

**Macon and Stevenson:  
The Evolution of the Proto-Partisan Speakership in the *Ante Bellum* House.<sup>1</sup>**

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There is broad agreement in the literature that the US House of Representatives did not acquire a partisan speakership until at least after the Civil War. Why this type of speakership emerged at this time has to do with the political context provided by an increasingly stable and competitive the two-party system and the agency of individual speakers. Parties within the House and outside became increasingly cohesive and polarised (Cooper and Brady 1981; Jenkins 1999; Rohde and Shepsle 1987) and the speakership of the became “an artefact and architect of party government” (Peters 1997: 51) as majority party members tended to choose speakers like Blaine, Randall, Reed, and Cannon who were partisan activists, more ideologically extreme, less conciliatory, and more likely to appoint party loyalists to committees and chairs (Brady 1973: 43-92, 143-80; Brady, Cooper and Hurley 1979: 26-49; Cooper and Brady 1981: 414-15; Finocchiaro and Rohde 2007: 259-70; Galloway 1976: 128-159; Hinckley 1983: 166-67; Schickler 2001: 27-84). Invested with enhanced powers by their parties, these partisan agents transformed the House from a chamber in which minorities could severely obstruct the majority to one in which the majority party could shape and pass its legislation (Peters 1997; Strahan 2002: 255-62; 2007: 237-69).

Since these crucial developments in the history of the House are unlikely to have occurred overnight, it is important to examine whether or not and the extent to which they existed in embryonic form in the pre-Civil War period. Several good reasons may be offered for why this might be so. Perhaps most importantly, because political parties articulate shared ideas and values about how society should be organized and represent the same or similar social groups and interests, even in polities antipathetic to political parties such as the United States, political representatives invariably coalesce into groups or political parties (Aldrich 1995: 28-61; Cooper 1977: 150-51; Laver and Shepsle 1999). Indeed, research on the late eighteenth century House demonstrates that as early as 1790 there was already strong evidence of embryonic party organisation in the House – or *proto parties* – including party caucuses (Harlow 1917: 139-45; Hoadley 1982: 55) although until the Jacksonian insurgency of the 1820s “not much in the way of electoral parties” (Aldrich 1995: 94-95, 99-100).

During its first 40 years of existence, the House and the wider American political order were subject to two significant upsurges of party activity and party organisation, both of which realigned voters’ preferences and gave rise to a dominant reactionary political party: the first, the so-called “Revolution” of 1800, resulted in the first party system with Jeffersonians dominant while the second was signified by the election of Andrew Jackson in 1828, out of which the second system was created.

In this paper, I want to use these two insurgencies to examine two speakerships, those of Nathaniel Macon (R-NC) and Andrew Stevenson (VA), who served the longest periods in the *ante bellum* period after Henry Clay. Macon presided over the House between 1801 and 1807, Stevenson from 1827 to 1834. I want to suggest that these two speakers exhibit the characteristics of what I shall call the *proto partisan* speakership – a speakership not elected or dependent on an organisational cartel that exercised exclusive control over who became speaker and who held other top offices, controlled patronage, set the chamber’s legislative agenda, and formulated and approved legislation (Cox and McCubbins 1993; 2005; Jenkins and Stewart 2013: 3), and was underpinned by a reasonably cohesive majority party; but an office with much more limited institutional powers to influence or control House committees and the floor (in the absence of a Rules Committee under its control) whose occupant was nonetheless a strong partisan who worked so closely with House majority party leaders as to be a *de facto* member of the majority party’s leadership and in the context of unified party government was an important ally of the president, who provided the legislative leadership of the majority party.

### **The Speakership and the Majority Party**

In order to understand the House speakership of the *ante bellum period* in light of the ubiquity of parties in the three decades of the nineteenth century, it is useful to examine the literature that has developed over recent decades on the partisan speakership of the late twentieth and early twenty-first centuries of Wright, Gingrich, Hastert, Pelosi and Boehner.

The contemporary literature tells us that party structuring and strengthening as well interparty conflict within the electorate leads to greater intraparty cohesion and interparty conflict within the House (Collie and Brady 1985: 283; Cooper, Brady and Hurley 1977: 35-36). Moreover, if the president and the majority party in the House are members of the same party, that president’s legislative requests set his/her House majority party’s agenda, and majority party cohesion in support of that agenda is likely to be stronger (Brady, Cooper and Hurley 1978: 388) because “their party’s fate is linked to their president’s and the party’s fate” (Collie and Brady 1985: 283).

Most important for present purposes is the idea that levels of cohesion or preference homogeneity within the House majority party also determine how their leaders operate within a given

institutional context (Brady, Cooper and Hurley 1978: 393; Cooper and Brady 1981: 423-24).<sup>2</sup> Party leaders are necessary to steer the legislative ship and mitigate collective action problems (Cox and McCubbins 1993). As agents of the majority party who select them and charge them with promoting party members' goals, they are given more power and resources to act more aggressively under conditions of party government – or what Aldrich and Rohde (1981, 2001) and Sinclair (1995) call “conditional party government” (1991: 172; 2001) – if their party is united behind them. Rohde uses this theoretical framework to distinguish contemporary (partisan) speakers with an earlier “Boss model” of leadership epitomised by Reed and Cannon who “command [ed] or control [led] the mass of the membership” (35). Contemporary leaders, Rohde insists, may only act *because* (and when) they are agents of their copartisans in the House, and those copartisans want them to act consequentially to their party's advantage. Contemporary leadership behaviour, then, is conditional in that it will vary across issues depending on majority party members' preference cohesion (31-34, 35-37).

Not all scholars have accepted these contextual explanations of congressional leadership and insisted that greater scope needs to be allowed for individual speakers' agency – to explain better why some speakers have acted in more partisan ways than others or sought to use their powers more forcefully (Alexander 1908: 84-5; Follett 1896; Fuller 1909: 39-43; Mayhew 2000: x; Owens 2003; Peters 1999, 2003; Strahan 2002: 255-62, 2007; Strahan and Palazzolo 2004; Swift 1998: 13-28).<sup>3</sup> Indeed, the history of the House tells us that the speakership's trajectory towards its partisan form has neither been linear or closely correlated with levels of party nor has its operation been uniform practice (Schickler 2001: 34-36; Stewart 2007: 143; Strahan 2002: 257; Swift 1998: 15).<sup>4</sup>

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<sup>2</sup> Cooper (1977) also identified a number of other contextual variables other than electoral politics that influence leadership, including workload, issues, relations with the president and the executive, and democratic culture.

<sup>3</sup> Rohde (1991: 37, 172; 2000: 5) also allows for the personality and skills of a leader whereas Sinclair (1999: 423) and Cox and McCubbins' cartel theory (1993) do not.

<sup>4</sup> Seaward (2010a, 2010b) reaches a similar conclusion in the context of limited institutionalisation within the early eighteenth century House of Commons. He found that the development of the protean British speakership depended very much on the ability and personality of its holder, his longevity, and the strength of the Government ministry. The contemporary nonpartisan speakership, which only developed in the nineteenth century, was by no means an inevitable development. Indeed, “at some points during the period between the revolution and the Hanoverian succession [in 1714], it seemed possible that the speakership would become a key position within the party management of the House, maybe even the leadership of a dominant party” and that “speakership elections were ... partisan trials of strength” (2010a: 4). Only with the establishment of a powerful prime ministership in the early eighteenth century was the path towards a powerful partisan speakership effectively blocked (2010: 5).

Notwithstanding differences among contextual theorists as to the different contextual factors that influence what majority members demand of their speaker, in our search for a proto partisan speakership in the *ante bellum* period, we should expect the following:

- Speakership elections will be highly partisan affairs with the leading candidates representing the (two) main parties
- The speaker will be a member of the majority party
- When the majority party exhibits a high degree of preference homogeneity, the speaker will make vigorous use of his powers and prerogatives. Conversely, when majority members' preference homogeneity is weaker, the speaker's capacity for independent and aggressive action will be more constrained.
- When the majority party (or their president) assign high priority to a legislative issue, and there is strong agreement, the speaker will make maximum use of his/her powers and prerogatives.
- And, when the majority party exhibits a high degree of agreement on their policy and political objectives, the speaker will be accorded considerable latitude in how he/she seeks to achieve those policy and political objectives. Conversely, when the majority party is divided, the speaker's discretion will be more constrained.

Following the premise of the party government literature that leadership is situational (Cooper and Brady 1981: 424; Hargrove and Owens 2002: 12,11; Schickler 2001: 253), we should also expect that:

- When a new House majority party is newly elected, particularly if it has been in the minority for an extended period of time, that party's cohesion will be high and in consequence the speaker will be accorded great discretion in exercising his/her powers (Owens 1997: 263; Schickler 2001: 254).
- The simultaneous election of an energetic president of the same party will reinforce majority party cohesion and enhance a speaker's discretion to act aggressively on behalf of his party

In order to allow scope for a speaker's individual agency – his/her different goals, ideological preferences, styles and skills - we should also expect:

- An individual speakers' behaviour will also be influenced by his/her goals, including a desire to advance some conception of public policy (Fenno 1973; Strahan 1989) or to seek higher office, even to the point of jeopardising his institutional position (Strahan 2007: 178-79).

