

Rules, Rules, Rules: Congress Relies on Them

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My remarks are entitled, “Rules, Rules, Rules: Congress Relies on Them.” I can’t claim any credit for that title; it was given to me by the organizers of this program, and I happily accepted it. But when I thought about it, whether intentional or not, the title neatly captures a clue to the secret of congressional rules by using the word “rules” three times.

It’s a little like Thoreau’s injunction in *Walden* to “simplify, simplify.” A friend once asked me, if Thoreau really meant it, why did he repeat himself? The answer, I suspect, was he repeated “simplify” for emphasis—to drill home the need to simplify. In this case, “rules, rules, rules,” was probably used by the organizers for emphasis, so you begin to understand their importance. Yes, Congress does rely heavily on them.

But I would suggest that the “three-peat,” if I can call it that, may also be interpreted to mean that there are three kinds of rules in Congress: House rules, Senate rules, and special or improvised rules to fit a particular situation. And both bodies do a great majority of their important business using special rules which are really departures from what we call the standing or permanent rules of those two bodies. We’ll get back to that distinction later in my talk. I just wanted to whet your curiosity.

Just how important are rules and procedures in Congress? Aren’t they just kind of an automatic pilot that a parliamentarian oversees to make sure everything is being done by the book? The answer is no, they are in fact something parties and individual Members use to their advantage on a daily basis to achieve their legislative, reelection, and power needs in Congress.

To underscore this point, let me call on the words and wisdom of three House Members. First, the late Republican Congressman from Wisconsin, Bill Steiger, a leading congressional reform crusader in the 1960s, used to remind his colleagues that “procedure is substance.”¹

Second, the former Congressman from this congressional district in and around Peoria, House Republican Leader Bob Michel, put it similarly when he said: “Procedure hasn’t simply become more important than substance—it has, through some strange alchemy, become the substance of our deliberations. Who rules House procedures, rules the House—and to a great degree, rules the kind and scope of political debate in this country.”²

Finally, the dean of the House, Democratic Congressman John Dingell of Michigan is often quoted as saying, “If you let me write the procedure, and I let you write the substance, I’ll...[beat] you every time.”³

So something is going on here with rules and procedures in Congress. They not only help make the legislative world go round; they also help keep majority parties and some astute members on top of that world--and others on the bottom.

Of course, even if you're on the bottom--especially if you're on the bottom--you are in a position to use the rules to slow down that rapidly spinning globe so that legislation can be given greater scrutiny—perhaps even be defeated. In the end though, at least for the House of Representatives, it is a truism that “a determined majority can always work its will.”⁴

Your challenge, as a teacher of course, in trying to explain to your students how Congress really operates, is to simplify, yes, simplify, things sufficiently that they get it, while still presenting a realistic depiction that is both understandable and even fun. Now that's a challenge, especially when you realize that the “text book Congress” legislative flow chart of how a bill becomes a law is largely obsolete today. We are in the era of what Political Scientist Barbara Sinclair calls, “Unorthodox Lawmaking.”⁵

I remember when one of our new staff members at the Wilson Center asked me what I did. I explained that I ran the Congress Project which is designed to promote a better public understanding of the policy process in Congress.” She kind of wrinkled her nose and said, “Oh, that sounds soooo boring.”

I just laughed and casually brushed it off by saying, “I guess it probably is if you have no interest in government or politics.” Had I been more patient, persistent, and dedicated, I would have gently reminded her that, in a democracy like ours, the ways in which our laws are made make a difference to every citizen—so pay attention to what your representative and senators are up to.” But I let it go.

So how do you make the subject of the congressional process—rules and procedures, something interesting and exciting to your students? How do you keep it from getting boring? I don't think it is enough just to jump into the middle of a congressional policy debate and ask how did this measure get to the floor and what conditions are being employed to debate and amend it.

Before you even get to that point, however, you should get your students thinking about organizational rules in the context of their own lives. One useful exercise would be to have your class break into small groups to create and organize imaginary clubs for some noble purpose or another, and then discuss how they are going to conduct the business meetings of those clubs.

Before they get into the nitty-gritty of determining rules for the club, get them to thinking about some broad questions about running the organization. Here are the four broad questions I have framed for our discussion about congressional rules and procedures; these could be used by your class in thinking about and developing your hypothetical club rules:

- Why do organizations need rules?
- What are the guiding principles or values behind rules?
- What kind of outcomes should rules facilitate or produce?
- When is it time to change the rules?

