

# The Role of the House Minority Leader: An Overview

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## Summary

The House minority leader, the head of the “loyal opposition,” is elected every two years by secret ballot of his or her party caucus or conference. The minority leader occupies a number of important institutional and party roles and responsibilities, and his or her fundamental goal is to recapture majority control of the House.

From a party perspective, the minority leader has a wide range of assignments, all geared toward retaking majority control of the House. Five principal party activities direct the work of the minority leader. First, he or she provides campaign assistance to party incumbents and challengers. Second, the minority leader devises strategies, in consultation with like-minded colleagues, to advance party objectives. Third, the minority leader works to promote and publicize the party’s agenda. Fourth, the minority leader, if his or her party controls the White House, confers regularly with the President and his aides about issues before Congress, the Administration’s agenda, and political events generally. Fifth, the minority leader strives to promote party harmony so as to maximize the chances for legislative and political success.

From an institutional perspective, the rules of the House assign a number of specific responsibilities to the minority leader. For example, Rule XIII, clause 6, grants the minority leader (or a designee) the right to offer a motion to recommit with instructions; and Rule II, clause 6, states that the Inspector General shall be appointed by joint recommendation of the Speaker, majority leader, and minority leader. The minority leader also has other institutional duties, such as appointing individuals to certain federal or congressional entities.

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## Introduction

The minority leader of the modern House is the head of the “loyal opposition.” As the minority party’s nominee for Speaker at the start of a new Congress, the minority leader traditionally hands the gavel to the Speaker-elect, who is usually elected on a straight party-line vote.<sup>1</sup> The speakership election illustrates the main problem that confronts the minority leader: the subordinate status of the minority party in an institution noted for majority rule. As David Bonior, D-MI, explained: “This body, unlike the other, operates under the principle that a determined majority should be allowed to work its will while protecting the rights of the minority to be heard.”<sup>2</sup> Minority party lawmakers are certain to be heard, but whether they will be heeded is sometimes another matter. Thus, the uppermost goal of any minority leader is to recapture majority control of the House.

The minority leader is elected every two years by secret ballot of his or her party caucus or conference. These party leaders are typically experienced lawmakers when they win election to this position. The current minority leader, Kevin McCarthy, R-CA, served 12 years in the House, including as majority leader, prior to assuming his current role (a position he also held during his time in the California state assembly). Speaker Nancy Pelosi, D-CA, served in the House for 16 years when she first became minority leader in the 108<sup>th</sup> Congress (2003-2004). Following her first tenure as Speaker from 2007 to 2010, Pelosi was again elected minority leader in the 112<sup>th</sup> Congress (2011-2012), at which point she was a 24-year veteran of the House. When her predecessor, John Boehner, R-OH, was elected minority leader in the 110<sup>th</sup> Congress (2007-2008), he had served in the House for 18 years including as majority leader, committee chair (Education and the Workforce), and, prior to that, chair of the Republican Conference. Richard Gephardt, D-MO, began his tenure as minority leader in the 104<sup>th</sup> Congress (1995-1996) as an 18-year House veteran and a former majority leader and chair of the Democratic Caucus. Gephardt’s predecessor, Robert Michel, R-IL, became minority leader in 1981 after 24 years in the House. Much like his successors, John Rhodes, R-AZ, had served in the House for 20 years when he was elected minority leader in 1973.

While the position itself is usually occupied by Members with significant House experience, the roles and responsibilities of the minority leader are not well-defined. To a large extent, the duties of the minority leader are based on tradition and custom. Representative Bertrand Snell, R-NY, minority leader from 1931 to 1938, described the position in the following way:

He is spokesman for his party and enunciates its policies. He is required to be alert and vigilant in defense of the minority’s rights. It is his function and duty to criticize constructively the policies and programs of the majority, and to this end employ parliamentary tactics and give close attention to all proposed legislation.<sup>3</sup>

Since Snell’s description, other responsibilities have been added to the job. Broadly speaking, the role of the minority leader in the contemporary Congress is twofold: to serve as the leader and spokesperson for the minority party, and to participate in certain institutional prerogatives afforded to Members in the minority. How the minority leader handles these responsibilities is likely to depend on a variety of elements, including personality and contextual factors; the size and cohesion of the minority party; whether or not the party controls the White House; the general political climate both inside and outside the House; and expectations of the party’s

<sup>1</sup> Historical information on vote outcomes for Speaker of the House can be found in Table 1 of CRS Report RL30857, *Speakers of the House: Elections, 1913-2019*, by Valerie Heitshusen.

<sup>2</sup> *Congressional Record*, daily edition, vol. 128 (September 16, 1982), p. H7097.

<sup>3</sup> Quoted in Floyd M. Riddick, *Congressional Procedure* (Boston: Chapman and Grimes, 1941), p. 346.

performance in upcoming elections. The next section of the report discusses the historical origin of this position, and the sections that follow take account of the various party and institutional responsibilities of the minority leader.

