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Speaker of the House

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By: Caleb Clayton**Speaker of the House****Introduction**

The US Congress is a bicameral legislature, with two bodies forming the legislative branch. The Senate and the House of Representatives compose those bodies, with the House being called “the people’s house.” Given the important functions of the House of Representatives, it is important to understand who leads the people that represent the people. The Speaker of the House of Representatives is among the highest-ranking leaders of Congress and our nation in its entirety. Currently, this position remains unoccupied—presenting a situation that has not occurred in the entire history of the country.

Question 1: Who is the Speaker of the House? What does the Speaker do?

Patrick McHenry is serving as Speaker pro tempore, since the office of the Speaker of the House is currently vacant. McHenry will execute the duties of the Speaker until a permanent Speaker is elected. He is the first Speaker pro tempore in US history, so the limitations of a temporary Speaker remain uncharted. McHenry’s remarks to his fellow House members insist that he will not test these limits. On the record, he informed them that he lacks the authority to provide resolutions or additional funding in his temporary term. While McHenry will take a lesser role while helming the Speakership, this does not mean that it is a decorative position.

The Speaker of the House is the presiding officer of the House of Representatives, meaning that the Speaker must maintain order within House sessions. The Speaker is responsible for recognizing members to speak, ruling on decisions in the House, and voting on matters when necessary. Correspondence is a vital duty for the Speaker, who must frequently communicate with the President and Senate for various political procedures. Additionally, the Speaker is among the top party leaders, as the job traditionally falls to the nominated leader of the Congressional body’s majority party. That being said, partisanship is intrinsic to the office, and many Speakers wield the speakership to set the House agenda and regulate what bills are reaching the floor. A Speaker’s party identification can greatly influence how active or inactive they choose to be. When they belong to the same party as a serving president or sit atop a strong House majority, they can take a more hands-off approach to managing the House. When the majority hangs on a thin margin or the Speaker sits opposite of the president’s party, they will often try to actively limit opposition opportunities to legislate or undercut a president’s agenda if it acts opposite of their interests. While the Speaker plays a vital role in their party’s success, they are not incapable of exploring bipartisan policies or supporting a rival party president. The Speaker of the House sits second in the line of presidential succession, endowing the office with a great responsibility should the presidency and vice presidency ever

be vacated. Speakers must be prepared to lead not just the Congressional Chambers, but the entire nation at a moment's notice.

Question 2: How is the Speaker vacated from his office?

An unprecedented moment has come to Congress just days after averting a government shutdown, as Speaker of the House Kevin McCarthy was ousted from his office by a House vote. While Speakers have voluntarily vacated the office in the past, this marks the first time in US history that a Speaker has been removed from office during a session of Congress. The motion to vacate the office of speaker came as Florida Congressman Matt Gaetz forced a vote on the matter. House members voted 216-210, passing the majority needed to vacate the office of the speaker. The rule that allowed for Gaetz's motion comes from a rule that McCarthy himself reestablished to win the Speaker's race, granting a single member to call for the removal of the Speaker. Under McCarthy's predecessor, former Speaker of the House Nancy Pelosi, House rules dictated that a motion to vacate could only be offered if a majority agreed to the motion. With the rule change, Gaetz's motion came easily, and the proceeding vote removed Speaker McCarthy from office. Motions to vacate have come in the past only a handful of times, often being referred to committees and shelved before they can go anywhere.

House Rules, as approved by each session of Congress, govern what privileges House members and their elected leadership hold. The House rule that allows for a Speaker's removal dates back to page 153 of *A Manual of Parliamentary Practice for the Use of the Senate of the United States, or Jefferson's Manual, which states*, "A Speaker may be removed at the will of the House." Jefferson's *Manual* is formally incorporated into the House Rules, providing a stipulation that the manual "should govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and order of the House and the joint rules of the Senate and the House of Representatives." The manual serves as one of America's earliest books on parliamentary procedure, drawing inspiration from notes Jefferson took as the presiding officer during the nation's founding. The Rules of the 118th Congress of the United States House of Representatives does not explicitly include Jefferson's statement, but the House's privilege to remove the Speaker remains intact, and has been expressed to remove a serving Speaker of the House for the first time.

Question 3: How is the Speaker chosen?

The Speaker is elected every two years at the start of a new session for the House of Representatives, typically happening in January. An election that does not abide by this tradition only occurs if the Speaker dies, resigns from the Speakership, or gets removed from office. When the need for an election arrives, House members will announce their candidacy, and begin their efforts to earn their respective party's nomination. Once each party nominates a party candidate, all members cast their vote for the Speaker candidates. A candidate must attain a majority vote from the members who are present and voting to secure the Speakership. With two vacant seats in the House at the moment, the winning candidate must reach 217 votes to win the Speaker's gavel. The process can become prolonged when the chamber fails to

reach a consensus, as evidenced by the fifteen rounds of voting across four days required to put former Speaker McCarthy in office. McCarthy's election still pales in comparison to the longest Speaker vote in US history. According to House Historian records, it took 133 rounds of voting and around two months of voting to elect Nathaniel Banks to the Speakership between December 1855 and February 1856.

With the gavel up for grabs, the House of Representatives is in the process of deciding upon their next Speaker. Republican Majority Leader Steve Scalise from Louisiana and House Judiciary Committee Chairman Jim Jordan from Ohio made themselves for the forerunning candidates, with Scalise emerging as the Republican party's favorite 113-99 in early conferences. Scalise withdrew from the Speaker's race after it became clear that House Republican holdouts would not coalesce behind him, making the 217 votes needed to win the election an improbability. After three failed ballots before the House, Jordan announced he was withdrawing his candidacy. As of this writing, nine Republicans have announced their candidacy to be the next Speaker. The future of a leaderless House of Representatives is uncertain. Republicans hold a 221-212 majority, but Democrats have rallied unanimously behind House Minority Leader Hakeem Jefferies. Overcoming a Republican majority makes winning the Speaker's race highly unlikely, but Jefferies marked himself as the first speaker candidate since 2007 to win support from every member of their party. With Congress operating on a continuing resolution quickly waning toward further threats of government shutdown, escalating tension between Israel and Hamas, and the ongoing war between Ukraine and Russia, the House must start coalition building and select a permanent Speaker of the House or empower Speaker Pro Tempore McHenry to return to legislating on these important matters.

Conclusion

The Speaker of the House is a vital component of one of our nation's most powerful institutions. With so many matters going on in domestic and foreign politics, the people are in dire need of a Speaker that will lead. Without a Speaker at the moment, leadership lies limp and legislation is on halt. It is important that electing a new Speaker is handled promptly so the House can get back to legislating, because while their actions are halted, world issues are ongoing.