Finally, a speaker's ability to act consequentially, or not – to influence copartisans, to frame issues and manipulate House rules and procedures in particular ways to advantage their personal or their party's preferences, to dispense rewards and sanctions, and to adjudicate procedural matters - will be constrained by the institutional powers available to him/her at a particular point in time.

Right from the First Congress, the House chose its speaker by ballot. As early as January 1790, one of his/her most important institutional powers was to appoint the members of all standing and select committees, unless the House wished to make appointments. After 1798, the power was extended to conference committees (Hinds 1907, Vol. IV: 4448, 4470). As we will see in the later discussion, House rules also provided for members to deprive the speaker of this power (Hinds 1909: IV, 4475). From the outset, besides exercising various formal duties and controlling the House's estate (Hinds 1909: II, 1354), the speaker was always the chamber's presiding officer, which meant that he/she was responsible for preserving order (1344-45, 1348, 1352) and deciding various questions of privilege order promptly and impartially (except those concerning him/herself) consistent with House rules and precedents, including whether a subject was already before the House in another form (Hinds 1909: II, 1313, 1317, 1326). Speakers also enjoyed the exclusive right to recognise members to speak (1419, 1422), (although in the early members could appeal the speaker's decision) (1429) and could participate freely in debate in the Committee of the Whole (1367, 1375; 1909: 157; Risjord 1992: 649; Strahan, Gunning, and Vining 2006: 60-68). House rules also gave them a casting vote to break a tie in a division (Hinds 1909: V, 5964, 5966, 5968) and during the early decades of the nineteenth century, several even claimed the right to vote on other occasions, and House members allowed them to do so even though it was against the rules and their vote had policy consequences (5966, 5968).<sup>5</sup>

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<sup>5</sup> As early as 1792, the Federalist Speaker Trumbull left the chair to vote against a Madisonian floor amendment to a Federalist proposal that sought to impose tariffs to pay for the Washington administration's military campaign in the west; the effect of the speaker's action was to create a tie and to defeat the amendment. Macon's predecessor, Thomas Sedgwick (F-MA) also cast the deciding vote in favour of the 1800 National Bankruptcy Act and the Alien and Sedition Acts.

What the early nineteenth century speakers (and the majority party) did not have at their disposal was the panoply of procedural instruments available to Thomas Reed and successor partisan speakers of the late nineteenth, early and late twentieth, and early twenty-first centuries, which allowed them to regulate bill access to the floor and structure floor choices (Cox and McCubbins 1993: 233-73; Sinclair 1995: 136-62). Indeed, until 1811, there were no House rules governing the order of business, only “certain simple usages” (Bach 1990a: 50). Although “special orders” – which created a special order of business as an exception of interruption to the regular order of business – “were in use in the House from the early days”, they were made by unanimous consent and thus subject to objection. Unlike contemporary special orders, they did not relate to a specific bill or group of bills (Bach 1990b: 1). If objection was heard, they were made by a suspension of the rules requiring a two-thirds vote. Although this device was used “more frequently” than later in the century, it was cumbersome and unless a majority party had a huge plurality in the chamber, likely to fail on issues on which the parties were divided (Hinds 1907 IV: 3152).

Still, even during this early period of the House – spanning the period of our two cases studies – it is reasonable to expect the speaker to have been elected by a House majority – even the majority party - and that in a relatively small legislative chamber he (sic) would have socialised and conferred with party leaders, including the president, on House business (Caldiera and Patterson 1987; Wahlke *et al* 1962; Young 1966: 98-106). It was also reasonable to expect a cohesive majority party to seek to change House rules to its advantage in efforts to enhance their control of the floor agenda and gain consideration of their preferred measures (Hinds 1907 IV: 3056). Thus, in 1811, during Clay’s speakership the 12<sup>th</sup> House adopted the chamber’s first rule on the order of business (Bach 1990a: 50) by authorising the speaker to call for petitions and receive standing and select committee reports after the *Journal* was read, and only at that time. The remainder of the day would be devoted to orders of the day (precursors of “special orders”), which at that time comprised reports that had not been acted on when made or had been assigned to a future date for consideration. Eleven years later, during Philip Barbour’s speakership, the 17<sup>th</sup> House adopted a rule limiting the time for reports and resolutions to one hour in the morning, after which the House would deal with business at the speaker’s table and orders of the day (*Register of Debates*. 17<sup>th</sup> House. 13 March 1822: 1299-1302). Then, in 1828, during Stevenson’s speakership, Jacksonians changed the rules disallowing any change to the order of business, as established by the rules, to be postponed or changed, except by a two-thirds vote (Hinds 1907: V: 6790; *House Journal*. 24 April 1828: 621, 634). As a consequence, a cohesive majority party could win a two-

thirds vote to suspend the rules and then authorise the speaker to order consideration of a bill (presumably favoured by its members) that otherwise would not progress under the regular order of business (Alexander 1916: 213-225; Bach 1990a: 51; Binder 1997: 28-30).

While a considerable amount of legislative theory at least offers the possibility of a proto partisan speakership in the early nineteenth century House relative to later periods, fears of legislative majoritarianism underpinned particularly by political parties and evinced in the debates surrounding the 1787 Constitution (Farrand 1911: I 82; II 29, 109, 501) remained strong. As a consequence, a considerable amount of opinion emphasised the need for the House speaker *not* be a powerful partisan figure. Indeed, this benign view appears to have continued even after Clay's speakership. Thus, writing to his wife, William Lowndes (R-SC) attributed his loss to the abolitionist John W. Taylor (R-NY) in the 1820 speakership contest to the apparent "fear that I might employ the power I should have as Speaker to affect the result of the Missouri question. This", he avers, "was perhaps a compliment to my talents at the expense of my honour" (Quoted in Ravenal 1901: 209).

But, apart from these normative aspirations of the period, recent congressional scholars have also eschewed explanations of the early speakership as partisan. Galloway (1976: 97, 99), for example, refers to the speakers during the first 20 years of the House as "figureheads"; and Macon specifically is portrayed as "merely chairman of the House". Dodd (1903: 144), Follett (1896: xiv), Fuller (1909: 25, 31) and Swift (1998: 10-13) refer to the early speakership as a "moderator speakership", although Follett also insists that the office "was never intended to be such" (xvi, 39) and Fuller allows that speakers at this time were "leaders of their party in Congress" (Fuller 1909: 31). More recently, Peters has characterised the office in the period through to the Civil War as a "parliamentary speakership" (1997: 18-51) in contrast to the later partisan speakership because speakers in the former period were not party leaders operating under conditions of party government and the office's presiding functions were not routinized.<sup>6</sup> Although Clay was an exception among the early speakers, he does not see him as an essentially partisan or proto partisan leader; rather his prominence was "due more to his national political stature than to the use to which he put the office" (1997: 35, 50).

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<sup>6</sup> Peters argues that the rudimentary nature of House procedures, limited institutionalisation, and sectional conflict within the congressional parties prevented strong party rule and thus the emergence of a partisan speakership in the pre-Civil War period. "[T]he speaker's most important function [before the Civil War] was to preside effectively over a House of Representatives that was often riven by sectional conflict and party schisms ... This was a more important function than partisan leadership during the period" (1997: 12).



Eschewing the influence of party in the early speakership ignores or underestimates the inevitability and necessity of party organisation and party conflict within legislatures (Aldrich 1995; Jefferson 1798 quoted in Ford 1904: 430; Laver and Shepsle. 1999). Although parties did not organise the House in any routine way, and the speaker's relation with majority party organisation was uncertain (Jenkins and Stewart 2013: 1, 4), at the same time, the direct, indirect and continuous influences of party on the speakership of this period should not be ignored or underestimated.<sup>7</sup> Indeed, over a century ago, Follett argued that party *necessarily* impacted the House speakership. "The position of the Speaker of the House of Representatives, as no moderator but a party leader", she insisted, "is neither accident nor a growth. It has been the intention and preference of the House ever since the parties were first organised in 1793" (1896: 39).

Still, we should not expect party influence on the speakership and House organisation to grow monotonically, rather spasmodically and iteratively, recognising that other early nineteenth century speakers may have exhibited some of the elements of a partisan speakership displayed by Clay and the later partisan occupants of the chair, but probably in weaker forms still a far cry from Thomas Reed's leadership in the 1890s, let alone John Boehner's now.