## Origin of the Minority Leader's Post

To a large extent, the position of minority leader is a late-19<sup>th</sup>-century innovation. Prior to this time congressional parties were often relatively disorganized, so it was not always evident who functioned as the opposition floor leader. Decades went by before anything like our modern two-party congressional system emerged on Capitol Hill with official titles for those who were selected as party leaders. However, from the beginning days of Congress, various House Members intermittently assumed the role of “opposition leader.” Some scholars suggest that Representative James Madison of Virginia informally functioned as the first “minority leader” because in the First Congress he led the opposition to Treasury Secretary Alexander Hamilton’s fiscal policies.<sup>4</sup>

During this early period, it was common for neither major party grouping (Federalists and Republicans) to have an official leader. In 1813, for instance, a scholar recounts that the Federalist minority of 36 Members needed a committee of 13 “to represent a party comprising a distinct minority” and “to coordinate the actions of men who were already partisans in the same cause.”<sup>5</sup> In 1828, a foreign observer of the House offered this perspective on the absence of formal party leadership on Capitol Hill:

I found there were absolutely no persons holding the stations of what are called, in England, Leaders, on either side of the House.... It is true, that certain members do take charge of administration questions, and certain others of opposition questions; but all this so obviously without concert among themselves, actual or tacit, that nothing can be conceived less systematic or more completely desultory, disjointed.<sup>6</sup>

Internal party disunity compounded the difficulty of identifying lawmakers who might have informally functioned as a minority leader. For instance, “seven of the fourteen speakership elections from 1834 through 1859 had at least twenty different candidates in the field. Thirty-six competed in 1839, ninety-seven in 1849, ninety-one in 1859, and 138 in 1855.”<sup>7</sup> With so many candidates competing for the speakership, it is not at all clear that one of the defeated lawmakers then assumed the mantle of “minority leader.” The Democratic minority from 1861 to 1875 was so completely disorganized that they did not “nominate a candidate for Speaker in two of these seven Congresses and nominated no man more than once in the other five. The defeated candidates were not automatically looked to for leadership.”<sup>8</sup>

In the judgment of one congressional scholar, since 1883 “the candidate for Speaker nominated by the minority party has clearly been the Minority Leader.”<sup>9</sup> However, this assertion is subject to dispute. On December 3, 1883, the House elected Democrat John G. Carlisle of Kentucky as

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<sup>4</sup> See Garrison Nelson, “Leadership Position-Holding in the United States House of Representatives,” *Capitol Studies*, Fall 1976, p. 17.

<sup>5</sup> James Sterling Young, *The Washington Community, 1800-1828* (New York: Harcourt Brace, 1966), pp. 135-136.

<sup>6</sup> Young, *The Washington Community*, p. 137.

<sup>7</sup> Nelson, “Leadership Position-Holding in the United States House of Representatives,” p. 18.

<sup>8</sup> Randall B. Ripley, *Party Leaders in the House of Representatives* (Washington, DC: The Brookings Institution, 1967), p. 28.

<sup>9</sup> Ripley, *Party Leaders in the House of Representatives*, p. 28.

Speaker. Republicans nominated J. Warren Keifer of Ohio, who was Speaker the previous Congress.<sup>10</sup> But Keifer was viewed by his colleagues as a discredited leader in part because as Speaker he arbitrarily handed out “choice jobs to close relatives ... all at handsome salaries.”<sup>11</sup> Keifer received “the empty honor of the minority nomination. But with it came a sting—for while this naturally involves the floor leadership, he was deserted by his [party] associates and his career as a national figure terminated ingloriously.”<sup>12</sup> Representative Thomas Reed, R-ME, who later became Speaker, assumed the de facto role of minority floor leader in Keifer’s stead. “[A]lthough Keifer was the minority’s candidate for Speaker, Reed became its acknowledged leader, and ever after, so long as he served in the House, remained the most conspicuous member of his party.”<sup>13</sup>

Although congressional historians disagree as to the exact time period when the minority leadership emerged officially as a party position, it seems safe to conclude that the position was established during the latter part of the 19<sup>th</sup> century. This era was “marked by strong partisan attachments, resilient patronage-based party organizations, and ... high levels of party voting in Congress.”<sup>14</sup> These conditions were conducive to the establishment of a more highly differentiated House leadership structure in which Members assumed more specialized roles within the institution.<sup>15</sup> (See the **Appendix** for a list of House minority leaders selected since 1899.)

One other historical point merits brief mention. Until the 61<sup>st</sup> Congress (1909-1910), “it was the custom to have the minority leader also serve as the ranking minority member on the two most powerful committees, Rules and Ways and Means.”<sup>16</sup> Today, the minority leader no longer serves on these committees but does chair the Republican Steering Committee, a party leadership committee responsible for making recommendations to the Conference regarding the committee assignments of House Republicans.

