

THOMAS BRACKETT REED AND THE FIFTY-FIRST CONGRESS.

WHEN the Fifty-first Congress began its existence in December, 1889, the Republicans, for the first time since 1883, had a small majority in the Lower House, and they proceeded to organize by the election of the Hon. Thomas Brackett Reed of Maine as Speaker.

Like every other legislative body that has ever existed the Fifty-first Congress made occasional mistakes, and Mr. Reed and its other leaders are wise enough to have profited thereby, so that their mistakes will not be repeated ; but the work of that Congress, taken as a whole, was better done and was better worth doing than has been the case with any other Congress since the troubled times immediately succeeding the Civil War. It is an honor to have belonged to it, or at least to have belonged to that majority in it whose acts determined its course and settled its place in history. The party had been elected on certain definite issues. Honestly and in good faith it set to work to solve the governmental problems presented to it according to the promises it had made before election. It was not in its power to solve them with complete success ; but according to its opportunity it did solve them, by meeting them boldly and by doing the best that was possible to do under the circumstances.

A cleaner and more upright body of men in deliberation and in action than those who controlled and led the Fifty-first Congress has rarely been seen in any legislative body. They stood squarely on the party platform as to the tariff and other party matters. In addition they passed a number of admirable bills of a non-partisan character. Certain of these bills—the copyright bill for instance—went through the Senate and became laws ; others, as the bankruptcy bill, failed, but for this the House was in no way responsible.

Nevertheless, though its legislative work was honorable and praiseworthy, the title of the Fifty-first Congress to a definite place in American history rests on other grounds. Above the question of what a Congress does comes the far higher question whether Congress can do anything at all. It was this question which the Fifty-first Congress

solved in the affirmative under the leadership of Speaker Reed, and its solution was of far greater permanent importance to the welfare of the United States and to the successful working of American institutions than any possible bill upon the tariff or the currency, or upon any other subject which may have seemed at the moment to be all-absorbing. The action of the Fifty-first Congress settled, and, as has since been proved, settled once for all, the fact that the national legislature was indeed a legislative body, and not a mere impotent debating society. By their settlement of this question Mr. Reed and his party colleagues not only won a title to the gratitude of every American who wishes well to America and who believes in free institutions, but laid under deep obligations all believers in representative government throughout the world. If a representative government can be reduced to the condition of the Polish Diet, then a representative government is the handmaid of helpless anarchy. [Unless it is definitely settled that the legislature of the land has the power to legislate,—a power that cannot be taken away by revolutionary methods on the part of a disaffected minority,—there is no use in having a legislature at all.] The party opponents of Mr. Reed and his colleagues in the House, and the people and the press, whether Democratic or so-called Independent, that supported them, stood as traitors to the cause of American institutions and of representative government; but Mr. Reed, and those who made him Speaker, stood for the very principles through whose triumph alone it is possible to retain that orderly liberty which is our national pride.

The Fifty-first Congress found before it as its great problem not what it should legislate about, but whether it should be allowed to legislate at all. Of recent years the practice of filibustering, or obstruction by the minority, in legislative bodies, had grown until it bade fair to put a complete stop to the wheels of government. All bodies of the kind must have rules under which they can be governed; and those rules must provide that the will of the majority shall prevail, save where it is explicitly provided to the contrary. Even minorities originally accepted these propositions as axiomatic; but gradually, all over the world, sharp parliamentarians who were sufficiently unscrupulous or sufficiently fanatical found that by taking advantage of rules intended merely to give proper freedom of debate they could not only hinder, but could entirely prevent legislation. The evil had grown steadily, and parliamentary bodies were rapidly being reduced to a position of utter impotence.

In the United States, Congress had, session after session, shown

itself to be more unwieldy and less able to enact even such legislation as the majority of the members desired. The evil grew very rapidly while Mr. Carlisle was Speaker. In the last session of the Fiftieth Congress, over which he presided, the House was kept absolutely stationary for nearly two weeks by a single Congressman, Mr. Weaver, who, because he could not get some of his own wild schemes advanced, proceeded effectively to block all legislation by continually proposing, in alternating succession, two or three separate motions; and when one was voted down or disposed of, immediately taking up another. Every intelligent student of our institutions saw the evil, and all those men who, without being politicians themselves, are fond of advocating more or less ideal political reforms in the magazines, were unanimous in their assertions that the practice of filibustering must be stopped, and that the first and vital reform in Congressional procedure ought to be the devising of a method by which legislation would become possible. Practical politicians took the same view. Those men who were not only practical politicians but also experts in political science, who combined a theoretical acquaintance with a practical experience of the actual evil of the system, were more determined than any others on the subject. Mr. Reed himself had written a magazine article in which he practically outlined the very system which he afterward put into operation.

