

THE
HOUSE

ALSO BY ROBERT REMINI

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THE
HOUSE

The History of the
House of Representatives

Robert V. Remini

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*For my children:
Elizabeth, Joan and Bob*

THE HOUSE: THE HISTORY OF THE HOUSE OF REPRESENTATIVES.
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Prologue

THE UNITED STATES House of Representatives is regarded by many as the finest deliberative body in human history. A grand conceit, to be sure. But one that is not far from the mark. It is an extraordinary instrument for legislating the will of the American people. Through an electoral process it regularly absorbs fresh blood and fresh ideas so that it can reflect popular needs and demands. Every one of its members from 1789 to the present—over ten thousand individuals!—has been elected. Not one has been appointed. It has been said many times that the United States House of Representatives is the “People’s House,” and as such it has endured for more than two centuries.

Any history of this institution should begin with a reminder that many of the traditions and practices of the American system of government originated in Great Britain, a country ruled by a monarch and a two-house Parliament: the House of Lords and the House of Commons. As England expanded its empire into the New World in the seventeenth and eighteenth centuries and colonies of transplanted settlers were established, the king, or corporate or individual entrepreneurs who subsidized the colonization, appointed governors to represent their will and execute their instructions. To assist them in their responsibilities, these governors chose advisory councils of distinguished residents and over time allowed them to offer suggestions by which the colonies could be administered.

More particularly, in 1619, the stockholders of the company that maintained settlers in what was the colony of Virginia in North America

ordered the governor to summon two landowning representatives from each of the small settlements in the colony to meet in Jamestown. These representatives were told to provide advice only. Twenty-two men gathered in a tiny church and forthwith ignored the company's instructions and enacted a series of laws for the colony against gambling, drunkenness, idleness and the breaking of the Sabbath. The House of Burgesses, as it came to be called, then adjourned. But, by its action, this house gave notice that it was prepared to go its own way and assume authority to legislate on matters that it regarded as beneficial for the community. It demonstrated a degree of independence that would be repeated many times in the future by other colonial legislative bodies. When, in 1639, the king instructed the Virginia governor to summon the Burgesses together each year, he was simply acknowledging what had been going on for quite some time. Nonetheless, final authority in the colony still rested with the governor and his council of prominent planters.

With the arrival of the Pilgrims at Plymouth on November 21, 1620, some forty-one settlers aboard the vessel, the *Mayflower*, signed a compact by which they pledged allegiance to their "dread sovereign, the King," and did "covenant and combine ourselves together into a civil Body Politick." They further promised to obey whatever laws were thought to be "meet and convenient for the general Good of the Colony." ¹ This Mayflower Compact thus became the authority by which the settlers made their own laws and chose their own officials. At first every settler had the right to vote, but later religious and property qualifications were added to the requirements for suffrage.

Other Puritans, led by John Winthrop, undertook the first "Great Migration" to America in 1630 and landed in Boston. Winthrop assured the settlers that if they bound themselves together "as one man," God would protect them and provide for their prosperity. "We shall be as a city upon a hill," he preached, "the eyes of all people are upon us." ²

In this Massachusetts Bay Colony the governor and eighteen assistants elected by the freemen, called the General Court, administered the community. But dissatisfaction with this arrangement caused the General Court in 1634 to permit the towns to elect deputies to sit with the assistants. Then, ten years later, the court divided into two houses and thereby created a bicameral commonwealth based on representative government.

Virginia and Massachusetts were only two of the colonies established under British rule; nearly a dozen more followed over the next century. Some were founded and governed by a proprietor or by stockholders in a company, but ultimately most of them evolved into colonies under royal control with a governor and one or two houses of appointed and elected officials. Legislative assemblies, representing the people, became an integral part of the governmental operation.

As the number of immigrants to the New World increased and the frontier moved steadily westward, the colonists became increasingly detached from the Mother Country. Far from England, they lacked regular direction from a ruling body in London, and they needed laws by which they could thrive in a hostile environment—where Native Americans regularly thwarted their efforts to obtain additional land. Thus, the settlers relied on their local assemblies to address their concerns. The colonies had no real representation in Parliament and therefore they became more and more independent, especially in their thinking about raising taxes to operate their local governments, paying the salaries of their officials, increasing the size of the militia to fight Indians and generally settling local disputes. Most important, the colonists thrived under this policy of "salutary neglect" by the Mother Country.

The rivalry between England and France that developed into a hundred years of warfare, starting in the late seventeenth century and extending well into the eighteenth century, forced the colonies to confront the danger of the French presence in Canada and their intrusion into territory across the Allegheny Mountains. To counter this threat, representatives from seven colonies—Massachusetts, Rhode Island, Connecticut, New Hampshire, New York, Pennsylvania and Maryland—met in Albany in June 1754, along with over a hundred Iroquois chiefs, and discussed a Plan of Union for the common defense. Formulated by Benjamin Franklin of Pennsylvania, it recommended the establishment of a continental government with representatives from each colony. It included a president-general to be appointed by the king, who had authority to veto bills passed by the representatives. It would meet annually to regulate such matters as Indian affairs, public lands and a colonial militia. This was the first effort in America to bring about a continental assembly to act for the entire population, but both the Crown and the several colonial legislatures rejected the plan.