## Party Functions

The minority leader has a number of formal and informal party responsibilities. Formally, the rules of each party specify certain roles and responsibilities for their leader. For example, under Republican Conference rules for the 116<sup>th</sup> Congress (2019-2020), the minority leader nominates party members to the Committees on Rules and House Administration, subject to Conference approval. Republican Conference rules also authorize the minority leader to appoint a “Leadership Member” to the Committee on the Budget who “will serve as the second highest-ranking Republican on the committee,” and to “recommend to the House all Republican Members of such joint, select, and ad hoc committees as shall be created by the House, in accordance with law.”

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<sup>10</sup> House debate, *Congressional Record*, vol. 15, part 1 (December 3, 1883), pp. 4-5.

<sup>11</sup> Neil MacNeil, *Forge of Democracy: The House of Representatives* (New York: David McKay Co., 1963), p. 70.

<sup>12</sup> Herbert Bruce Fuller, *The Speakers of the House* (Boston: Little, Brown, and Co., 1909), p. 208.

<sup>13</sup> DeAlva Stanwood Alexander, *History and Procedure of the House of Representatives* (Boston: Houghton Mifflin, 1916), p. 131.

<sup>14</sup> Randall Strahan, “Thomas Brackett Reed and the Rise of Party Government,” in Roger Davidson et al., eds., *Masters of the House* (Boulder, CO: Westview Press, 1998), p. 36.

<sup>15</sup> See Nelson W. Polsby, “The Institutionalization of the U.S. House of Representatives,” *American Political Science Review*, September 1968, pp. 144-168.

<sup>16</sup> Charles O. Jones, *The Minority Party in Congress* (Boston: Little, Brown and Co., 1970), p. 31.

Beyond their formal responsibilities, minority leaders are expected to handle a wide range of informal party assignments. Lewis Deschler, a former House Parliamentarian (1928-1974), summarized the diverse duties of a party's floor leader:

A party's floor leader, in conjunction with other party leaders, plays an influential role in the formulation of party policy and programs. He is instrumental in guiding legislation favored by his party through the House, or in resisting those programs of the other party that are considered undesirable by his own party. He is instrumental in devising and implementing his party's strategy on the floor with respect to promoting or opposing legislation. He is kept constantly informed as to the status of legislative business and as to the sentiment of his party respecting particular legislation under consideration. Such information is derived in part from the floor leader's contacts with his party's members serving on House committees, and with the members of the party's whip organization.<sup>17</sup>

These and several other party roles merit further discussion because they influence significantly the minority leader's overarching objective: to retake majority control of the House. "I want to get [my] members elected and win more seats," said former Minority Leader Richard Gephardt, D-MO. "That's what [my party colleagues] want to do, and that's what they want me to do."<sup>18</sup> Five activities illustrate how minority leaders seek to accomplish this primary goal.

### **Provide Campaign Assistance**

Minority leaders are typically energetic and aggressive campaigners for party incumbents and challengers. For example, they assist in recruiting qualified and competitive candidates; they establish "leadership PACs" to raise and distribute funds to House candidates of their party; they encourage party colleagues not to retire or run for other offices so as to limit the number of open seats the party would need to defend; they coordinate their campaign activities with congressional and national party campaign committees; they encourage outside groups to back their candidates; they travel around the country to speak on behalf of party candidates; and they encourage incumbent colleagues to make significant financial contributions to the party's campaign committee.<sup>19</sup> In the weeks leading up to the 2018 congressional elections, for instance, Minority Leader Pelosi was actively campaigning for Democratic incumbents and challengers:

With 21 days until the midterm elections, the California Democrat and House minority leader is crisscrossing the country fundraising and rallying the Democratic troops—and plotting her return to the speakership.... In the third quarter [of 2018], Pelosi will report raising \$34.2 million for Democrats, including \$30.5 million for the DCCC [Democratic Congressional Campaign Committee]. She is by far the biggest source of cash for House Democrats and House Democratic candidates.<sup>20</sup>

### **Devise Minority Party Strategies**

The minority leader, in consultation with other party colleagues, has a range of strategic options that can be employed to advance minority party objectives. The options selected depend on a wide range of circumstances, such as the visibility or significance of the issue and the relative

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<sup>17</sup> Lewis Deschler, *Deschler's Precedents of the United States House of Representatives*, vol. 1 (Washington, DC: GPO, 1977), pp. 211-212.

<sup>18</sup> Guy Gugliotta, "For Minority Leader, A Matter of Consensus; Inquiry Vote Tests Gephardt's Skills," *The Washington Post*, October 8, 1998, p. A18.

<sup>19</sup> For additional detail on these and other campaign-related activities undertaken by leaders of the House minority, see Matthew N. Green, *Underdog Politics: The Minority Party in the U.S. House of Representatives* (New Haven, CT: Yale University Press, 2015), pp. 34-70.

