrd. I am suggesting that there is merit to what Senator Allen has proposed. I think Dr. Riddick with the two counsel could draw up such a list of issues that have to be decided, and he would be in a good position, I think, to suggest the order in which the issues would be presented to the Senate.

Dr. Riddick. If I may say so, Senator, I think it might be a good idea if you do not do that. Actually the Senate does not normally vote on a report. I would recommend that we take the contents of the report and reduce it to a resolution, which could be visible on the Senate floor, and therefore you could get your votes separately.

Senator Hugh Scott. Separately on each issue?

Dr. Riddick. Yes; each of the issues.

So, after I presented this proposal, the committee actually

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authorized me to draft the resolution. I'm reading from the report of the minority side, which states the case very accurately:

On May 19, in light of the unprecedented reference by a Committee of its own tie votes in an election contest directed to the Senate, the Committee determined that it would at least have to present the Senate with a resolution defining the issues. Dr. Riddick was therefore requested to draft such a document for Committee action. On May 21, Dr. Riddick presented a proposed resolution enumerating each of the tie vote issues and ballots. During the debate, Senator Scott noted that passage of the resolution by the Committee was not to be construed as a limitation upon the right of any Senator on the floor to offer a substitute motion for the Committee to conduct a broader review of the election or to vacate the seat and return the matter to New Hampshire for a new election. Senator Byrd agreed. The Riddick resolution was then adopted unanimously by the Committee.

(Committee on Rules and Administration, The Wyman Position, 14.)

So I drafted the resolution which was reported, it was Senate Resolution 166, Report No. 94-156, which means the report was number 156 in the 94th Congress. There were several issues which were presented in two parts. The first part presented

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a question: "Is it the sense of the Senate that the Committee should conduct a recount as requested by Mr. Wyman of the following precincts to determine the accuracy of the recount of the Secretary of State of New Hampshire?" Then point 2: "Is it the sense of the Senate that the Committee should conduct a recount of the following precincts because of alleged inaccuracies in the tally sheets of the Secretary of State of New Hampshire: Merrimack, Meredith, and Lancaster?"

There were a lot of these issues. Number 5 for example: "Is it the sense of the Senate that with respect to the ballots on which the Committee voted as tied, the ruling of the highest authority of the State of New Hampshire shall remain in

effect?" Number 6: "Is it the sense of the Senate that the Committee shall retrieve, separate, and review all of the ballots in its custody of a skip

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candidate type?" So all of these issues were set forth and then in part 2 there were tie votes on the particular ballots, as to whether they were to be counted one way or the other. There were 27 of these ballots, broken down into 11 miscellaneous ballots, one "skip Durkin" ballot, and three masked ballots. These were presented in this resolution form because as I told the committee the Senate doesn't normally vote on reports, and it's better to have an actual instrument before it to act on instead of just filing a report with the Senate. This was what the Senate had before it when it proceeded to work on the issue. After I had drafted the resolution and presented it to the committee, the committee met for at least two days to approve this resolution. On May 19, when the committee was called together the chairman said:

The committee will come to order. Dr. Riddick, are you ready to advise us now with respect to the resolution?

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Dr. Riddick. Yes, sir, Senator. I think I have given each member a copy. I worked with the assistance of one of the members of the Legislative Counsel in drafting this, so that we could properly put the proposition before the Senate. (Committee on Rules and Administration, Hearings, Senator from New Hampshire, Part 2, 19 May 1975), 1547.) I worked with the assistance of the others to be sure that everything was done accurately. Then we proceeded to go through this resolution line by line, issue by issue, voting on each, and after doing this for two days the committee unanimously agreed, as the report I just read from indicated, to file with the Senate for its consideration, with each member of course reserving his rights to offer any amendments he wanted to on the Senate floor. Now, the Senate had a long fight on this issue. It was debated at length. The debate began on June 11, when they agreed to proceed at 1:00 o'clock on June 12 with S. Res. 166;

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and this issue held the Senate consistently from day to day until July 30. They presented six cloture motions, rejected five of them by roll call vote. They offered endless amendments. Each side, first the Republicans voted to vacate the seat and throw the election back to the state for a new election -- Senator [Lowell Weicker](#) offered this. That was defeated. They even offered resolutions to that effect. They were defeated. Then finally, after all of this prolonged debate, they

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agreed, with the Democrats offering the motion later, to vacate the seat and throw the election back to New Hampshire. They agreed to it because they had found themselves totally unable to reach a decision because of filibustering, or prolonged discussion let's say; they just couldn't reach a vote on any other final disposition. So finally, the thing was settled on

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July 30, when the Senate indefinitely postponed S. Res. 166, and at a later date adopted another resolution putting a rider on that to declare the seat vacated, and paid the expenditures for the operation.