The argument in this paper is that the speakership of the early nineteenth century – as evinced by Macon and Stevenson - was *protopartisan* inasmuch as these speakers' behaviour from the chair reflected not only the evolving demands of the partisan context of the times but also their individual agency as partisans. Both these speakers were the beneficiaries of electoral realignment – reactionaries in the sense that they wanted to resist nationalising attempts by their political opponents. In Macon's case, a states' rights strict constructionist swept into the chair by the "Revolution" of 1800 sought to use the instruments of his office to ensure that President Jefferson and House Jeffersonians kept the faith with pure Republicanism. Although 20 years separated their speakerships, Stevenson was in many ways, Macon's political successor seeking to combine with Martin van Buren and Andrew Jackson to revitalise the "spirit of '98" to resist the nationalising tendencies of John Quincy Adams and Clay.

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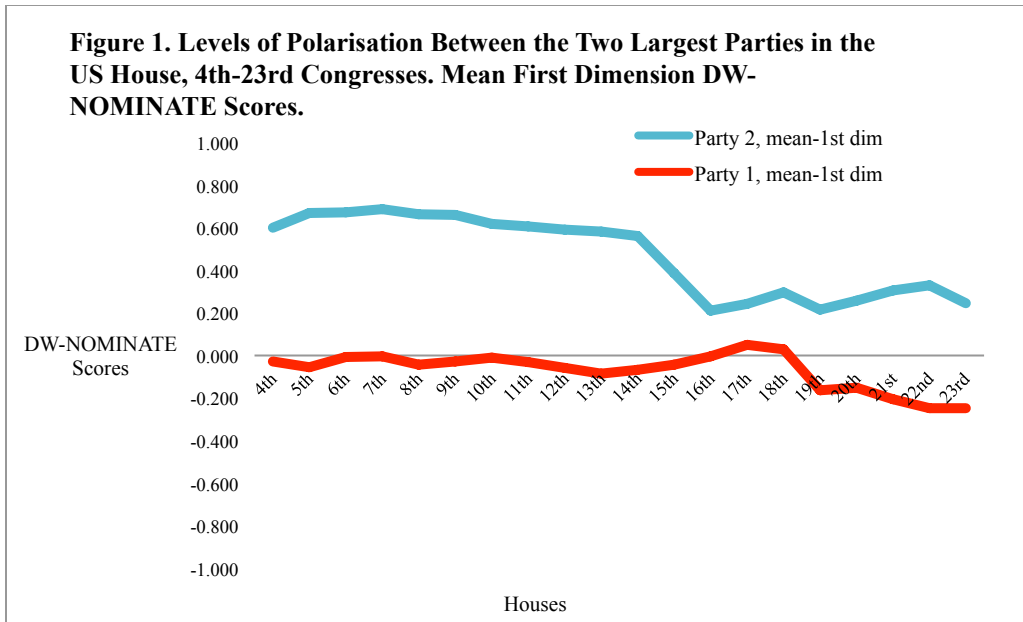
<sup>7</sup> Jeffersonians organised formal party caucuses to nominate the party's presidential and vice presidential candidates in the early nineteenth century (Cunningham 1957: 256-57; 1963: 101-24). Chambers (1963: 171-73), Harlow (1917: 176-93), and Ostrogorski (1899: 260-62) all suggest that caucuses called by Jeffersonians exercised party control, discipline and enforced regularity but offer little evidence to support their arguments. Cunningham (1978: 278-81) is more cautious suggesting that Jeffersonians called irregular informal caucuses to consider legislative proposals but concludes that their influence on the legislative process is unclear.

The first section of the paper provides the context of party development and conflict in the early nineteenth century, the extent to which Macon and Stevenson should be regarded as partisan leaders, and the extent to which their elections to the speakership was partisan. The second section analyses the extent to which their committee assignments were partisan and had partisan effects upon legislative outcomes, and the extent their House copartisans held them to account for their assignments. A final section considers the extent to which their procedural rulings from the chair reflected their partisan loyalties.

### **The Early Speakership's Partisan Trajectory**

The origins of the proto partisan speakership lay in the late eighteenth century development of a national political context that was highly partisan, as American political culture began to accept, even revel in, conflictual politics based on a new set of constitutional principles that affirmed party affiliation as an essential element of American democracy. Measured by the respective parties DW-NOMINATE scores, the two parties were highly polarised for most of the first four decades of the nineteenth century – first in the Federalist-Jeffersonian period before dipping in the later years of the second decade, and then again in the mid-1820s as polarisation strengthened with the Jacksonian insurgency (Figure 1).

By 1800-1801, elections had become fundamentally contests *between the parties* – or proto parties, collective organisations less developed than the modern mass parties that were to emerge a few decades later (Aldrich 1995: 94-95; Hofstadter 1969). In the 1800 presidential election, both Jeffersonian Republicans and Federalists ran party-centred campaigns offered party tickets embodying ideologically distinct policy choices (Chambers 1963: 150-69; Cunningham 1957: 147-48, 252-54). In the elections for the House, contests were no longer between local notables independent of a party but ones in which candidates sought to acquire “the reputation of being a firm party man” (Cunningham 1957: 254) and where nationally organised parties provided forums for debates over different sets of political ideals (Formisano 1974: 473, 478; Hoadley 1986: 144, 190). By the mid-1820s, polarised two-party politics had returned as a result of van Buren’s successful efforts to harness the warring factions within the once dominant Republican coalition into a new mass party, ultimately led by the reactionary populist Andrew Jackson, in order to oppose the nationalising plans of the National Republicans led by Adams and Henry



*Note.* With the exceptions of the 5<sup>th</sup> and 6<sup>th</sup> Houses, when Republicans were the second largest party, and the 18<sup>th</sup> and 19<sup>th</sup> Houses when Jacksonians were in the minority, the top line represents Republicans and the bottom line Federalists or anti-Jacksonians.

Data are derived from [voteview.com](http://voteview.com) with thanks to Keith Poole and colleagues

Clay (Cole 2009; Hargreaves 1985; Jaenicke 1986; Kruman 1992; McCormick 1966, 1986; Parsons 2009; Remini 1998; Schlesinger 1945; Wallace 1968).

Party development at the electoral level reinforced party organisation and party government within the Congress, so that even in the early years of the century, “congressional society was highly partisan” (Cunningham 1963: 90; 1978: 188) with well defined party divisions between Jeffersonian Republicans and Federalists (Hoadley 1986: 47-59; Poole and Rosenthal 2007: 86). Within the Congress – and particularly in the House, which was by far the more important chamber in the early republic (Cooper 1970: 2; Cunningham 1978: 259-60) - national party forums flourished as like-minded members, typically lodging together in “messes” (Dodd 1903: 173; Cunningham 1963: 102-3; 1978: 273-76, 282-87), cultivated party loyalty (Cunningham 1957: 82; Harlow 1917: 187; Silbey 1985; cf. Young 1966: 126) and formulated common party-based strategies to promote particular policy issues and nominate presidential and vice presidential candidates (Cunningham 1957: 161-66, 256-57; 1963: 101-24; Young 1966).

### Speakers as Partisans Elected in Partisan Speakership Elections

While scholars are certainly right to caution against exaggerating the extent, strength, and constancy of party organisation in the House (Jenkins and Stewart 2012: 4; Taylor 2012: 78, 102), in the strongly partisan context of the early nineteenth century period, the speakership was undoubtedly a valued partisan prize sought by the respective parties. Party leaders could hardly be disinterested in who became House speaker so we should expect speakership elections to be highly partisan events and the winners of these contests to be members of the majority party.

#### *Macon*

Notwithstanding one of his biographer's assertion to the contrary (Barry 1996: vi), Nathaniel Macon was unquestionably an active partisan – both before and after he became speaker. By 1796, he was the undisputed leader of the Jeffersonian party in North Carolina and remained so throughout his speakership until the late 1820s (Dodd 1902: 673). In a state strong for Adams in the highly partisan 1800 presidential election, he led Jefferson's campaign in the state (Dodd 1903: 160) establishing "the first and greatest partisan newspaper the state has ever had" (Dodd 1902: 671, 673), which was highly influential in winning the state for Jefferson. Not only was Macon a prominent state party leader, he was one of his party's most aggressive and most radical House floor leaders in opposition to the Federalists' Alien and Sedition Act (*Annals*. 5<sup>th</sup> House. 28 February 1798; 26 May 1798: 1815-27; 4 July 1798: 2105-6; Dodd 1903: Ch. X), and railed constantly against alleged Federalist excesses and the partiality of Federalist Speaker Thomas Sedgwick (F-MA). "[B]y sheer force of personality and by ten years of unflinching consistency", one of his early biographers insists, Macon was "*the leader*, after [Albert] Gallatin, of his party in the House" and as such the target of Federalist brickbats (Dodd 1903: 154).

Following the highly partisan 1800 and 1801 elections, Jefferson promising to lead the new Jeffersonian majorities in the Congress – and those majorities apparently willing to be led by the new president - willing to be led by Jefferson becoming president, the speakership election of December 1801 was bound to be a partisan contest (Barry 1996: 51, 63; Cunningham 1963: 73; Lientz 1992: 66). Macon had been his party's leading candidate in the 1799 speakership election when he lost to Sedgwick (F-MA) by just six votes on the second ballot. In 1801, he was "the undisputed choice of his party" (Dodd 1903: 144) and his principal opponent was the acknowledged Federalist leader, James Bayard (CT).