Up to the time of the election of the Fifty-first Congress this had not been a party question. All sensible men, Republicans and Democrats alike, reprobated the existing system, and insisted that a change should be made. But when the Democrats found that they were in a small minority, and when, moreover, they realized that on certain points, such as the question of the tariff and of the supervision of elections, the successful party intended to legislate radically and in entire accordance with the platform on which it had been elected, they at once began to threaten that no legislation of which they did not approve would be allowed to become law. Their leader in the House, the Hon. Roger Q. Mills, definitely took this position, not merely in speech, but in a Review article. Putting aside any question as to the propriety or impropriety of the measures which the Republican party sought to pass, this proposition was simply an assertion that the will of the people, as shown in the Congressional elections of the preceding fall, should be nullified, and that the majority should not be allowed to control the Congress which by popular verdict had been delivered into their keeping.

Such a principle, if adopted and carried out to its logical conclusion, could have meant but one thing—the destruction of representative

government. In the light of such a contest, for a principle so vital, it was really a very small matter what the Congress was to do in the way of enacting laws. The all-important thing for it to decide was its power to enact laws at all. The Fifty-first Congress met, Mr. Reed won the fight in the Speakership caucus of his party, and was formally inaugurated as Speaker. Immediately the battle began, to determine whether or not he and his party were to be allowed to use the power to which they were entitled by every consideration, moral and legal.

Before saying anything further about the struggle it is necessary to make clear one matter concerning which trouble has arisen by confounding officers of the same name with widely different duties. Many of our people show a tendency to turn to English precedent in any question of governmental procedure. These people knew that there was a Speaker of the House of Commons in England, and a Speaker of the House of Representatives here. Inasmuch as the names were the same they concluded that the duties ought to be the same, and that where the practice differed the American practice must be wrong; the last conclusion being an instance of the curious colonialism of spirit which still survives in a small section of our educated people.

Now, in reality, the Speaker of the House of Representatives corresponds as remotely to the Speaker of the House of Commons as the President of the United States to the President of the Swiss Republic. The Speaker of the House of Commons is not a party man at all; he is merely a moderator; he does not even change when parties change. He is unconcerned with promoting party policy. In the American House, on the contrary, the Speakership is the most important political office in the gift of the people, with the exception only of the Presidency. When the Congress and the President are of opposite political faith, then the Speaker is the man holding the highest political office in the power of his own party to bestow. He is responsible for the legislation of his party in the Lower House. He presides over the debates; but his great function is the leadership of his party. In some ways his duties correspond quite as closely to the duties of the English Prime Minister as to those of the English Speaker. Accordingly it is impossible to establish any common standard of judgment in dealing with him and the English Speaker.

Speaker Reed since the Fifty-first Congress has published a manual of general parliamentary law, under the title of "Reed's Rules." In the introduction he says

"If the student has once fixed in his mind the idea that parliamentary law is not a series of arbitrary rules, but a plain consistent system founded on common

sense and sanctioned by the experience of mankind, he will have gone far toward understanding it."

When he was first elected Speaker he proceeded to administer his office in entire accord with the principle he has here enunciated with so much clearness and brevity. The favorite weapons of the filibusters were two: to refuse a quorum, and to put dilatory motions. These indeed must always be the main weapons in filibustering, unless recourse is had to actual consumption of time by indefinite speech-making. The last can always be met by the adoption of a rule to take a vote at a certain hour or to limit speeches to a certain length. The only way to meet the question of dilatory motions is for the Speaker to refuse to put them. To get a quorum it is necessary to compel the attendance of members; but under the old rules of the House of Representatives a quorum consisted of those voting, not of those present. Speaker Reed met the movement of the filibusters with common sense and resolution. He refused to put motions which were evidently merely dilatory. He announced that he would count as present those who were present, whether they voted or not.