There were all kinds of amendments offered, I'll just give you one. Both the Democrats and the Republicans offered somewhat comparable amendments, each thinking that it would get an advantage over the other. For example, here is one that Senator Mansfield himself called up, that was authorizing a complete recount with me as the pivot person to make these decisions. Then here is one on June 19 that Senator [\[William\] Brock](#), a Republican offered. The one that Mansfield offered was quite a long amendment, authorizing in two different places the details that I was to be charged with; and the one that was offered on June 19 by Senator Brock read as follows:

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It is the sense of the Senate that the Committee shall authorize an investigation of the Manchester voting machines, such investigation to be conducted by Dr. Floyd Riddick, James Duffy, and James Schoener, each of whom shall have an equal vote in determining all issues concerning the scope of the investigation, which such panel shall have the assistance of two voting machine experts to be retained by the Committee, and during which such investigation each of the contestants may himself or through his counsel participate by making requests and posing questions to the experts. (*Congressional Record*, 94th Congress, 1st session, 19 June 1975, 19730.)

Now, here are two others from the numbers of them offered in various variations. Senator [Cranston](#) offered this one:

When the Senate proceeds to consider the ballots listed in section 2, Floyd M. Riddick, accompanied by the Sergeant at Arms of the Senate, shall bring to the Senate chamber the boxes containing all ballots voted upon by the Committee on Rules and Administration, including the two boxes containing those ballots upon which the tie votes were cast.

As the Senate proceeds to consider each ballot listed in section 2, Dr. Riddick shall remove that ballot from the box in which it is contained, remove all attachments therefrom, and display that ballot on an easel. When the Senate has voted on each of such ballots, Dr. Riddick shall affix the attachments to that ballot together

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with the result of the vote of the Senate thereon, and place that ballot in the box containing the ballots on which there was not a tie vote. (Amendment to S. Res. 166 by Senator Cranston, 24 June 1975.)

Senator Cannon, the chairman of the Committee, had this one: I'm quoting these amendments because they are illustrative of so many different variations that were proposed during this long period of time. This one was offered by Senator Cannon, the chairman:

The Senate hereby directs the Committee on Rules and Administration to tabulate all the ballots which it has previously voted to count and those ballots voted upon by the Senate under section 2 of this resolution, such tabulation being made by three counters from the General Accounting Office in the presence of the committee panel consisting of Mr. Riddick, Mr. Duffy, and Mr. Schoener, to add the ballots so tabulated to, or subtract the ballots so tabulated from, the final figures certified for each candidate by the Ballot Law Commission of New Hampshire, and to express the results thereof in a Senate resolution, and to report each resolution to the Senate not later than July 20, 1975. If the committee fails to report such resolution by July 20, 1975, the committee shall be discharged from its further consideration and it shall be placed on the calendar. (Amendment to S. Res. 166 by Senator Cannon, 24 June 1975.)

So you can see it was endless all the variations and attempts that they tried to pursue in order to reach a solution.

Ritchie: And eventually they decided to send it back to New Hampshire and let the people there vote on it.

Riddick: Eventually they sent it back to New Hampshire. Shakespeare had a play entitled, which is very suitable for this: "Much Ado About Nothing."

Ritchie: This type of thing will occur probably in the future, there's a case in Virginia this year that may be recounted. Can the Senate really handle these things? What kind of mechanism should they create for these cases?

Riddick: Well, I don't know. It could be, but I pray to God they don't ask me to get in another one! It's no easy task. It's almost another career assignment of a kind. I don't know that you can do. I think after all if you are going to have the states' electing senators, the state should elect

the senator. But I don't believe, and I think the Senate would agree, that any election in any state where there's no case or charge of fraud should be brought to the Senate for decision. I think that the state itself, as long as there is no fraud and it's a clean election, should make the decision, because they are electing the senator. Now, if you have got fraud and justifications, or if you have got a sort of a variation like there was here where you have two kinds of certificates -- the Governor sent up a certificate to put Wyman in, and sent up a certificate to put Durkin in -- well, what's the Senate going to do? They almost had to get into this one. But unless it's something of that nature, or fraud, then I think the Senate should leave it to the states, and I think that's the feeling of the Senate. I doubt seriously if they go into the Virginia election, unless in this

recount I understand Andrew Miller is asking for, there is some evidence of fraud.

Ritchie: There's something about these disputed election cases that seems to touch on a raw nerve in the Senate.

Riddick: Oh, it's too political; and the Senate being a political institution, unless they're able to foresee all possible variations in the election contest, that they could write a law on even before the contest comes to the Senate, I just don't believe the Senate should get into it. Now, if they can anticipate some general types of contested elections, and they can write some guidelines, there might be some justification for it.