Macon won the speakership by 53 votes to 26 on the first ballot, twelve votes more than necessary. Although we do not know which members voted for which candidates, it would be incredible to suggest that most, if not all but the two Republicans who voted for a third candidate, did not vote for Macon while most Federalists voted for Bayard. While there is no evidence that Jefferson sought to influence the election outcome (Cunningham 1978: 276), Dodd (1903: 172) reports that Macon had the support of Virginia's 22 members, 19 of whom were Jeffersonians. But, even without the details of House members' votes, the momentum of Jeffersonians' election victories and Jeffersonians' 40 seat margin were more than enough to give Macon victory: he received 78% of the available Jeffersonian votes, 96% of the combined votes cast for both Jeffersonian candidates; Bayard received 68% of the available Federalist votes.

### *Stevenson*

Like Macon, Andrew Stevenson was a strong partisan and adherent to Virginia's old school Republicanism. Like Macon, he was also a significant state party leader. He was an executive member of the Richmond Junto (officially known as the Virginia Republican Party's Central Committee), which controlled the state's patronage and operated a party press edited by Stevenson's brother-in-law Thomas Ritchie, which was "singularly effective in shaping public opinion" in the South and national politics (Anderson 1914: 218; Osthaus 1994: 25-31). "Party unity ... was its original *raison d'être*" (Harrison 1970: 187-90). Originally a supporter of William Crawford of Georgia, Stevenson became a significant player in van Buren's grand strategy of revitalising Republican "party feelings", generating strong principled opposition to the Adams administration's nationalising policies, and constructing a new national political coalition centred on the Congress, which would tie New York (and Pennsylvania) with the Richmond Junto (Ambler 1913: 87-90; Niven 1983: 119-120, 129) and (McCormick 1966: 342; Nielsen 1968: 253, 260) and ultimately lead to Andrew Jackson winning the presidency in 1828.<sup>8</sup> Stevenson shared a "mess" with van Buren in Washington (Fitzpatrick 1920: 574-5; Parton 1860: 135) and was at the forefront of Jacksonians' efforts to frustrate the Adams administration and defeat Adams's re-election in 1828.<sup>9</sup>

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<sup>8</sup> Van Buren was previously involved in the speakership election at the beginning of the 17<sup>th</sup> House in December 1821 helping Philip Barbour (R-VA) beat Republican New Yorker John Taylor in, in the process winning powerful political friends in Virginia (Ambler 1913: 79-81; Niven 1983: 106-8).

<sup>9</sup> Stevenson's DW-NOMINATE score for the 19<sup>th</sup> House (1825-27) was -0.379 compared with 0.382 for Adams. Only 29 House members (13% of the House, all but one Jacksonians) were more conservative than Stevenson. In correspondence, Stevenson warned Ritchie "would, in all probability, ensue from his Administration ... which, in time,

Following the 1826-27 mid-term elections, Jacksonians won their first majority in the House and in the speakership election in December 1827 Stevenson defeated John Taylor, Adams' candidate, on the first ballot. As in 1801, there can be little doubt that the election was a partisan event (Mackenzie 1846: 96; Parton 1860: 135). Van Buren was the *de facto* leader of the congressional Jacksonians and in a caucus called by him the day before the election Stevenson was confirmed as "the candidate of an intensely bitter opposition to the administration" (Adams 1875: VII, 505).<sup>10</sup> Van Buren apparently saw in Stevenson a strong and skilful partisan leader who had an imposing appearance and could handle a frequently unruly chamber, but who was "a moderate on the tariff issue" (which was likely to be prominent on the 20<sup>th</sup> House's legislative agenda). "Stevenson's cunning, intriguing turn, suited van Buren", noted Mackenzie (1846: 97) since they shared a shrewd understanding of House members' motives and how to use them for advantage. As speaker, Stevenson could help van Buren and other Jacksonian leaders facilitate intraparty compromises on politically sensitive issues (Adams 1875 VII: 369; Niven 1983: 193; 1988: 130).<sup>11</sup> Stevenson was also a strong advocate of party government. "Without party, cemented by union of sound principles and sound men [sic]", he declared during a floor debate on a proposal to elect the president and vice president directly, "evil men [sic] and evil principles can never be successfully resisted. To this extent, and no farther, I am, and shall ever be a party man" (*Register of Debates*. 19<sup>th</sup> House. 6 March 1826: 1529-30).

Again, we do not know which House members for which candidates in the 1827 speakership election. Nonetheless, the political momentum of Jacksonians' victories in the 1826 House elections and their 10 seat majority were enough to give Stevenson victory over Taylor on the first ballot: Stevenson received the votes of 94% of available Jacksonian votes and 96% of the votes cast for both Jacksonian candidates. Two years later, with Jacksonians increasing their House majority over other parties to 79 and Jackson intervening directly to help Stevenson win re-election as speaker (Remini 1967: 64; 1981: 224), Stephenson won 113% of available Jacksonian votes and 86% of the votes cast for all Jacksonian candidates on the first ballot. As the

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might endanger the peace and tranquillity of the Union ... the election of Gen. Jackson would, on the contrary, produce the happiest results" (1828a; 1828b).

<sup>10</sup> Although we do not know precisely how members voted in this secret election, there is every reason to conclude that voting was largely along party lines. The only other candidate was former speaker and fellow Jacksonian, Philip Barbour (VA), who received a mere four votes.

<sup>11</sup> Thus, a proposal made by van Buren's protégé, Congressman William C. Rives (J-VA), that former House Speaker Barbour, an emphatic free trader, would be a better candidate was firmly rejected by van Buren. "Barbour will not do", van Buren wrote to Rives, "and that will be the correct opinion of seven-eighths of our friends" (van Buren 1827 quoted in Niven 1983: 634, 27n). In the event, Barbour received a derisory four votes.

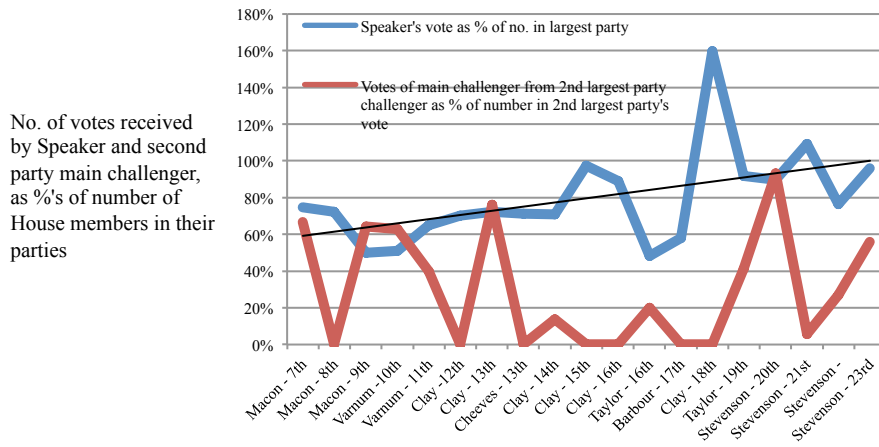
later discussion will show, Stevenson's highly controversial interventions to secure House passage of legislation demanded by Jackson in the 21<sup>st</sup> House lost him so much support that the president wrote to van Buren fearing Stevenson would not be re-elected at the beginning of the 22<sup>nd</sup> House. With a reduced Jacksonian majority in the House, Stevenson won the votes of 81% of available Jacksonian votes but only 59% of the votes cast for all Jacksonian candidates. Indeed, had a late vote for one of his Jacksonian opponents been counted, the speaker would not have been re-elected on the first ballot "and probably not at all" (Adams 1875: VIII, 431), such was the opposition from within his party. Two years later, however, when Stevenson was contemplating resigning the speakership even though Jacksonians had increased their House majority to 51, he won 98% of available Jacksonian votes and 97% of the votes cast for all Jacksonian candidates. Nonetheless, before the speakership election, Jackson insisted that House Jacksonians were canvassed before his party nominated Stevenson (Bassett and Matteson 1926-35: V, 230), yet again underlining the partisan character of the contest - in the absence of routine, formal, stable and structured majority party organisation in the House that would later afford it exclusive control over the speakership (Jenkins and Stewart 2013: 1, 4).

#### *Trends in Partisanship in Early Nineteenth Century Speakership Elections*

Data compiled by Jenkins and Stewart (2012: Appendix 2) show that the fundamentally partisan character of the elections that gave Macon and Stevenson the speakership in the first, third and fourth decades of the nineteenth century was fairly typical. That is, in three quarters of the 19 speakership contests held between 1801 and 1833, the winning candidate won at least 70% of the votes available from the largest party in the House. Over the period, moreover, as Figure 2 shows, the trend moved upwards. Furthermore, with the exception of Taylor's election at the beginning of the 19<sup>th</sup> House (1825), all of these victories were on the first ballot. On the basis of their DW-NOMINATE scores for previous Houses, there were also sharp *inter-party* ideological differences between the main candidates in about 45% of these elections (Figure 3).