In no single instance was there even an accusation that Speaker Reed refused to put any motion made in good faith. Every motion which he refused to put was one avowedly made merely for dilatory purposes. Every man whom he refused to recognize was a man who avowedly desired to speak simply for the purpose of creating delay and of obstructing the action of the House. Those whom he counted as present actually were present. Indeed the last point of absurdity was reached when many men, including, for instance, Congressman, afterwards Governor, Flower, were loudly denouncing the Speaker for counting them present at the very moment when they were addressing him at the tops of their voices and declaring themselves constructively absent. Later, the Supreme Court of the United States decided that Mr. Reed was right in his position of counting a quorum, and the Democratic Fifty-third Congress adopted, in their substance, the rules which he had first promulgated to prevent the employment of dilatory tactics, and improper delay and obstruction generally. Yet at the time, egged on by their supporters outside, the Democratic minority went to all lengths in denunciation of the Speaker and in the effort to nullify his wise decision.

But neither the clamor from without nor the furious opposition within the House had any effect upon Mr. Reed: he remained inflexible in his purpose. In no House has there ever been given

greater opportunity for honest debate, and a wider latitude for the opinion and action of the minority, so long as that minority did not trespass on the rights of the majority; but with all his courtesy, and with all his fairness, Mr. Reed refused to be swayed by any threat or by any attempt at hostile action. He insisted upon the adoption of his principles; he wore out and beat down all antagonists by his magnificent courage and superior power.

A distinctly regrettable feature of the case was the way in which the acts of the filibustering minority were championed and defended by the party press hostile to Mr. Reed. I am sorry to say that I must include not merely the out-and-out party organs, but many that were professedly independent. Indeed, the attitude of certain newspapers that had been loud in their claims to independence of action, loud in their denunciation of partisanship, and in their asseverations that they stood for decent government without regard to party, was particularly objectionable. (Filibustering has now become a recognized term by which to describe tactics of delay and obstruction in a legislative body. Of course such tactics are wholly indefensible except on revolutionary grounds. They are essentially improper. It should always be understood that it is discreditable to indulge in them save under circumstances which would justify any revolutionary proceeding; and such circumstances cannot occur once in a generation.) Nevertheless, these tactics have become common of late years, and the party adherents of the filibustering minority are inclined to look not merely with complacency, but with hearty approval, upon efforts to break a quorum, to prevent a vote being taken, or to bring to a complete halt the legislative wheels; caring nothing for the disadvantage to the government, so long as a temporary party advantage can be gained. Of course if such methods ever become chronic representative government will be at an end. People cannot have free institutions if they lack the wisdom, self-command, and common sense to make use of them; and the people who condone and approve filibustering show that they lack all these qualities, and to that extent have forfeited their claim to be considered capable of governing themselves.) This was especially true of those who took part in and those who applauded the filibustering in the Fifty-first Congress. It was lamentable and discreditable to see how many of the men who had been clamoring for political, and notably for legislative, reform, were included in this number. A great many of these men, many of whom had been writing on behalf of just such changes of procedure as Mr. Reed introduced, were opposed to him on

the tariff; and they actually permitted a difference upon purely economic questions to blind them to the propriety of Mr. Reed's course as a presiding officer, instead of doing as they should have done, had they themselves possessed the courage and independence which they professed to demand in others. Instead of upholding Mr. Reed in a struggle in which his success was of vital consequence to the future well-being of republican institutions, they joined, and even led, the chorus of fanatical attacks upon him, showing themselves willing to do lasting damage to the cause of good government provided only they could at the moment score a party triumph.

Read in cold blood now, the appeals of the Congressmen on the floor and of the writers and speakers outside the House against the "tyranny" of Mr. Reed, and in favor of "free debate," seem so absurd that it is hard to discuss them with patience. One of the difficulties in meeting their arguments arose from the very fact that their arguments were not worth meeting. The mere definition of the three branches of our government was a sufficient answer to everything that they had to say. Congress is the legislative body. To legislate means to make laws, not merely to talk about them. The laws should be made after debate, but the debate should be wholly subsidiary to the actual voting, and should be conducted in good faith with this object in view. Under the Reed rules there was ample opportunity for debate. In fact the pages of the "Congressional Record" show that there was more debate in the Fifty-first than in any preceding Congress.

When the debates of a legislative body occupy a series of volumes so large and so numerous as those of the Encyclopedia Britannica, it is not worth while to answer the assertion that debate was strangled in that Congress. The published writings of all our great political leaders, from the days of Washington and Hamilton to those of Lincoln and Seward, could easily be contained many times over in the volumes which record the debates of the Fifty-first Congress.