[End of interview #11]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

Interview #12

The Senate in Retrospect

(December 4, 1978)

Interviewed by Donald A. Ritchie

Ritchie: I'd like to ask a retrospective question at this point. You served with the Senate from 1947 on through to your retirement in 1974, and you've kept on working for the Senate for the Rules Committee since then. That's a healthy span of years. I wanted to ask you how you feel the Senate has changed in the decades that you have been observing it. Is the Senate today the same as the Senate that you came to in 1947, or do you see any significant changes?

Riddick: I think basically it's the same institution. Obviously, even the years that I've served the Senate it was not the Senate that started off in 1789 when you had a very small membership. It was almost like a committee meeting then -- thirteen states eventually making twenty-six members, that is, thirteen states after North Carolina and Rhode

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Island came in and got their senators up here, they only had twenty-six members. Well, we've got committees larger than that. So it was a different problem. We've had variations in the Senate that have been very distinguishable, depending upon the membership itself. I think the Senate must have been a very august body when you had the leadership of [Clay](#), [Webster](#), and [Calhoun](#) in it, because they were such admired personalities in the history of our country, and they were dominant; I think there have been times when the Senate has dominated the presidency. There have been times that the President practically dominated the Senate. So depending on its membership over a long period of time, I don't think a five year period makes much change in the Senate, but over a long period of time with personalities present who are dominating, it brings the Senate into a new image as far as the country's

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concerned. But the Senate when I first came here was greatly different. You know, senators were still wearing cut-away coats, long-tailed coats, and came so dressed to the floor for debate. They were very reserved. If they were going to hold a press conference, sometimes they'd call the press gallery and have the reporters come to their offices and they'd hold a press conference there. They were much less glib to talk and express their feelings with various individuals between the Senate chamber and their offices, or even on the Senate floor. I think

I recall mentioning to you my experiences with Senator [Vandenberg](#), and [Taft](#), and [George](#). They did not engage in much levity and conversation. If they wanted to ask you your opinion about something, or what the rules were and the precedents were, they would ask you, and as soon as that was over they were through talking with you, because

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they had other problems on their mind, and that's where it ended.

Ritchie: Now it's not that way?

Riddick: No, I've heard some say that the members of the Senate are getting more like the members of the House! They are very engaging in conversation. If you know them at all they delight in sitting and chatting with you about different problems. There's not that image that they used to carry. The senators used to feel, in my opinion, that there was no one between them and God except their constituency.

Ritchie: Having established then that you have seen considerable change in the Senate in the years since 1947, why do you think this change has taken place? What accounts for it?

Riddick: Personally, my field in the Senate has been procedure. Now, I don't think procedure has been as responsible for these changes as other

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things. I don't think they've been great; I think they've been rather minor as far as actual image of the Senate is concerned, or their effect on the image of the Senate. They still insist, procedure-wise, on the things that have made the Senate a different legislative body from most others in the world.

I think, perhaps, the change of the election system from the state legislatures electing the senators to the popular election of senators has had a great effect upon the image of the Senate, because there's certainly a tendency for people to elect candidates who have gained notorious reputations -- well, that's not the word -- senators who have gained popularity, say they've been to the moon, they've become great football heroes, they've won a reputation in some field so that their name is on the tongues of everybody. They have a greater chance of getting elected

than other candidates as contrasted to the system that was used by the state legislatures, because it's now popular election, and anything that can get their names before the public often enough will give them an advantage over other candidates.

Like the old saying goes: "Repetition makes reputation." If you keep calling that name over and over, it's publicized over and over -- it's in the front of the public constantly for a long period of time -- he's got a much better chance to get elected to the Senate than a scholar or a lawyer who has not handled popular-type cases, so to speak. The one that's been a real scholar, say he's been a great judge in a state, or a federal judge, in the court of appeal or the district court, like Senator [Ervin](#) of North Carolina who had been a judge, they might merit becoming a senator, but if they are not popular, if they have

not had their names before the public long enough, they're not likely to have a chance to get elected over a more popular hero.

Then the press, the press plays a great role in who is going to be elected senator by popularizing that person. There are so many features in our modern society. TV? Good gracious, one of the great things that puts the candidate in your livingroom almost. All of these things in my opinion have had a great effect on the nature of people or the kind of people you're electing to the Senate, and these personalities have a great affect on the image that the Senate is going to have. I don't think that the procedure has any comparison with the effect that these other things have had on the image of the Senate.

Ritchie: Television among other things has turned a lot of senators into presidential contenders. [John Kennedy](#) was the first president to be elected

directly out of the Senate in some forty years, and now senators are taken for granted as presidential candidates. Has this changed their interests inside the Senate, and the type of senators they are?