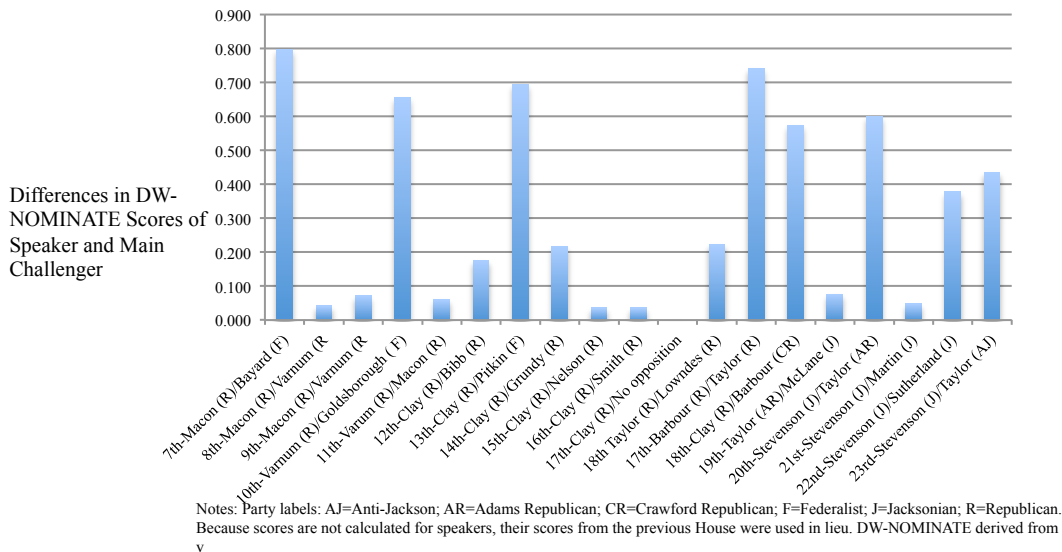
It is hardly surprising then that, with the single exception of Speaker Jonathan Dayton (F-NJ) who was not a member of the Republican majority in the 4<sup>th</sup> House, when a party lost its majority – or a speaker who was a member of the majority party lost his party's support without that party

**Figure 2. Votes received respectively in speakship elections by speaker and main challenger from second largest party, as percentages of memberships of each of the two largest parties, 7th through 23rd Houses (1801-33) .**



Data from Jenkins and Stewart (2013: Appendix 1)

**Figure 3. Differences in Speakers' and Main Challengers' DW-NOMINATE Standardised Scores in Speakership Contests, 1801-33.**



losing its chamber majority<sup>12</sup> - in every speakership contest between 1801 and 1839 House

<sup>12</sup> Even before 1801, Federalists also replaced their speakers with other majority party members. Thus, at the beginning of the 2nd House, the Washington administration's supporters ditched Frederick Muhlenberg in favour of the more partisan Jonathan Trumbull (Follett 1896: 65; Fuller 1909: 25; Risjord 1992: 4). By the beginning of the Third House, however, Muhlenberg had drifted towards the Jeffersonians and ran successfully for the speakership as the anti-



members chose a member of the new majority party as their speaker and usually on the first ballot.

### **Speakers as Allies of Their Party's House Leadership**

Notwithstanding the absence of formal party organisations and formal leadership structures in the House during the early decades of the nineteenth century, *ceteris paribus* we should nonetheless expect speakers who were members of the majority party and usually elected in highly partisan contests to be allied to and helpful to – even part of – their party's leadership in the House and to the president if a member of the same party.

There can be little doubt that throughout his speakership Speaker Macon remained a partisan warrior. He was a stickler for party responsibility (and congressional autonomy), so that when Jefferson delivered his first inaugural address not completely to the new speaker's satisfaction, he immediately wrote to the president insisting that he honour a list of very specific party commitments and that only Republicans be appointed to the executive and the courts (1801; Dodd 1903: 168-69). Evidently, Jefferson's reply was to Macon's satisfaction, and for most of Jefferson's first term the two leaders were closely bound together politically and ideologically (Price 2004: 16). Indeed, throughout his speakership Macon continued to voice his support for various legislative proposals favoured by Jeffersonians, including retiring the public debt, reducing the army, cutting naval appropriations, purchasing Louisiana, restoring the 1795 Naturalization Act, and prohibiting the importation of slaves (*Annals*. 8<sup>th</sup> House. 14 February 1803: 998; 9<sup>th</sup> House. 29 December 1806: 178, 225) and to act as his party's leader in North Carolina. As a partisan Jeffersonian, he was also not averse to using his casting vote to help his party pass the 12<sup>th</sup> amendment to the Constitution, even though House rules evidently prohibited him from doing (*Annals*. 8<sup>th</sup> House. 9 December 1803: 776), while on other occasions he would use his vote to support Southern "rights", including the right to sell illegally imported slaves (*Annals*. 9<sup>th</sup> House. 7 January 1807: 265).

Second, having trawled through congressional correspondence of the era, historians have provided convincing evidence that Macon also mixed socially and extensively with congressional

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administration candidate against the Federalist Thomas Sedgwick who supported Washington (Kennon 1985: 12, 20; Smith 1928: 20).

Jeffersonian leaders, as well as the president and his cabinet members, many of whom were his friends or with whom he shared a “mess” (Barry 1996: 30, 89, 107-8; see also Chambers 1963: 171; Dodd 1902: 673-4; Fuller 1909: 29-30; Harlow 1917: 181; Hoadley 1986: 49; Kennon 1985: 29).<sup>13</sup> Indeed, at least during Jefferson’s first administration, Macon regularly reported to Jefferson on the state of “public” support on administration policies and congressional legislation in his state (Dodd 1903: 176-78, 182, 193). It seems inconceivable that legislative business was not discussed in detail at these meetings with party leaders, including how the Jeffersonian speaker might assist them in advancing his party’s legislative priorities. Despite a prevalent belief at the time that they were illegitimate, Chambers (1963: 171-73), Harlow (1917: 176-93), and Ostrogorski (1899: 260-62) all suggest that House Jeffersonians frequently used informal party caucuses to exert party control and enforce discipline and regularity, but they offer little evidence to support their claims.<sup>14</sup> Nonetheless, there is some convincing evidence that suggests House Jeffersonians coordinated their floor action – as, for example, when Federalist members introduced floor resolutions only for them to be rejected without any objections being raised by Jeffersonians against them.<sup>15</sup>

Much the same is true of Stevenson. Notwithstanding the factional nature of national politics in the mid-1820s, Stevenson became a key supporter of van Buren’s party building project and a strong adherent of party government. Nielsen’s cluster bloc analysis of roll call voting in the 19<sup>th</sup> House, the last in which Stevenson recorded his votes, shows Stevenson as part of the Jacksonian opposition (1968: 244) although his party support score in this House was middling. Once Jacksonians won a majority in the House, he remained politically close to van Buren, who had become a senator and with whom he shared a “mess”. As Jacksonians’ effective congressional

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<sup>13</sup> Underlining his political importance to his party and the president, after Jefferson was inaugurated, Macon was given control over federal patronage in his state and in that capacity recommended only Republicans for presidential preference (Dodd 1902: 671; 1903: 169-70, 182; 1903: 169-70). Such was his status in the Jeffersonian party that he also became a prominent member of the first ever executive committee of his party’s presidential nominating caucus, considered as the national Republicans’ central committee in the 1804 presidential elections (Cunningham 1963: 104-5, 108).

<sup>14</sup> Jeffersonians certainly organised formal party caucuses to nominate the party’s presidential and vice presidential candidates in the early nineteenth century (Cunningham 1957: 256-57; 1963: 101-24).

<sup>15</sup> Thus, barely a month into the 7<sup>th</sup> House, John Rutledge (F-SC) expressed consternation on the House floor that majority Jeffersonians led by Randolph offered no explanation as to why they rejected a resolution offered by another Federalist member requesting the Treasury to account for expenses incurred in collecting internal revenues. “[N]ot a voice was raised against it”, which “made us expect a unanimous vote. Instead, he supposed it was rejected “in consequence ... of some outdoor arrangement ... by this silent majority ... it seems our constituents are not to be treated with this heretofore common civility”. In a similar vein, Federalist also complained that several motions to instruct the Ways and Means Committee “to inquire into the expediency of reducing [certain] duties ... had been similarly repelled”. The resolution was lost on a straight party vote (*Annals*. 7<sup>th</sup> House. 25 January 1802: 455, 456).

leader, van Buren orchestrated Stevenson's election to the speakership in 1827. Once Jackson was elected to the White House, the president assumed responsibility for Stevenson's re-election to the speakership and with van Buren (as Jackson's secretary of state), James Polk (J-TN), McDuffie and others providing legislative leadership in the House, albeit under Jackson's firm direction (Fuller 1909: 61-62; Jenkins 2011: 688; Niven 1983: 325; Remini 1981: 230, 251-55, 259, 263, 265; Silbey 2002: 73-76). Indeed, the congressional correspondence of Stevenson and van Buren shows extensive communications among these principals who frequently met with one another socially and politically. There seems little doubt that Stevenson was effectively part of the Jacksonian leadership whose primary task was to channelling and enacting Jackson's policy preferences.