Under Speaker Reed's rules in that Congress there was ample opportunity for all proper debate; but when there had to be a choice between speech and action, the choice fell on action. Whenever this choice had to be made, it must be remembered that the fault lay wholly with Mr. Reed's opponents, and not with himself or with his supporters. When the former by their foolish filibustering forced the majority to undertake repressive measures, they were themselves responsible for these repressive measures. They had abundant time for all legitimate discussion of every measure put through by the Re-

publican majority. When they abused the ample privileges accorded them, Mr. Reed and his party associates would have failed in their duty to the nation had they not seen that the abuse was checked and punished. Because of Mr. Reed's course as Speaker he became the most conspicuous leader in a party which contained at the time at least three other men who by their position and prominence were entitled to strive for national leadership; and he won his position by the extraordinary ability and iron courage with which he championed a radical revolution in our methods of applying the principles of parliamentary procedure. For a year he was the most prominent figure in our public life, and his actions and deeds were quoted, with approval or disapproval, in every parliamentary body throughout Christendom. They were the theme of almost every publicist in every free country where the parliamentary system, that is, where government by a legislative and deliberative body, obtains.

Then in the fall of 1890, the Republican party went down with a crash. In the Fifty-first Congress Mr. Reed was Speaker, and at the head of a small but singularly compact and united majority. In the Fifty-second he found himself the leader of a minority that included but a fourth of all the members of the House. With the greatest ostentation the triumphant party proceeded to undo the work he had done and to restore the ancient order of things. They could do as they wished, for they outnumbered their opponents three to one; and for the two years of their Congressional existence, though they showed themselves inefficient and unwieldy in comparison with the Fifty-first Congress, they were still able to make matters move.

In the Fifty-third Congress they came back with a large, although reduced majority; but the effervescence of their victory had vanished, and they were forced by grim necessity to acknowledge that they had attempted an impossible task when they undertook to restore the cumbersome system of parliamentary procedure which Mr. Reed had assailed and overthrown. Already the Supreme Court of the United States had decided that as regards the most savagely criticised of Mr. Reed's rulings he was in the right and his critics in the wrong; and now the hostile Democratic majority, utterly unable to accomplish anything, and seeing the House reduced to mere unwieldy helplessness before their eyes, were forced to abandon all their positions and to take up and re-enact the Reed rules. In other words, the defeated leader actually saw his foes while still in power obliged to adopt the very principles because of which they had persuaded the people to oust him from control.

It was a kind of triumph such as rarely befalls any man ; and it was followed by another triumph which rendered it complete. At the general election in 1894 the Republicans were returned to power by a vote far greater than they had ever yet received in their forty years of existence as a national party ; and Mr. Reed was re-elected Speaker of a House which contained a greater Republican majority than any previous Congress had shown.

It is indeed hard to realize that when Mr. Reed put through the rules which have come to be known by his name he was not only denounced furiously as "czar," as "tyrant," as what not, but that the minority took the unusual step of refusing to join in the customary vote of thanks to him when he left the Speakership. The subsequent actions of his opponents were his final vindication, as well as the most severe condemnation of what they themselves had done. The Reed rules represented the mere application of common sense, courage, and honesty to parliamentary procedure. So evident did this become that his very opponents while still in power were themselves forced to adopt his rules, and the people, by an overwhelming majority, undid the wrong they had done and replaced him as Speaker; only in a position far more secure and far more triumphant than when he had first held the chair, for he had back of him an enormously increased majority. There have been times when a statesman has triumphed after defeat because he himself has changed; but in this case it is not Reed who has changed—it is the popular feeling. His position remains unaltered. He consistently maintained the righteousness and justice of his proceedings, and his bitter political enemies were forced by the hard logic of events to acknowledge that they had been wrong and that he had been right. Rarely in the history of American politics has any statesman received so dramatically complete a vindication.

Speaker Reed rendered a great service to his party by his action as Speaker of the Fifty-first Congress ; and, by the fact of having rendered this service, placed himself at one leap among the foremost of the party leaders ; but he rendered an even greater service to the American Republic. In order that a republic may exist there must be some form of representative government, and this representative government must include a legislature. If the practices to which Mr. Reed put a stop were allowed to become chronic, representative government would itself be an impossibility. Not for many years has there been a man in our public life to whom the American people owe as great a debt as they do to Speaker Thomas B. Reed.

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