<sup>20</sup> Anna Palmer, "Pelosi Details Plans for a Democratic House Majority," *Politico*, October 17, 2018, p. 4.



degree of cohesion within the majority and minority parties. For instance, a majority party riven by internal dissension—as occurred during the early 1900s when “progressive” and “regular” Republicans were at loggerheads, or beginning in the late 1930s when a “conservative coalition” of Southern Democrats and like-minded Republicans emerged—may provide the minority leader with greater opportunities to achieve party priorities than if the majority party exhibited high degrees of party cohesion (and could simply outvote the minority). Among the variable strategies available to the minority party, which can vary from bill to bill and be used in combination or at different stages of the lawmaking process, are the following:

- **Cooperation.** The minority party supports and cooperates with the majority party in building winning coalitions on the floor.
- **Inconsequential Opposition.** The minority party offers opposition, but it is of marginal significance, typically because the minority is so small.
- **Withdrawal.** The minority party chooses not to take a position on an issue, perhaps because of intraparty divisions or to spotlight divisions within the majority party.<sup>21</sup>
- **Innovation.** The minority party develops alternatives and agendas of its own and attempts to construct winning coalitions on their behalf.
- **Partisan Opposition.** The minority party offers strong opposition to majority party initiatives, but does not counter with policy alternatives of their own.
- **Participation.** The minority party is in the position of having to consider the views and proposals of a same-party President and to assess their majority-building role with respect to the President’s priorities.<sup>22</sup>

A look at one minority leadership strategy—partisan opposition—may suggest why it might be employed in specific circumstances. The purposes of obstruction are several, such as frustrating the majority party’s ability to govern or attracting media attention to the alleged ineffectiveness of the majority party. “We know how to delay,” remarked Minority Leader Gephardt.<sup>23</sup> Dilatory motions to adjourn, appeals of the presiding officer’s ruling, or numerous requests for roll call votes, including on noncontroversial items like approving the *House Journal*, are standard time-consuming parliamentary tactics.<sup>24</sup> By stalling action on the majority party’s agenda, the minority leader may be able to launch a campaign against a “do-nothing Congress” and convince enough voters to elevate the party to the House majority.<sup>25</sup> To be sure, the minority leader recognizes that outright opposition carries risks. As a congressional scholar explains, “A program of consistent

<sup>21</sup> One manifestation of this strategy is to vote “present” on pending legislation. See Lindsey McPherson, “Democratic Leaders Urge ‘Present’ Vote on ICE Resolution,” *Roll Call*, July 18, 2018.

<sup>22</sup> These strategic options have been modified to a degree and come from Jones, *The Minority Party in Congress*, p. 20. See also Matthew N. Green, *Underdog Politics: The Minority Party in the U.S. House of Representatives* (New Haven, CT: Yale University Press, 2015), pp. 179-180. Green presents a fourfold typology of minority party strategies: to *negotiate* with the majority; to *distinguish* the minority from the majority; to *outcompete* the majority for political resources; and to *pressure the majority party* (for instance, by forcing them into tough votes).

<sup>23</sup> Jennifer Babson, “Democrats Refine the Tactics of Minority Party Power,” *Congressional Quarterly Weekly Report*, July 15, 1995, p. 2037.

<sup>24</sup> A vote in relation to the *House Journal* rarely involves a question as to the accuracy of its contents. For additional information, see CRS Report R45209, *The House Journal: Origin, Purpose, and Approval*, by Jane A. Hudiburg.

<sup>25</sup> President Harry S. Truman, in a speech delivered in Elizabeth, NJ, on October 7, 1948, characterized the 80<sup>th</sup> Congress (1947-1948) as the “do-nothing” Congress, a charge that has been leveled against a number of congresses since. See, for instance, Manu Raju, “The (Really) Do-Nothing Congress,” *Politico*, November 22, 2013.



opposition to majority party proposals and a refusal to engage in compromise, while electorally valuable, means forsaking policy gains that may otherwise have been achieved.”<sup>26</sup>

### Promote and Publicize the Party’s Agenda

Another important aim of the minority leader is to develop an electorally attractive agenda of ideas and proposals that unites party members and appeals to core electoral supporters as well as independents and swing voters.<sup>27</sup> Despite the minority leader’s limited ability to set the House’s agenda, there are still opportunities to raise minority priorities. For example, the minority leader may file discharge petitions in an effort to bring minority priorities to the floor.<sup>28</sup> If the required 218 signatures on a discharge petition can be obtained—a number that demands at least some support from the majority—minority initiatives can be brought to the floor even despite opposition from the majority leadership or the committee(s) of jurisdiction (or both).<sup>29</sup> As a GOP minority leader explained, the challenge here is to “keep our people together, and to look for votes on the other side.”<sup>30</sup>

Minority leaders may engage in a range of activities to publicize their party’s priorities and to criticize those of the opposition. For instance, to keep their party colleagues “on message,” they ensure that their party colleagues are sent packets of suggested press releases or “talking points” for constituent meetings in their districts; they help to organize “town hall meetings” in Members’ districts around the country to publicize the party’s agenda or a specific priority, such as health care or tax reform; they sponsor party “retreats” to discuss issues and assess the party’s public image; they create “theme teams” to craft party messages that might be conveyed during the one-minute, morning hour, or special order period in the House; they conduct surveys of party colleagues to discern their policy preferences; they establish websites and Twitter feeds to highlight party priorities; they organize task forces or issue teams to formulate party programs and to develop strategies for communicating these programs to the public; and they appear on various media programs or write newspaper articles to win public support for the party’s agenda.<sup>31</sup>