Let the students offer answers to each of those questions before you let them loose on developing the specific rules for their club.

Keep in mind as we proceed to address these questions, that I will be offering my views and those of others in providing answers. You may well have different views after giving these some thought, as will your students, and that's quite all right.

First, why do groups or organizations need rules? Former House Parliamentarian Clarence Cannon, in an essay on parliamentary procedure, put it succinctly when he wrote: "Success in achieving the purposes for which these organizations are constituted depends in large measure on strict adherence to the established rules of parliamentary procedure."⁶ Put another way, rules are designed to permit a group to accomplish its purposes in a fair and orderly manner.

Thomas Jefferson, when he was Vice President from 1797 to 1801, and thus President of the Senate, spoke to the importance of rules in his *Manual of Parliamentary Practice* which he prepared for use by the Senate, when he wrote that it is not so important that these rules in all cases be the most rational; "it is much more material that there should be rule to go by than what the rule is,"--that there be "a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members." It is very material, he concludes, "that order, decency, and regularity be preserved in a dignified public body."⁷

This begins to get to the answer of our second question of what the basic values behind a set of rules should be? House Parliamentarian Clarence Cannon wrote that, "Parliamentary procedure, embodies the basic principles of equal rights, the rule of the majority, the protection of the minority, and the orderly consideration of one subject at a time."⁸

Jefferson underscores the principle of protecting minority rights in his Manual: "A strict adherence" to "the forms and rules are the only weapons by which the minority can defend themselves" against "those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities."⁹

Now those sentiments comport with our conventional understanding of what rules should be all about in a democracy: decency, fairness, orderliness, regularity, dignity. But a century after Jefferson wrote that Manual in the late 1790s, here is what former House Republican Speaker Thomas Brackett Reed of Maine had to say in the 1890s: "The rules of the House are not for the purpose of protecting the rights of the minority, but to promote the orderly conduct of the business of the House."¹⁰

To Reed, the purpose of a legislative body was action, not inaction, and rules were designed to permit a House majority to act on measures of importance to it—to work its will. He had a minimal high regard for the minority party or its rights—even when he was part of the minority, because the minority tended to obstruct that central purpose of legislative action.

“The only duty of the minority,” Reed once said, “is to make a quorum; its only right is to collect its pay.”

Jefferson and Cannon both speak to the need for “order,” and “orderly consideration” of business. This captures two important values: the need to prescribe an order of business, and the need to maintain “order” in the conduct of that business. It’s what Jefferson had in mind when he spoke of the need to preserve “order and decency” in a dignified public body. The term for this that’s often used in parliamentary bodies is “decorum in debate” which embodies such things as manners, civility, respect, attention, and common courtesy.

In his *Manual of Parliamentary Practice*, Jefferson devotes an entire section to the subject of “order in debate.” In that section he talks not only about the manner in which the Speaker recognizes Members to speak, and their duties and responsibilities in speaking, but also the responsibilities of all Members during debate—the do’s and don’t of decorum in debate. Let me quote these from Jefferson’s Manual.¹¹

--“No one is to speak impertinently or beside the question, superfluous or tediously;”

--“No person is to use indecent language against the proceedings of the House;

--“No person, in speaking, is to mention a Member then present by his name... nor to digress from the matter to fall upon the person, by speaking reviling, nipping, or unmannerly words against a particular Member.”

--“The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality, and against order.”

--“No one is to disturb another in his speech by hissing, coughing, spitting, speaking or whispering to another; nor stand up to interrupt him.”

Quoting further from the British precedents, Jefferson writes: “Nevertheless, if a Member finds that it is not the inclination of the House to hear him, and that by conversation or any other noise they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners without sufficient reason, or inattention to a Member who says anything worth their hearing.”

So, rules are designed to ensure the full participation of all members of the group, to allow the majority of the group to work its will without trampling on the rights of the minority to be heard and to offer alternatives, and to establish an order of business that takes up one thing at a time, and to make such that order is maintained through polite, courteous, respectful behavior. If Members are infused with a respect for the institution and its rules and formalities, then a respect for the members of that body will follow; and that is essential to getting things done.