Riddick: I don't know what is an exact answer to any question of that nature. I think the senators have always been candidates. Certainly, go all the way back, [Andrew Jackson](#) was a senator before he became President of the United States. The thing that television and the communicators have done is to give them a

vehicle through which they can appeal to the country for the presidency, as contrasted to their former role. Hardly anybody reads the *Record*, and that is where the record of a senator is made as a senator, not as a candidate for president, of course. But if a senator is gracious, a good speaker, a good PR man, and the press is impressed by him, TV is impressed

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by him, he's picked up into national prominence, not just state prominence, very quickly.

Ritchie: So, as I interpret this, you say that a lot of the modern trends are emphasizing the wrong qualities in the people who are running for election to the Senate?

Riddick: Well, I don't know that it's the wrong qualities. It's caused a different Senate. I'm no judge as to who should serve. Maybe we need fewer lawyers; maybe we need fewer of the kind of senators that we had before. Maybe the man-on-the-street type of person is what we need to represent the people, I don't know. My only statement to that effect is that it has given you a different kind of an image, or a different kind of a Senate, or should I say different kind of senators.

Ritchie: There's a distinction here. The institution of the Senate is really made up of a hundred individuals.

Riddick: Right.

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Ritchie: And the institution can change with the individuals. That seems to have been a trend through much of our discussion here, how the rules have changed, the interpretation of the rules have changed, the precedents have changed, because the individuals, who were involved had changed. That makes studying the institution all the more difficult.

Riddick: Yes, I've often questioned if the Senate ever developed into the institution that our forefathers in drafting the Constitution expected it to develop into. As I get it, from reading the Constitutional history and the records of the Senate, our forefathers anticipated the Senate to be a counsel to the President of the United States as well as a legislative body. It was sort of anticipated that it would stay in twelve months of the year, as opposed to just being a legislative body primarily to initiate legislation.

And I'm often inclined to think if it hadn't been for the experience at the beginning of our Senate that we might have developed that way as opposed to being just a co-equal branch of the Congress, to just write legislation.

You know, when Washington came up with his Indian treaty to counsel with the Senate, I think he anticipated that the Senate would be sitting at all times, and that when he had major problems he could come in and consult with them to see if "now boys, do you think the President is right in going in this direction?" But when they referred the treaty to a committee, Washington was alleged to have said, he'd be damned if he ever expected to come up here again to present his problems to the Senate. I think right then we began to depart from the concept of a counsel to the President, and we developed in an entirely different way from what we

would have, had the Senate accorded Washington by advising him on the spot, and let him go on and resolve his treaty.

Ritchie: Do you think the Senate could ever fill that advice role?

Riddick: Not anymore, I don't. I think with such institutions, it's rather difficult to change overnight in any direction, and if you build an institution and it develops a long history, it would be hard to turn from that direction to another direction. You'll move gradually one way or the other, but I doubt that there would be a chance of it ever moving as a counsel to the president. The Senate does still counsel in the case of treaties, but it almost works independently of the president in that regard; and the Senate no more so than the House tries to work with the president in enacting the kind of a legislative program that he wants.

Ritchie: I just read an article that set as a maxim that a President of the United States should advise with his party

leaders in Congress on every issue, "especially when he doesn't want to."

Riddick: That might be a good point! I don't know that the country would be any better off, it's hard to say. It's amazing the direction an institution takes over a long period of time in the absence of a completely detailed design on a drawing board as to what you expect of it. And when the Constitution as it was drafted, so vague and general, that within that framework the legislature could go in most

any direction. It's true that we are taught that we were conceived to have three independent arms of the government, but there's no defined-detailed separation of power, and I doubt that if you could have ever drafted anything that would have worked. I've watched this in the field of general parliamentary law, working with different institutions when they draw up a constitution and by-laws; they can't anticipate what all is expected

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of them to begin with, because they have never had any experience, and then they begin to amend their constitution and by-laws and move in various directions which are often completely different, in my opinion, from that which the founding fathers of that particular institution anticipated when they created that organization.

Ritchie: Well, one thing that we have definitely established is that the Senate is a complex machinery . . .

Riddick: Oh, you can bet your boots!

Ritchie: . . . and I would think that you have certainly contributed quite a bit toward making that machinery work, for some thirty years or so.

Riddick: Well, I've done my best. I just met former Senator [\[Frank\] Lausche](#) in the Senate wing of the Capitol the other day, and he told me: "You certainly had a whole lot of influence on what we did and how we did it in the Senate." He said: "I'm amazed that you were able

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to make these decisions and the Senate almost always invariably agreed with you!" And so I thanked him for his compliments. I've told you before, I feel that the Senate had been very good to me. Through the long period that I've been here only once did they vote to overrule the decision of the advice that I'd given to the Chair.

[End of interview #12]

Floyd M. Riddick

Senate Parliamentarian, 1964-1974

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