House minority leaders also hold joint news conferences with party colleagues and consult with their counterparts in the Senate. The overall objectives are to develop a coordinated communications strategy, to share ideas and information, and to present a united front on issues. Minority leaders also make floor speeches and may close debate for their side on major issues before the House. They must also be prepared “to debate on the floor, *ad lib*, no notes, on a moment’s notice,” remarked Minority Leader Michel.<sup>32</sup> In brief, minority leaders are key strategists in developing and promoting the party’s agenda and in outlining ways to respond to the

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<sup>26</sup> William T. Egar, *Obstruction, Opposition, and Partisan Conflict: Implications of Minority Party Electoral Incentives for the House of Representatives* (unpublished Ph.D. dissertation, Department of Political Science, University of Wisconsin-Madison, 2015), p. 5.

<sup>27</sup> See, for instance, Melanie Zanona, “Pelosi Seizes on Anti-Corruption Message Against GOP,” *The Hill*, August 14, 2018; and Ed O’Keefe, “With ‘Action Plan,’ Democrats Hope to Grab Voters’ Attention,” *The Washington Post*, July 16, 2014, p. A6.

<sup>28</sup> Ethan Wallison, “Gephardt Plans Petition Strategy,” *Roll Call*, May 17, 1999, p. 1.

<sup>29</sup> On discharge procedure in the House, see CRS Report 97-552, *The Discharge Rule in the House: Principal Features and Uses*, by Richard S. Beth.

<sup>30</sup> Irwin Arief, “Inside Congress,” *Congressional Quarterly Weekly Report*, February 28, 1981, p. 379.

<sup>31</sup> See, for instance, Nancy Pelosi, “Democrats Are Offering America ‘A Better Deal,’” *The Washington Post*, July 25, 2017, p. A17.

<sup>32</sup> *Congressional Record*, daily edition, vol. 135 (September 12, 1989), p. E3000.

opposition's arguments and proposals. A "Dear Colleague" letter delivered to House Democratic offices ahead of the August 2018 recess illustrates the point. In the letter, Minority Leader Pelosi outlined the party's agenda and provided this guidance to her Democratic colleagues:

A key part of our For The People agenda is to clean up corruption to make Washington work for the American people.... To honor the pledge of our For The People agenda, a Democratic majority will swiftly act to pass tougher ethics and campaign finance laws and crack down on the conduct that has poisoned the GOP Congress and the Trump Administration.... In district events and on social media, we must drive home the clear contrast between the corruption of the GOP Congress and the better deal that Democrats are offering the American people. We will own August with strength, confidence and clarity, as we make our case to the American people.<sup>33</sup>

## Confer with the White House

If his or her party controls the White House, the minority leader confers regularly with the President and his aides about issues before Congress, the Administration's agenda, and political events generally. Strategically, the role of the minority leader will vary depending on whether the President is of the same party or the other party. In general, minority leaders will work to advance the goals and aspirations of their party's President in Congress. When Robert Michel, R-IL, was minority leader (1981-1994), he typically functioned as the "point man" for Republican Presidents.<sup>34</sup> President Ronald Reagan's 1981 policy successes in the Democratic-controlled House were due in no small measure to Minority Leader Michel's effectiveness in wooing so-called "Reagan Democrats" to support, for instance, the Administration's landmark budget reconciliation bill. There are occasions, of course, when minority leaders will fault the legislative initiatives of their President. On an Administration proposal that could adversely affect his district, Michel stated that he might "abdicate my leadership role [on this issue] since I can't harmonize my own views with the administration's."<sup>35</sup> Minority Leader Gephardt publicly opposed a number of President Clinton's legislative initiatives, from "fast track" trade authority to various budget issues, and Minority Leader Pelosi came out against a multilateral trade agreement with Asian-Pacific countries negotiated by the Obama White House.<sup>36</sup>

When the President and House majority are of the same party, then the House minority leader assumes a larger role in formulating alternatives to executive branch initiatives and in acting as a national spokesperson for his or her party. "As Minority Leader during [President Lyndon Johnson's] Democratic administration, my responsibility has been to propose Republican alternatives," said Minority Leader Gerald Ford, R-MI.<sup>37</sup> Greatly outnumbered in the House, Minority Leader Ford devised a political strategy that allowed Republicans to offer their alternatives in a manner that provided them political protection. As Ford explained,

We used a technique of laying our program out in general debate. When we got to the amendment phase, we would offer our program as a substitute for the Johnson proposal. If

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<sup>33</sup> "Dear Colleague" letter from Rep. Nancy Pelosi, "A Call to Action: A Better Deal For Our Democracy," August 9, 2018.