This leads to our third question of what kinds of outcomes should rules facilitate or produce? The obvious answer, of course, is that if the rules are working properly, the outcomes should reflect the consensus of a group's majority. They should help produce an effective solution to the problem, developed through discussion. But beyond that, the rules should produce an acceptance of the outcome by the minority as well as those outside of the organization. If the rules are fair, if deliberation is thorough, then the rules will lend legitimacy to the outcome among those outside the process. Conversely, a departure from fairness and deliberation can undermine respect for the institution and its decisions.

Finally, how do we know when it is time to change the rules? All organizations evolve, take on new purposes and responsibilities, make mistakes and learn from their mistakes, and adapt to new situations. As they do so, new practices and procedures evolve with these new situations—sometimes informally, barely perceptibly, but eventually by way of formal rule amendment and adoption.

One of the big motivators for rule changes is scandal, maybe involving corruption, maybe just involving the organization's neglect of a problem it should have been tending to. Scandal is a great motivator for institutional change or reform as the organization attempts to prove to outside observers that it has gotten the message and is taking the necessary steps to rectify things—to purge itself of bad influences and bad behavior.

Another chief motivator for rules changes is promoting greater efficiency in the process, often for the convenience of members. This may run in the opposite direction of enhanced deliberation. For instance, in now permitting floor votes on amendments to be postponed and clustered until later in the day, the actual decision is detached from the debate on the underlying proposition. Yet Members love the certainty of knowing when a series of votes will take place, and of doing it all at once rather than traipsing back and forth to the Capitol from their offices every 20-30 minutes.

Now that we've surveyed the general, theoretical framework of parliamentary procedure, let's get down to the specifics of Congress as a legislative body and its peculiar set of rules and procedures. As I mentioned earlier, Congress really has three sets or types of rules: House rules, Senate rules, and special rules—with the latter category accounting for most of the important, legislative floor in each Chamber.

On page 9 of the handout, Appendix B, you will see that the Senate has 43 standing rules. Unlike the House, though, those rules carry forward to each new Congress because the Senate is considered a continuing body (only one-third of the Senate is elected to each new Congress). Consequently, the Senate amends its rules very rarely—especially since you need 67 Members (not 60) to stop a filibuster on rules changes in the Senate.

On page 10, Appendix C, you will see that there are 28 standing rules of the House. In each new Congress every two years, the House must adopt its rules anew. The resolution will usually say something to the effect that the House rules of the previous Congress are the rules of this Congress together with the following modifications.

Those changes are usually recommended by the majority party caucus (since there is no Rules committee in existence prior to the adoption of rules on opening day). Ordinarily, that package of rules on opening day gets just one hour of debate and no amendments are allowed, though the minority has a procedural motion that could lead to an alternative package of rules changes.

Both House and Senate rules cover many of the same topics, ranging from the duties of the presiding officer and other officers, duties of Members, bill introduction, committee jurisdictions and procedures, floor motions and amendments, decorum and debate, and ethics rules. Many House and Senate rules are parallel in that they were written as part of the 1946 or 1970 Legislative Reorganization Acts which were the products of joint, House-Senate reform committees.¹²

Obviously, there are also great differences between the House and Senate. It is sometimes said the while the House has an elaborate set of standing rules plus a special rule from the Rules Committee for every major bill, the Senate has just two rules—unanimous consent and exhaustion. The main reason for the difference, of course, is that the Senate does not have tight restrictions on debate as the House does. The House has a Committee of the whole, which is the entire membership convened to consider amendments to bills under restrictive debate rules that allow each member no more than five-minutes to speak on any amendments. The Senate has no such thing as the Committee of the Whole, and members can speak at length on amendments. The Senate likes to refer to this as “unlimited discussion” or “extended debate.” Others call it for what it often is, and that is the filibuster.

As you may know, the only thing to stop a determined filibuster is to invoke the cloture rule, Senate Rule 22 which used to require two-thirds of those voting to end debate; now it's three-fifths of the membership or 60 votes to bring debate to a close. Senate Majority Leaders now routinely file cloture motions from the outset on significant bills in anticipation of possible filibusters. So, as we saw with immigration, if the Senate does not garner 60 votes to cutoff debate, the majority leader can pull the bill and move on to something else rather than face the *anticipated* exhaustion factor. Real long and drawn-out filibusters just don't happen anymore.