The defeat of France and the acquisition of Canada by Great Britain led to problems in administering an expanded empire, and the Parliament in London ended the policy of "salutary neglect" and enacted a series of laws by which duties were levied on English imports into America, with part of the revenue to go toward paying the salaries of royal officials in the colonies. Not only did these laws tax Americans without their consent (according to their view), but they also eliminated the one lever of power the colonists had over their royal governors—namely, the appropriation of their salaries and the salaries of their advisers and other officials.

In protesting these actions taken by Parliament, the colonists insisted they were simply claiming their rights as Englishmen to manage their internal affairs through their duly elected assemblies. Predictably, the British Parliament rejected this argument.

A contest of will ensued, and violence soon erupted. The Boston Massacre, the

Boston Tea Party and the resulting Coercive Acts of 1774 (which closed the port of Boston, forbade town meetings and quartered soldiers among civilians, among other things) further exacerbated the problem. These Intolerable Acts, as the colonists dubbed them, triggered the convocation of delegates assembled from all the colonies, save Georgia, to agree on demands and devise strategy to pressure Britain into recognizing the rights of colonists. When the First Continental Congress convened in Carpenter's Hall in Philadelphia in September 1774, most delegates had no intention of initiating rebellion. They were still, by and large, loyal to the Crown.

It is important to note that they used the word "Congress" to describe this assembly. That word did not mean a legislative body as it is used today. A congress in the eighteenth and nineteenth centuries usually denoted a diplomatic assembly of sovereign national states, such as the Congress of Vienna in 1815 that arranged the peace following the Napoleonic Wars. The countries taking part in the Congress of Vienna were independent nations. So the delegates at the First Continental Congress represented a collection of individual entities, each of which had special needs and interests. And although they had separate concerns and separate governing bodies, they had a common purpose and goal which bound them together.

In addressing their deeply felt grievance, the First Continental Congress executed a number of important actions. It demanded the repeal of the Intolerable Acts, the repeal of all taxes and a return to a policy of "salutary neglect." Furthermore, it agreed to collective economic sanctions against Great Britain, namely, the imposition of a policy of nonimportation of British goods, starting on December 1, 1774, and nonexportation of American goods on September 1, 1775. This Continental Association was to be enforced by committees within each colony chosen by those qualified to participate in assembly elections, thereby involving the entire electorate in the effort. However, merchants and planters failed to carry out the nonimportation and nonexportation agreements, and Parliament refused to accept the claims of the colonists, or relax its rule.

So the crisis escalated, and a Second Continental Congress convened in the State House in Philadelphia in 1775. Some of the members of this Congress favored the radical cause of independence; they included John Adams and Samuel Adams of Massachusetts, Richard Henry Lee and George Wythe of Virginia, and Christopher Gadsden of South Carolina, but they were balanced by moderates such as John Dickinson and James Wilson of Pennsylvania, and John Jay of New York. Even so, most of these delegates realized that if conflict or revolution ensued it must not come from any action by Congress but from the continued provocations of Great Britain. The delegates must stand together and project the appearance of unanimity, not disagreement or discord.

As subsequently happened, Britain played into the hands of the radicals. It pushed the delegates into adopting revolutionary action. Bloodshed occurred at Lexington and Concord and at Bunker Hill in Massachusetts, whereupon these delegates dared to proceed further to seek redress of their grievances. They raised an army, issued Continental currency and opened negotiations with foreign powers to win support and intervention.

As the fighting continued, the move toward independence accelerated. In 1776, North Carolina instructed its delegates in Congress to seek separation, and on June 7, Richard Henry Lee of Virginia submitted a resolution which declared that the colonies are "and of right ought to be, free and independent states."³ A committee was formed to write a justification of the action to be taken should Congress vote to adopt the resolution. Thomas Jefferson, the principal author of the document, wrote an eloquent statement about human liberty and equality. On July 2, 1776, the Lee resolution was passed, and on July 4, the Declaration of Independence was adopted without dissent.

These delegates were united in the single goal of winning independence from Britain, but they had little enthusiasm for creating a controlling central government. After all they were committed to their individual "sovereign" states. Still they needed a central authority of some sort to attend to such problems as providing military and financial resources for their common goal. So another committee prepared a proposal outlining the structure of a national government. This was the Articles of Confederation, a document written mainly by Dickinson. It constituted a major breakthrough in the development of representative government for a collection of sovereign entities. It declared that the several states were to be joined in a "perpetual union" and a "firm league of friendship." But it also admitted that each state would retain its "sovereignty, freedom, and independence." And it created a unicameral Congress representing all the states.⁴

But the Articles failed. The document lacked the instruments of government essential to make it work effectively. It lacked the ability to coerce or enforce its laws and the power to tax; it forbade any commercial treaty that might limit the right of individual states to levy their own import duties; and it required a unanimous vote by the states to amend the Articles, something that proved to be impossible. In other words, this central government was subservient to thirteen other governmental bodies.

It took until March 1, 1781, for the Articles of Confederation to be ratified, since ratification also required unanimous approval. Maryland refused its consent until all the states ceded their western lands to the central government.

Meanwhile, in mid-October 1781, the British army surrendered at Yorktown and the struggle for independence came to an end. The following year a provisional peace treaty was signed in Paris and later ratified by Congress.