<sup>34</sup> William F. Connelly, Jr. and John J. Pitney, Jr., *Congress' Permanent Minority? Republicans in the U.S. House* (Lanham, MD: Littlefield Adams, 1994), p. 15.

<sup>35</sup> Dorothy Collin, "Michel Plays to Peoria—and U.S.," *Chicago Tribune*, August 16, 1982, p. 2.

<sup>36</sup> See Jim VandeHei, "White House Sidesteps Gephardt's Leadership," *Roll Call*, July 7, 1997, p. 1; and Paul Kane, Mike DeBonis, and David Nakamura, "House Democrats Rebuff Trade Bill," *The Washington Post*, June 13, 2015, p. A1.

<sup>37</sup> James M. Cannon, "Minority Leader of the House of Representatives, 1965-1973," in *Masters of the House*, p. 275.

we lost in the Committee of the Whole, then we would usually offer it as a motion to recommit and get a vote on that. And if we lost on the motion to recommit, our Republican members had a choice: They could vote against the Johnson program and say we did our best to come up with a better alternative. Or they could vote for it and make the same argument. Usually we lost; but when you're only 140 out of 435, you don't expect to win many.<sup>38</sup>

Ford also teamed with Senate Minority Leader Everett McKinley Dirksen, R-IL, to act as national spokesmen for their party. They held a press conference every Thursday following the weekly joint leadership meeting, a tradition that began with Ford's predecessor as minority leader, Charles Halleck, R-IN. When Minority Leaders Dirksen and Halleck appeared together they were dubbed the "Ev and Charlie Show" by the press, and the "Republican National Committee budgeted \$30,000 annually to produce the weekly news conference."<sup>39</sup>

### **Foster Party Harmony**

Minority status, by itself, is often an important inducement for minority party members to stay together, to accommodate different interests, and to submerge intraparty factional disagreements. To hold a diverse membership together often requires extensive consultations and discussions with rank-and-file Members and with different factional groupings. As Minority Leader Gephardt said,

We have weekly caucus meetings. We have daily leadership meetings. We have weekly ranking Member meetings. We have party effectiveness meetings. There's a lot more communication. I believe leadership is bottom up, not top down. I think you have to build policy and strategy and vision from the bottom up, and involve people in figuring out what that is.<sup>40</sup>

Gephardt added that "inclusion and empowerment of the people on the line have to be done to get the best performance" from the minority party.<sup>41</sup> Other techniques for fostering party harmony include the appointment of task forces composed of party colleagues with conflicting views to reach consensus on issues; daily meetings in the leader's office (or at breakfast, lunch, or dinner) to lay out floor strategy or political objectives for the minority party; periodic retreats to allow party members to discuss issues and interact with one another outside the confines of Capitol Hill; and the creation of new leadership positions as a way to reach out and involve a greater diversity of party members in the leadership structure.<sup>42</sup>

## **Institutional Functions**

Beyond the party responsibilities of the minority leader are a number of institutional obligations associated with their position as a top House official. Many of these assignments or roles are spelled out in the standing rules of the House, while others have devolved upon the position in

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<sup>38</sup> Cannon, "Minority Leader of the House of Representatives," p. 271.

<sup>39</sup> Burdette Loomis, "The Consummate Minority Leader: Everett M. Dirksen," in Richard Baker and Roger Davidson, eds., *First Among Equals* (Washington, DC: CQ Press, 1991), p. 250.

<sup>40</sup> Eliza Newlin Carney, "Don't Count Us Out," *National Journal*, April 29, 1995, p. 1024.

<sup>41</sup> Davidson et al., *Masters of the House*, p. 323. Minority leaders can get creative in their team-building activities, for instance by screening motivational scenes from movies like *Rocky* (1976) or *Braveheart* (1995) ahead of an important vote. See Gerald F. Seib, "Braveheart Plan: Gephardt Creates a Happy Choice," *The Wall Street Journal*, November 11, 1998, p. A24.

<sup>42</sup> John Fritze, "House Democrats, In Baltimore, Vow to Fight Trump," *The Baltimore Sun*, February 8, 2017, and Mike Lillis, "Dems Expand Leadership Team," *The Hill*, December 6, 2016, online edition.

other ways. To be sure, the minority leader is provided with extra staff resources—beyond those accorded him or her as a Representative—to assist in carrying out diverse leadership functions. There are limits on the institutional role of the minority leader, because the majority party exercises disproportionate influence over the legislative agenda, partisan ratios on committees, staff resources, administrative operations, and the day-to-day schedule and management of floor activities.