### **Speakers as Partisan Distributors of Committee Assignments**

*Ceteris paribus* we should also expect speakers who were members of the majority party, usually elected in highly partisan contests, and allied to their party's leadership in the House and to the president, if of the same party, to use their prerogative to stack standing and select committees to advantage their party. In the absence of norms that upheld House members' property rights and their seniority on committees, we should also expect speakers to change committee membership rosters from time to time and even within a House session.

Except where bills or resolutions originated from within the House or Senate or his proposed action was interdicted by a member's floor motion, early nineteenth century speakers were authorised to refer petitions, memorials, messages, and other resolutions to an appropriate standing committee or select committee (Cooper 1970: fn. 49 at 140). However, committees and individual House members required specific authorisation by the House to write a bill and report it to the House. Lingering Republican suspicions of committees and parties (3-40) also required any policy issue to be debated first and general principles agreed in the Committee of the Whole (chaired by a member appointed by the speaker) before any motion could be considered to refer a matter to a standing or select committee,<sup>16</sup> whose members were supposed to be favourably

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<sup>16</sup> So, when a Kentucky Jeffersonian offered a motion in the early weeks of the 7<sup>th</sup> House that Speaker Macon appoint a committee to inquire into the expediency of repealing duties and distilled spirits and refined sugars, on the grounds that the House could accomplish directly what could be achieved circuitously in a Committee of the Whole, members resisted. On Macon's suggestion, a motion was offered for the chamber to go into the Committee of the Whole. Once

predisposed to a measure's principles (11, 13-14, 26-27; fn. 48 at 140).

As House membership and workload increased and the attractiveness of a majority party being able to give the chamber greater direction (in order to deliver policies to their voters) increased over time (16-17),<sup>17</sup> especially under the Federalist speakers (Alexander 1908: 66; *Annals*. 2<sup>nd</sup> House, 8 December 1791: 241, reverence for the Committee of the Whole as *the* major arena in which House legislation should be considered declined. Within the context of a decidedly loose division of labour between the Committee of the Whole and committees (Cooper 1970: 13-17; 25), standing and select committees implicitly acquired gatekeeping powers as important vehicles both for shaping legislation not regarded by members as more appropriately considered exclusively in a Committee of the Whole as well as vital arenas for gathering significant political and policy information. Inevitably, on major issues that divided the parties, they also became important arenas in which inter-party policy battles occurred (Cooper 1970: 9, 15-16; Risjord 1962: 637; Canon and Stewart 2001: 180-81), notably over those raised by the president in his messages to the Congress (Canon and Stewart 2001: 170; Cunningham 1978: 214). Under Sedgwick particularly, Federalists actually “favoured legislative initiative only through standing or select committees” (Alexander 1970: 260), which likely explains why their ardent speaker stacked committees to favour his party.<sup>18</sup>

### *Macon*

Jefferson was determined to lead the Congress. Despite devoting considerable effort to identifying partisan spokespersons and leaders in the House (Cunningham 1963: 73; 1978: 188-207; Jefferson 1806 quoted in Cunningham 1978: 189), there is no evidence to suggest that either Jefferson or other House leaders saw Macon in this role (see also Cooper 1970: 47) and no

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adopted, the Kentuckian's motion was agreed and reported to the House, at which point the speaker appointed a committee (*Annals* 31 December 1801: 354-55).

<sup>17</sup> Since a motion to refer a resolution to a Committee of the Whole might never taken up or that committee might postpone consideration, the procedure could also serve as an effective means of killing a proposal.

<sup>18</sup> Although Dayton's standing committee assignments generally reflected party ratios (Risjord 1992: 647), his assignments to Ways and Means –the most important standing committee - egregiously favoured his party. In the first session of the 4<sup>th</sup> House, he augmented a 9:5 Federalist advantage by including the *de facto* Federalist leader Sedgwick amongst its members, and in the second and third sessions of the 5<sup>th</sup> House gave his party 10:6 and 6:3 advantages. After the first session of the 4<sup>th</sup> House, Dayton's appointments to Commerce and Manufactures also heavily advantaged his Federalist party. Both Ways and Means and Commerce and Manufactures were committees whose decisions were crucial to advancing the Federalists' policy agenda (Risjord 1962: 545-47). Dayton's appointments to select committees that handled the most important legislation were also dominated by Federalists (Risjord 1992: 642-44, 647, 649). Sedgwick's committee appointments were even more partisan than Dayton's. On one occasion, when he deemed a Federalist chair lazy, he replaced him (Risjord 1992: 648-49).

evidence that the newly elected president sought to influence the outcome of the 1801 speakership election (Cunningham 1978: 276).<sup>19</sup> Notwithstanding traditional Republican concerns for maintaining the Congress' autonomy, House Jeffersonians were willing to be led by the president in order to achieve enactment of their party programme, which included great scrutiny of the executive (Cunningham 1963: 90, 92), made important changes to the organisation of committees.

In keeping with their concern for greater economy in the federal government, one of their first acts was to expand significantly the jurisdiction of the Ways and Means Committee to include regular scrutiny of appropriations laws and all executive departments.<sup>20</sup> Two years later, they made the Committee of Accounts a standing committee and created a standing Committee on the Public Lands. At the same time that they extended the standing committees, over the course of several Houses they made extensive use made of select committees, which often rivalled standing committees for legislative influence (Cooper 1970: 13; Risjord 1992: 633; Skladony 1985).<sup>21</sup> Subjects in Jefferson's successive messages to Congress were parcelled out to various standing and select committees for consideration and possible legislation (Cooper 1970: 14; *Annals*. 7<sup>th</sup> House. 17 December 1802: 279-81; 18 October 1803: 373-74). Following an extensive review of committee activities in the 7<sup>th</sup> through 10<sup>th</sup> Houses, Cunningham concludes "committee systems functioned effectively in both the Senate and House ... [with] much evidence that the real work of Congress was done in committees" (1978: 214-21, 276).<sup>22</sup> By the time Macon relinquished the speakership, 44% of all legislation was referred to select committees, 9% to what they call "semi-standing committees" (like Post Office and Roads), and 47% to standing committees (Gamm and

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<sup>19</sup> Those sought for this role included Randolph, Bidwell, Joseph Nicholson (R-MD), Giles, and Caesar Rodney (R-DE).

<sup>20</sup> The House also authorised the committee to report recommendations from time to time on "the economy of departments, and the accountability of their officers" (*Annals*, House, 7 January 1802: 412) as well as "bills, or otherwise, *on all such matters, as shall, from time to time, be referred to them by the House* [my emphasis]" (*Annals*, House, 13 January 1802: 420).

<sup>21</sup> In the 7<sup>th</sup> House, 127 select committees were created, 147 in the 8<sup>th</sup>, and 139 in the 9<sup>th</sup> (Canon, Nelson, and Stewart 2002) – the vast majority of which performed legislative functions, often on major legislation. While very few bill-specific committees exerted gate-keeping power over their subject by refusing to report back to the floor, about one-fifth of select committees did so.

<sup>22</sup> Harlow insisted (1917: 213), however, that committees remained merely "fingers of the House, and nothing more, convenient organs for putting business in shape for consideration by the Committee of the Whole".

Shepsle 1989: 47). Committee influence was also evident in the appearance of several turf battles over which committee should have jurisdiction over a particular Jeffersonian measure.<sup>23</sup>

While we do not know the extent to which Macon was personally involved in his party's efforts to strengthen the House's committee system, he followed the practice of his Federalist predecessors favouring his party in making his committee appointments. While paying attention to House members' experience and geographic representation, especially those states with the largest Jeffersonian contingents,<sup>24</sup> his assignments heavily favoured his party. Throughout his three terms as speaker, Macon appointed Jeffersonian majorities to every standing committee and to between 82 and 100% of "legislative" select committees, and appointed Jeffersonian chairs to all the standing committees except Claims and Revisal and Unfinished Business that dealt with routine rather than policy matters (Table 1).

**Table 1. Party Strength and Standing Committee Assignments in the Jeffersonian Houses during Macon's Speakership, 1801-07**

	% House seats held by Jeffersonian Republicans	Standing Committees				Select Committees		
		N	% with Jeffersonian majorities	% Jeffersonians on Ways and Means	% with Jeffersonian chairs	N *	% with Jeffersonian majorities	% with Jeffersonian chairs
7th	64%	5	100%	56%	60%	73	82%	64%
8th	73%	6	100%	64% *	67%	75	96%	88%
9th	80%	7	100%	71%	71%	73	100%	88%

Source: Canon, Nelson and Stewart (2002). Data are for the first sessions.