On page 14 of your handout, Appendix F, is a table on cloture motions compiled by the Senate Historian's office. You will notice that as of July 19, this year, there have already been 50 cloture motions filed, and 40 votes on cloture, half of which were successful. When you consider we are less than one-third of the way through the 110th Congress, that's an amazing amount of cloture motions when you consider the highest number for any Congress in the last 33 years was 82 cloture motions in the 104th Congress. This Congress is could top 150 if things continue at the present pace.

The House has the Rules Committee, as I mentioned, which reports special rules which are simple House resolutions that govern the debate time and the amendment process on most major bills. Since the 1980s, more and more bills in the House are considered under highly restrictive special rules that may allow only a few amendments to be offered from the floor or even no amendments.

The Senate does not have a Rules Committee in the same sense, so must rely on what are called unanimous consent or U-C agreements which specify what amendments can be offered and under what time constraints for each. So the Senate counterpart to the House special rule is the unanimous consent agreement. But whereas a special rule needs only a majority of the House for adoption, a unanimous consent agreement can be blocked by a single Senator. So it truly does have to be worked out on a bipartisan basis.

As I mentioned at the outset of my remarks, the special rules and their Senate counterparts, unanimous agreements, are really departures from or exceptions to the standing rules of those two bodies, and yet they are used increasingly to guide the debate and amendment process for important legislation. In the House, this can lead to a great deal of partisan fighting and rancor since the majority is under no compunction to be fair to the minority. This is less likely to happen in the Senate, of course, because you need complete bipartisan concurrence to proceed under a unanimous consent agreement. If you turn to the table on page 3 of your handout, you will notice how an open amendment process has become increasingly rare in the House.¹³

That top row denotes the number and percentage of open amendment rules from the 103rd Congress (1993-94) to today with Democrats back in the majority after 12 years of Republican rule. At their worst, in the 103rd Congress, Democrats still managed to produce open rules about 44% of the time. Republicans immediately improved on that when they took over boosting open rules to 58% of the total. But then you'll note that open rules began to decline. In the last Republican Congress, the 109th, only 19% of the rules were open. Today, with Democrats back in the majority, open rules are running about 26% of the total—slightly better than the worst under Republicans in the last Congress—notwithstanding their promise to be much more open than Republicans were with amendments.

So the big fights on the House floor often occur during debate on these special rules from the Rules Committee, when the minority thinks it has not been dealt with fairly. The only chance for the minority to change a special rule and make more amendments in order to its liking is by defeating the previous question on the resolution, and then offering an amendment to the special rule. This usually fails on a party-line vote.

I thought it might be useful during this discussion to look at three examples of special rules in the House—one a closed rule, permitting no amendments; one a structured rule, permitting only certain specified amendments; and the last a closed rule permitting no amendments.

The first example on page 4 of our handout is the special rule for the Department of Homeland Security Appropriations Act. As you can see, the special rule is a simple House resolution—H. Res. 573--reported by the Rules Committee providing for the consideration of the bill making appropriations for the Department of Homeland Security for fiscal year 2008, H.R. 2638.

At the top of the page we have a summary of this rule as laid before the Rules Committee. An open rule means that anyone can offer an amendment to the bill. Before the

amendment process though, there is one hour of general debate. The special rule waives all points of order against the bill except those occurring under clauses 9 and 10 of rule 21 which relate to earmark transparency and pay-as-you go budgeting, respectively. The rule does, however, waive points of order against provisions in the bill which would violate clause 2 of rule 21 which prohibits unauthorized or legislative provisions in an appropriations bill. So the Appropriations Committee has probably chocked the bill full of such offensive provisions, but they have been protected by the Rules Committee.

The rule gives priority recognition for amendments to members who have pre-printed their amendments in the Congressional Record. The rule provides for one motion to recommit, with or without instructions. This is the final opportunity for the minority to offer an amendment of its choosing. Finally, the Speaker has discretion to postpone further consideration of the bill to a future time.

To give you some idea of the timeline on the rule and bill: The Appropriations Committee filed its report on the Homeland Security bill on June 8; the Rules committee reported this open rule on June 11. The next day the rule was adopted by voice vote. Because it was a wide open amendment process, the bill was under consideration for four days, during which some 50 amendments were filed, of which 23 were adopted, 15 were rejected, and the rest of which were withdrawn or not offered.