Under the rules of the House, the minority leader has certain roles and responsibilities. They include, among others, the following:

### **Motion to Recommit with Instructions**

Under Rule XIII, clause 6(c), the Rules Committee may not issue a “rule” that prevents the minority leader or a designee from offering a motion to recommit with instructions during initial House consideration of a bill or joint resolution. This motion allows the minority leader (or a designee) to offer a policy alternative to what the majority is proposing and obtain a floor vote on the minority’s preferred solution.<sup>43</sup>

### **Questions of Privilege**

Under Rule IX, clause 2, a resolution “offered as a question of privilege by the Majority Leader or the Minority Leader ... shall have precedence of all other questions except motions to adjourn.” This rule further references the minority leader with respect to the division of time for debate of these resolutions. If offered by the majority or minority leader, a valid question of privilege—one that involves “the rights of the House collectively, its safety, dignity and the integrity of its proceedings”—receives immediate consideration by the House.<sup>44</sup>

### **Inspector General**

Rule II, clause 6, states that the “Inspector General shall be appointed for a Congress by the Speaker, the Majority Leader, and the Minority Leader, acting jointly.” This rule further states that the minority leader and other specified House leaders shall be notified of any financial irregularity involving the House and receive audit reports of the inspector general.

### **Oversight Plans**

Under Rule X, clause 2, not later “than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Oversight and Government Reform shall report to the House the authorization and oversight plans” of the standing committees along with any recommendations it or the House leaders have proposed to ensure the effective coordination of committees’ oversight plans.

### **Committee on Ethics: Investigative Subcommittees**

Rule X, clause 5, stipulates, “At the beginning of a Congress, the Speaker or a designee and the Minority Leader or a designee each shall name 10 Members, Delegates, or the Resident

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<sup>43</sup> For more information, see CRS Report R44330, *The Motion to Recommit in the House of Representatives*, by Megan S. Lynch.

<sup>44</sup> Additional detail on questions of privilege in the House can be found in CRS Report 98-411, *Questions of Privilege in the House*, by James V. Saturno; and CRS Report R44005, *Questions of the Privileges of the House: An Analysis*, by Megan S. Lynch.

Commissioner from the respective party of such individual who are not members of the Committee on Ethics to be available to serve on investigative subcommittees of that committee during that Congress.”

## Permanent Select Committee on Intelligence

Another institutional prerogative of the minority leader is attendance at meetings of the Intelligence Committee. Rule X, clause 11, provides, “The Speaker and the Minority Leader shall be ex officio members of the select committee but shall have no vote in the select committee and may not be counted for purposes of determining a quorum thereof.” In addition, each leader “may designate a respective leadership staff member to assist in the capacity of the Speaker or Minority Leader as ex officio member.”

## Other Institutional Responsibilities

In addition, the minority leader has a number of other institutional functions. For instance, the minority leader is sometimes statutorily authorized to appoint individuals to certain federal entities.<sup>45</sup> The minority leader also selects three Members to serve as Private Calendar objectors—the majority leader names the other three—and serves on various commissions and groups, including the House Office Building Commission, the United States Capitol Preservation Commission, and the Bipartisan Legal Advisory Group.<sup>46</sup> After consultation with the Speaker the minority leader may convene an early organizational party caucus or conference. Informally, the minority leader maintains ties with majority party leaders to learn about the schedule and other House matters, consults with the majority with respect to reconvening the House per the usual formulation of conditional concurrent adjournment resolutions, and forges agreements or understandings with them insofar as feasible. By House tradition, time is not charged to their side when party leaders, including the minority leader, make extended remarks on the floor.<sup>47</sup>

## Concluding Observations

Given the concentration of agenda control and other institutional resources in the majority leadership, the minority leader faces real challenges in promoting and publicizing the party’s priorities, serving the interests of his rank-and-file Members, managing intraparty conflict, and forging party unity. The ultimate goal of the minority leader is to lead the party into majority status. Yet there is no set formula on how this is to be done. “If the history of elections is any guide,” wrote a congressional scholar, “it seems apparent that the congressional record of the

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<sup>45</sup> For example, the Emergency Economic Stabilization Act of 2008 (P.L. 110-343) created a “Congressional Oversight Panel” to oversee the administration of the Troubled Assets Relief Program (TARP)—the \$700 billion program to address the nation’s financial crisis that began in the housing industry. The minority leader has exclusive authority to name one of the five members to the panel. Worth mention is that the House, by resolution (H.Res. 895), created an Office of Congressional Ethics on March 11, 2008. The Speaker and minority leader are each authorized to name—subject to the approval of the other party leader—three private citizens (plus an alternate) to the six-member ethics board. The board may initiate investigations or refer ethics matters to the House Ethics Committee. Additional information on the Office of Congressional Ethics can be found in CRS Report R40760, *House Office of Congressional Ethics: History, Authority, and Procedures*, by Jacob R. Straus.

<sup>46</sup> A list of the various commissions, boards, and groups to which the minority leader has appointment authority can be found in Table 2 (“Appointment Role of the House Minority Leader”) of CRS Report RL33313, *Congressional Membership and Appointment Authority to Advisory Commissions, Boards, and Groups*, by Jacob R. Straus.