\* Data only from "legislative" select committees i.e. whose titles indicated responsibility for producing or amending a public law or seeking information from the executive e.g. "to bring in a bill to reduce the military establishment" or amendments to the Acts establishing ...". The exact percentages were 57% for the 7<sup>th</sup>, 51% for the 8<sup>th</sup> and 53% for the 9<sup>th</sup>.

Still, many of his appointments were highly personal, often reflecting his old school Republican preferences. While favouring his party, his assignments did not overrepresent Jeffersonians on the standing committees; indeed, his assignments to several committees, including the important Ways and Means Committee, underrepresented his party. He also denied appointments to those

<sup>23</sup> Thus, when Samuel Smith (R-MD), chair of Commerce and Manufactures, moved that his committee be directed to consider legislation levying import duties in December 1801, leading Ways and Means Committee members voiced objections (*Annals*, 7<sup>th</sup> House, 11 December 1801: 317-18).

<sup>24</sup> Of the 33 House members that Macon appointed to the 5 standing committees at the beginning of the 7<sup>th</sup> House, 23 had previously served in the House, 21 of whom had served in the 6<sup>th</sup> House. Only eight, however, had been members of their committees in the previous House.

who were not part of his individual coalition, a sanction that was very easy to impose since there only about over 30 standing committee slots available to members of both parties. Thus, Macon denied a committee assignment to Jefferson's *protégé* and putative floor leader and spokesperson, Barnabas Bidwell (R-MA).<sup>25</sup>

At the same time, Macon appointed trusted allies to the chairs of key committees and expected them to work with the president (Cooper 1970: 42)<sup>26</sup> to shape the majority party legislative programme in committee. Most controversially, he overlooked more established Jeffersonian leaders, including those favoured by Jefferson, and ignored party and presidential misgivings (Anderson 1914: 82, 85; Cunningham 1963: 73-74) to appoint John Randolph (R-VA) to the chair of Ways and Means. Only in his second term in the House, the fiery and erratic Randolph was a close friend of Macon's and another apostle of "pure Republicanism".<sup>27</sup> By this appointment, Randolph would effectively become his party's floor leader and ostensibly, according to the practice at that time, the president's floor leader.<sup>28</sup> Macon also appointed another friend, Joseph Nicholson (R-MD), to the same committee. Both Randolph and Nicholson shared a "mess" with Macon (Barry 1996: 78) and were principals in the political coalition that got him elected to the chair. Macon also appointed Randolph to six select committees in the 7<sup>th</sup> House and ten in each of the 8<sup>th</sup> and 9<sup>th</sup> Houses; and Nicholson to 11 select committees in each of the 7<sup>th</sup> and 8<sup>th</sup> Houses. Other close friends were appointed to other standing and select committees,<sup>29</sup> many of which were charged with considering Jeffersonians' high priority issues, including repealing

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<sup>25</sup> Bidwell complained to Jefferson: "In every legislature, the introduction, progress & conclusion of business depend much upon committees; and, in the House of Representatives of the U.S, more than in any other legislative body within my knowledge, the business referred to Committees, & reported on by them, is, by usage and common consent, controlled by their chairman. As the Speaker ... has the appointment of Committees, he has it in his power to place whom he pleases in the foreground, and whom he pleases, in the back-ground, and thus, in some measure, affect their agency in the transactions of the House" (1806).

<sup>26</sup> Presidential influence on committee products was sometimes decisive. Thus, Macon appointed Nicholson to chair a select committee to consider measures to defend and make secure US ports and harbours against hostile action by the British navy. Nicholson wrote to inform Jefferson that he had "laid before the Committee a short sketch of the several provisions contained in the bill which you sent me" and added that he also needed further precise information as to how many gun boats the president wanted (1804). Ten days later, Nicholson's committee - stacked 5-2 with Jeffersonians by Macon - reported a bill to the House, which was then recommitted, and then reported again in amended form.

<sup>27</sup> Although Randolph's first dimension DW-NOMINATE score in the 6<sup>th</sup> House was very close to the House median and to the left of the Jacksonian median, he was the only member of the 6<sup>th</sup> House with a DW-NOMNATE score more extreme than Macon's on the second dimension.

<sup>28</sup> In the first session of the 7<sup>th</sup> House, however, William B. Giles of Virginia, dubbed by one colleague as the "premier or prime minister of the day", was effectively Jefferson's spokesperson and leader. When Giles' retired from the House together with two other possible contenders, Randolph became the House Jeffersonians' "unchallenged leader" until 1806, when he broke with Jefferson (Cunningham (1963: 74-76).

<sup>29</sup> In the 7<sup>th</sup> and 8<sup>th</sup> Houses, Macon limited his selection of chairs to a small group of Jeffersonians (just six to the chairs of about half the "legislative" select committees), less so in the 9<sup>th</sup> (just four to one-third in the 9<sup>th</sup> House).

the Federalists' 1801 Judiciary Act (chaired by Nicholson and then William Giles, R-VA, both "mess" mates and close ideological allies of Macon),<sup>30</sup> and a Committee of Investigation, which sat for the entire first session of the 7<sup>th</sup> House chaired by Nicholson with a clear remit to expose "extravagance" by executive departments in the previous Adams administration.

Clearly, Macon's distribution of committee and chair assignments was far more than clerical; it was overtly partisan and personal, with likely consequences for the conduct of House legislation.

### *Stevenson*

Following the huge expansion and elaboration of the House's standing committee system during Clay's speakership, by the beginning of the 20<sup>th</sup> House in 1827 Stevenson had the opportunities to make assignments to 26 standing committees and 23 select committees (Canon, Nelson and Stewart 2002).<sup>31</sup> By this time, standing committees had become much more important to House organisation and operation while legislation referred to select committees had declined to less than 10% (Gamm and Shepsle 1989: 51; see also Cooper and Young 1989: 71; Jenkins 1998; Skladony 1985 Tables 5 and 7). Although floor debate was still possible when a measure was introduced, the vast majority of legislation was referred to standing committees, which now had their own rooms with rights to convene hearings, call witnesses, conduct investigations, and write supplementary or minority reports (*Register of Debates*. 15 May 1828: 2714, 2718). At the same time, House concerns over arbitrary or autonomous committee or chair behaviour had dissipated (Cooper 1970: 61) and committees had become much more differentiated in terms of attractiveness.<sup>32</sup>

Still, when Stevenson held the speakership, committees did not have the exclusive right to report bills or the automatic right to report them at any time.<sup>33</sup> Indeed, a standing committee could not

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<sup>30</sup> While Giles' first and second dimension scores for the 7<sup>th</sup> House were almost identical to Macon's for the 6<sup>th</sup> House, the three other committee Jeffersonians were located very close to the House means. While the three Federalists appointed to the committee were spatially distinct from the Republicans on the first dimension (respective means of -.004 and .715), their respective means on the second dimension were fairly close.

<sup>31</sup> Whereas in the 9<sup>th</sup> House, Macon's last as speaker, there were 41 standing committee slots and 389 on "legislative" select committees (see footnote to Table 1 for definition), by the 20<sup>th</sup> House (Stevenson's first as speaker), there were 161 standing committees slots and just 154 on select committees (Canon, Nelson and Stewart 2002: vol. 4).

<sup>32</sup> Jenkins and Stewart identify 10 standing committees as the most desirable: Claims, Commerce, Foreign Affairs, Indian Affairs, Judiciary, Military Affairs, Naval Affairs, Public Lands, Territories, and Ways and Means (2013: 33).

<sup>33</sup> Thus, when Ichabod Bartlett (Adams-NH) introduced a resolution to requiring bill to be introduced only "upon the report of a Committee" it was tabled without further consideration (*Register of Debates*. 20<sup>th</sup> House. 18 December 1827: 823-27).



necessarily retain or control a measure once it had been referred. On the floor, committee chairs needed a two-thirds affirmative vote – rather than a simple majority - to change the order of business to discuss their bill (special orders), thereby giving the minority a more powerful instrument to obstruct. Indeed, early on in the 20<sup>th</sup> House Ichabod Bartlett (Adams-NH) won chamber approval (without a roll call vote) requiring a supermajority to postpone or change the order of business (*House Journal*. 24 April 1828: 621, 634). The rule change effectively strengthened the minority's power for another 20 years. Other serious actual or potential problems might also hamper the discussion of committee business,<sup>34</sup> and committee recommendations might also be subjected to floor motions to reconsider, to discharge or recommit a measure (Cooper and Young 1989: 71-73; Mayo 1937: 427-29, 447; Young 1966: 131-34).<sup>35</sup>

Although speaker candidates' promises of favourable committee assignments remained part of the currency of speakership elections, more significantly, Clay's speakership had further paved the way for future powerful speakers to use their appointment power to configure committees friendly to the majority party's legislative programme, albeit still relatively unhindered by formal party accountability structures and mechanisms, cultivate essential communications channels with committee allies, exercise influence and shape committee products to majority party and/or presidential preferences (Cooper 1970: 47-49, 62, 64-65; Fritz 1977: 36-37; Strahan, Moscardelli, Haspel, and Wike 2000: 569-85).