All that may give you some idea why the majority party likes more structured or restrictive rules. Page 5 of your handout offers an example of a structured rule—H Res. 327—for consideration of H.R. 362, the “10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.” Again, we have just one hour of general debate, a waiver of all points of order except clauses 9 and 10 of rule 21. An amendment in the nature of a substitute reported by the Science Committee is made in order as an original bill for amendments purposes, and protected against most points of order. The rule makes in order only those amendments printed in the Rules committee report, and protects them against points of order. And, once again, a motion to recommit with or without instructions is provided.

If you turn the page, though, to page 6, you will notice that only two amendments are made in order, and both are by the Democratic Chairman of the Science Committee, Rep. Bart Gordon of Tennessee. Only one other amendment was filed with the Rules Committee, and that was by Congressmana Reyes, a Democrat from Texas.

So, even though the Republicans were not shut out of the amendment process, the special rule was adopted by a near party line vote, 220 to 188. The bill went on to pass that same day, 389 to 22, after a minority motion to recommit with an amendment offered by Rep. Peter Hoekstra of Michigan, was adopted, 404 to 2. That amendment simply clarified that nothing in the Act should be construed to limit the ability of state governments and local school boards to set the curricula of their students.

Finally, on page 7, we have an example of a closed rule—H. Res. 464—providing for consideration of the Senate-passed bill, S. 5—the Stem Cell Research Enhancement Act of 2007. The rule provides one hour of general debate, equally divided and controlled by the

chairman and ranking minority member of the Energy and Commerce Committee. No amendments are allowed, though the minority's motion to recommit is again guaranteed.

You will recall this is the bill that President Bush had promised to veto, and he did. As you might expect, the rule was adopted by a party line vote after the Republicans tried unsuccessfully to defeat the previous question and amend the rule. After the bill was debated, the minority offered its motion to recommit which failed, 180 to 242, with 31 Republicans going against their party. The bill subsequently passed, 247 to 176, with 37 Republicans breaking ranks. After the bill was vetoed it was returned to the Senate but there was no vote on overriding the veto.

Finally, just to give you an idea of how the Senate handled this bill, if you turn to page 8, you will find the unanimous consent agreement for two stem cell bills—S. 5, which was introduced by Senate Majority Leader Harry Reid of Nevada (but was not referred to or reported by a committee); and S. 30, which was introduced by Senate Republicans Norm Coleman of Minnesota and Johnny Isaacson of Georgia. The UC agreement calls for 20 hours total debate on both bills simultaneously--10-hours divided between the majority and minority leaders, and 10-hours divided between Senators Harkin and Brownback. The UC agreement also makes clear that 60 votes are required to pass either bill. This is done as an indicator that a cloture vote would have been successful to end a filibuster if one had arisen, thereby paving the way for the 20-hour debate limitation.

In this case, the majority's bill did receive the requisite 60 votes, passing, 63 to 34; while the minority's bill, S. 30, secured an even wider margin of support, 70 to 28. Nevertheless, it was the Senate majority's bill that the House took up and passed while the Senate minority's bill was sent to die in the House Energy and Commerce Committee. House Republicans offered a different version in their motion to recommit with instructions.

Before I conclude my remarks, let me offer just one final word on why and when rules change. Earlier in this talk, I offered some explanations of the various reasons the House and Senate have changed their rules: these ranged from a change in party control of the Chamber and changed workload, to public demands on Congress and the need to address internal scandals. In Appendix E in your handout, I have included a chronological listing of "Significant Congressional Reforms and Changes," dating back to 1880.

If you look these over you can see that many changes had to do with the power struggle between party leaders, committee chairmen, and individual members; others related to improving institutional capabilities to deal with problems; and still others were aimed at improving public trust and confidence in Congress in the wake of scandals. Certainly the 2006 Democratic reforms in House rules like their 1994 Republican counter-parts, were aimed at highlighting the other parties failings and assuring the public that the new majority will do better.

Eventually, as we have seen in the example of open versus closed amendments procedures in the House, these ideals run up against the reality of governing, and the majority always opts for success over perfection if they want to keep their majority.

When we combine our observations about the increasing importance of special rules, the increasing powers of party leaders, and the declining role and powers of committees, we begin to see the picture of a much different Congress than the old “text book” version in which legislation underwent a very orderly and deliberative scrutiny through the subcommittee, full committee, and floor stages.

Today, with party unity and discipline so central to the future control of both the House and Senate, deliberation and committee consideration are subordinated to producing favorable legislative results for the majority party. Members are now content to delegate to their party leaders the responsibility for putting together the party’s program and seeing it through to passage—whatever it takes. This is where the unorthodox lawmaking comes in and has become more orthodox in many ways than the old, conventional way of doing things. It may not be recognizable to Jefferson, but, as one of the original partisans himself, he would probably soon come to appreciate its utility, given the alternatives.