<sup>47</sup> See, for instance, *Congressional Record*, daily edition, vol. 164 (February 7, 2018), pp. H912-H965; *Congressional Record*, daily edition, vol. 155 (June 26, 2009), pp. H7678-H7684.

minority party is only one of many factors that may result in majority status. Most of the other factors *cannot be controlled by the minority party and its leaders.*<sup>48</sup>

There is one central dilemma that confronts the minority leader: inferior numbers. This limitation can be overcome on occasion with the right strategic approach, but on many issues this might not be possible. One study of the House minority party summarizes the strategic challenge succinctly:

The minority party in the House faces a strategic problem: how do you respond when given only a small slice of the legislative pie? Do you accept the slice you've been given, bargain for more, or use every means at your disposal to win the right to cut the pie yourself? It is this problem, and how the minority party chooses to solve it, that underlies the logic of minority party politics in the House of Representatives.<sup>49</sup>

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<sup>48</sup> Jones, *The Minority Party in Congress*, p. 23. Emphasis in the original statement.

<sup>49</sup> Green, *Underdog Politics*, p. 179.

## Appendix. House Minority Leaders, 1899-2019

Minority Leader	Party/State	Congress	Dates
James D. Richardson	D-TN	56 <sup>th</sup> -57 <sup>th</sup>	Dec. 4, 1899-Mar. 3, 1903
John S. Williams <sup>a</sup>	D-MS	58 <sup>th</sup> -60 <sup>th</sup>	Nov. 9, 1903-June 13, 1908
James B. (Champ) Clark	D-MO	60 <sup>th</sup> -61 <sup>st</sup>	Dec. 5, 1908-Mar. 2, 1911
James R. Mann	R-IL	62 <sup>nd</sup> -65 <sup>th</sup>	Apr. 4, 1911-Mar. 4, 1919
James B. (Champ) Clark	D-MO	66 <sup>th</sup>	May 19, 1919-Mar. 4, 1921
Claude Kitchin	D-NC	67 <sup>th</sup>	Apr. 11, 1921-Mar. 4, 1923
Finis J. Garrett	D-TN	68 <sup>th</sup> -70 <sup>th</sup>	Dec. 3, 1923-Mar. 4, 1929
John N. Garner	D-TX	71 <sup>st</sup>	Apr. 15, 1929-Mar. 4, 1931
Bertrand H. Snell	R-NY	72 <sup>nd</sup> -75 <sup>th</sup>	Dec. 7, 1931-Jun. 16, 1938
Joseph W. Martin Jr.	R-MA	76 <sup>th</sup> -79 <sup>th</sup>	Jan. 3, 1939-Aug. 2, 1946
Sam T. Rayburn	D-TX	80 <sup>th</sup>	Jan. 3, 1947-Dec. 31, 1948
Joseph W. Martin Jr.	R-MA	81 <sup>st</sup> -82 <sup>nd</sup>	Jan. 3, 1949-Jul. 7, 1952
Sam T. Rayburn	D-TX	83 <sup>rd</sup>	Jan. 3, 1953-Dec. 2, 1954
Joseph W. Martin Jr.	R-MA	84 <sup>th</sup> -85 <sup>th</sup>	Jan. 5, 1955-Aug. 24, 1958
Charles A. Halleck	R-IN	86 <sup>th</sup> -88 <sup>th</sup>	Jan. 7, 1959-Oct. 3, 1964
Gerald R. Ford <sup>b</sup>	R-MI	89 <sup>th</sup> -93 <sup>rd</sup>	Jan. 4, 1965-Dec. 6, 1973
John J. Rhodes	R-AZ	93 <sup>rd</sup> -96 <sup>th</sup>	Dec. 7, 1973-Dec. 16, 1980
Robert H. Michel	R-IL	97 <sup>th</sup> -103 <sup>rd</sup>	Jan. 5, 1981-Nov. 29, 1994
Richard A. Gephardt	D-MO	104 <sup>th</sup> -107 <sup>th</sup>	Jan. 4, 1995-Nov. 22, 2002
Nancy Pelosi	D-CA	108 <sup>th</sup> -109 <sup>th</sup>	Jan. 7, 2003-Dec. 9, 2006
John A. Boehner	R-OH	110 <sup>th</sup> -111 <sup>th</sup>	Jan. 4, 2007-Dec. 22, 2010
Nancy Pelosi	D-CA	112 <sup>th</sup> -115 <sup>th</sup>	Jan. 5, 2011-Jan. 3, 2019
Kevin McCarthy	R-CA	116 <sup>th</sup>	Jan. 3, 2019-present

**Source:** *Office of the House Historian*, at <https://history.house.gov/People/Office/Minority-Leaders/>.

- a. Williams resigned as minority leader on June 13, 1908. Clark was elected on December 5, 1908, to fill the vacancy caused by Williams' resignation.
- b. Ford resigned from the House on December 6, 1973, to become Vice President following the resignation of Spiro Agnew. Rhodes was elected on December 7, 1973, to fill the vacancy caused by Ford's resignation.

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