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Web Resources on Congress

THOMAS – The official congressional website sponsored by the Library of Congress, has an easy to operate bill tracking system, access to Congressional Records, and roll call votes—all dating back to the 101st Congress (1989-90); information on appropriations bills (from 1998); a special link for teachers; links to historical documents and information at the Library of Congress, and more. Home page: <http://thomas.loc.gov/>

U.S. House of Representatives – The House official website has a listing of all House Members, committees, leadership, officers, running summary of business “currently on the floor,” educational resources, tourist information, media galleries, and kids in the House. Home page: <http://www.house.gov/>

U.S. Senate – Complete listings of Senators, committees, leadership, visitors’ section (including virtual Capitol tour), excellent arts and history section. Home page: <http://www.senate.gov/>

House Rules Committee -- A treasure chest of information about congressional rules and procedures, including valuable Congressional Research Service Reports on same; listing of special rules resolutions providing for consideration of major bills with links to the bills and reports, summaries and texts of amendments made in order to the bills by the Rules Committee. Home page: <http://www.rules.house.gov/>

Government Printing Office -- “Legislative Branch Resources on GPO Access” has a wealth of links on one page including bill histories, committee reports, Statutes at Large, U.S. Code, congressional calendars, congressional rules and procedures (including the annotated House Rules and Manual with Jefferson’s Manual, the Constitution, Budget Act, and congressional disapproval provisions in law), Hinds’, Cannon’s and Deschler’s precedents of the House,

independent counsel reports, and more. Home page:
<http://www.gpoaccess.gov/legislative.html>

Roll Call and The Hill – Two popular Capitol Hill newspapers with all the inside skinny:
<http://www.rollcall.com/> and <http://www.hillnews.com/>

The Congress Project – At the Woodrow Wilson International Center for Scholars. Site contains summaries of seminars, scholarly papers and essays, background information on Congress, and an archive of director Don Wolfensberger’s twice-monthly Roll Call column, “Procedural Politics.” Home page: <http://www.wilsoncenter.org/congress>

The Center on Congress – At Indiana University, directed by former Congressman Lee Hamilton (D-Ind.) is aimed directly at second school students, their teachers, and average citizens. Site includes interactive, role playing in Congress. Home page: <http://www.centeroncongress.org/>

Association of Centers for the Study of Congress – Includes links to member websites, many of which have rich archival materials available from the papers of former House and Senate members. Home page: <http://www.congresscenters.org/>

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Endnotes

¹ From author’s recollection as an intern with the staff of the Republican Task Force on Congressional Reform and Minority Staffing, U.S. House of Representatives, 1965.

² Walter J. Oleszek, *Congressional Procedures and the Policy Process* (Washington: CQ Press, 2007), 12.

³ Id.

⁴ Often quoted to the author by various members of the House Parliamentarian’s Office.

⁵ See Barbara Sinclair, *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress* (Washington: CQ Press, 2000).

⁶ Clarence Cannon, “Parliamentary Procedure,” *The Encyclopedia Americana: International Edition* (Danbury, Conn.: Grolier Incorporated, 1994), 21:466.

⁷ Thomas Jefferson, *Jefferson’s Manual of Parliamentary Practice*, in *House Rules and Manual, One Hundred Ninth Congress*, (Washington: Government Printing Office, 2005), 126-128. Also available at: http://www.gpoaccess.gov/hrm/browse_109.html.

⁸ Cannon, 466.

⁹ Jefferson, *Manual*, op. cit.

¹⁰ Donald R. Wolfensberger, *Congress and the People: Deliberative Democracy on Trial* (Baltimore: Johns Hopkins University Press, 2000), 44-45, quoting from George Galloway, *History of the United States House of Representatives* (Washington: Government Printing Office, 1965), 119.

¹¹ Jefferson, *Manual*, Sec. XVII—“Order in Debate,” in *House Rules and Manual*, 173-194.

¹² For House rules, go to:<<http://www.rules.house.gov/ruleprec/110th.pdf>>; and for the Senate rules, go to:
<<http://rules.senate.gov/senaterules/>>.

¹³ The handout referenced in these remarks also appears as a separate set of appendices to this paper.