Indeed, as in the century's first decade, congressional society in the late 1820s was highly partisan with few issues on the House's legislative agenda that were not associated with party differences (Nielsen 1968: 275; 312, 325-27). Following their victories in the 1826 House elections, House Jacksonians were determined to thwart the Adams administration's limited

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<sup>34</sup> There included the near impossibility of reaching petitions that had been adversely reported by standing committees, the lack of time for introducing resolutions and making committee reports, the unwieldiness of the orders of the day system for reaching bills members wished to consider, and the general congestion of the business and ineffectiveness of the House (Cooper and Young 1989: 71-73).

<sup>35</sup> Once, however, a measure favoured by the majority reached the floor, Stevenson was able to take advantage of the procedural precedents set by Clay and, indeed, expand and elaborate them. Thus, while Clay allowed the majority to close debate by requiring an immediate vote on the main question (Binder 1997: 29, 43-67; Hinds 1907; V, 5446), in 1830 Stevenson went further and ruled that if the previous question was ordered after the Committee of the Whole had reported a bill with an amendment striking out the enacting clause, it too had the effect of cutting off the amendment (*Journal*. 21<sup>st</sup> Congress, 1<sup>st</sup>: 987; Hinds 1907; V, 5447). Similarly, in 1828 Stevenson limited further the minority's power to make a motion to recommit when he strengthened Clay's 1811 ruling, which limited the right to "the same or the succeeding day", by restricting the right to the hour on those days devoted to the presentation of motions (*Journal*, 20<sup>th</sup> House: 1041). The right was subsequently amended to allow such a motion to take precedence over any other questions, except a motion to adjourn on either day (Alexander 1916: 281).

legislative programme. To this end, there was every expectation that the new Jacksonian speaker - a forceful exponent of party government with serious expectations of gaining a cabinet post in a future Jackson administration (Gooch 1835; Stevenson 1829) – would distribute his committee appointments in as partisan a manner as his Adams predecessor, John Taylor (A-NY), Clay’s *protégé* (Jenkins and Stewart. 2002: 221-23). At the beginning of the 20<sup>th</sup> House, there were strong suggestions by Adams that Stevenson even received “assistance” in making his assignments from a Jacksonian party caucus, and after Jackson was elected, from the president himself (1875 VII: 373-74, 377). Twenty-six years earlier, Jefferson would not have dared to intervene in such manifestly congressional choices (Cunningham 1978: 276).

Like Macon, Stevenson did not assign Jacksonian majorities to *every* standing committee during his speakership, but he routinely gave his party supermajorities on the standing committees - including on the 11 most important dealing with major legislation (Table 2). Thus, while Taylor had given his party a minimal 4:3 majority on Ways and Means in the 19<sup>th</sup> House, which Stevenson maintained with a Jacksonian majority in the 20<sup>th</sup> House, by the 22<sup>nd</sup> and 23<sup>rd</sup> Houses complaints from Adams’ supporters and Anti-Jacksonians did not dissuade the Jacksonian speaker increasing his party’s advantage, respectively, to 6:1 and 7:2.<sup>36</sup> Indeed, even when Jacksonians’ majority was reduced in the 1830 elections, at the beginning of the 22<sup>nd</sup> House Stevenson was not deterred from bolstering his party’s advantage on the Public Lands and War Claims committees.

Stevenson’s appointment of standing committee chairs shows a similar partisan progression. While not excluding Adams men or anti-Jacksonians from standing committee chairs, at the same time he ensured those committees had solid party majorities, particularly if they were important to his and Jackson’s legislative agenda (Table 2). So, at the beginning of the 20<sup>th</sup> House with Adams half way through his presidential term, Stevenson reappointed the protectionist Rollin Mallery (Adams-VT) to the chair of Manufactures, but in anticipation of southern Jacksonians (including Stevenson) wishing to pass anti tariff legislation – and to fulfil promises he made to Adams’ supporters in his election to the speakership in 1827 (Adams 1875 VII: 369. See also Ambler 1913: 113) – he stacked the committee with Jacksonian and pro-tariff members (Taussig 1910: 79). At the beginning of the 22<sup>nd</sup> House (1831), with tariff legislation still prominent on

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<sup>36</sup> Stevenson’s select committee assignments followed a similar pattern so that by the 22<sup>nd</sup> House, 20 of the 31 select committees had Jacksonian majorities whereas only 8 of the 23 select committees in the 20<sup>th</sup> House had majorities (Canon, Nelson and Stewart 2002: Vol. 4).

Jacksonians' agenda, Stevenson employed the same strategy. Needing to find a prominent chair for John Adams who had been elected to the House, he appointed him to the Manufactures chair in order to avoid having to appoint him to Foreign Affairs, from where the former president would likely orchestrate unwanted and informed opposition to the Jackson administration. Again, however, Stevenson retained a 5:2 Jacksonian majority on the committee.

**Table 2. Patterns of Jacksonian Dominance on House Standing Committees, December 1827-June 1834**

House	% standing committees with Jacksonian majority	% major standing committees with Jacksonian majority	% standing committees with Jacksonian chairs	% major standing committees with Jacksonian chairs	Jacksonian majority in House	Split Party Government
20 <sup>th</sup> /1 <sup>st</sup>	81%	100%	54%	55%	53%	Yes
20 <sup>th</sup> /2 <sup>nd</sup>	69%	82%	65%	64%	53%	Yes
21 <sup>st</sup> /1 <sup>st</sup>	77%	91%	58%	73%	63%	No
21 <sup>st</sup> /2 <sup>nd</sup>	77%	91%	65%	73%	64%	No
22 <sup>nd</sup> /1 <sup>st</sup>	79%	91%	64%	55%	58%	No
22 <sup>nd</sup> /2 <sup>nd</sup>	79%	91%	71%	73%	59%	No
23 <sup>rd</sup> /1 <sup>st</sup>	71%	82%	61%	64%	59%	No
Mean	76%	90%	63%	65%	58%	

*Sources:* Committee assignment data from Jenkins and Stewart (2013). House majority data derived from party affiliations on first vote in session at <https://www.govtrack.us/congress/votes/>

*Notes:* All data refer to the beginning of a House session, and exclude those for select committees.

There were 26 committees in the 20<sup>th</sup> and 21<sup>st</sup> Houses; 28 in the 22<sup>nd</sup> and 23<sup>rd</sup>. The total membership of the House increased from 212 to 240 at the beginning of the 23<sup>rd</sup> House (1833).

Jenkins and Stewart (2013: 33) identify 11 major committees during this period, *viz.* Claims, Commerce, Foreign Affairs, Indian Affairs, Judiciary, Military Affairs, Naval Affairs, Public Lands, Territories, and Ways and Means.

At a time when prior service on a standing committee offered little protection against removal or reliable prospects of promotion to the chair, and formal party structures through which party accountability might be exercised was limited (Cooper 1970: 68), Stevenson manipulated assignments to a much greater extent than Macon to favour his party's and Jackson's policy goals, which he shared. Thus, although he retained two Adams supporters as the chairs of Foreign Affairs and Indian Affairs in the 20<sup>th</sup> House, once Jackson was elected and Jacksonians increased their House majority to 79 in the 21<sup>st</sup> House, in anticipation of the House considering Jackson's legislative priorities, Stevenson replaced these chairs with Jacksonians. In anticipation of Indian Affairs being responsible for handling Jackson's highly controversial legislation to "cleanse" Native Americans from Georgia, on Jackson's personal advice (Cole 1993: 71; Remini 1981: 259), Stevenson appointed John Bell (J-TN) - only in his second term in the House but a personal

friend of the president's and a known supporter of Native American "removals" (Parks 1950: 71) - as committee chair along with three sympathetic Southerners. Three years later, in anticipation of Bell helping Jackson (and Stevenson) pass the Force bill to enforce the tariff law in South Carolina following that state approving a Nullification Ordinance (Duke 1972: 38-39), Stevenson moved him to the Judiciary chair, in the process leapfrogging three other Jacksonians with longer committee service. In a similar series of manoeuvres, Stevenson also appointed a succession of chairs to Ways and Means: first, the anti-tariff George McDuffie (Jacksonian-SC) at the beginning of the 20<sup>th</sup> House; second, **Gulian** Verplanck (Jacksonian-NY) after McDuffie became a leading supporter of the Bank of the United States (vehemently opposed by Jackson) and then a Nullifier; and third, James Polk (J-TN), another friend of Jackson's and an ardent opponent of the Bank, after Verplanck was deprived of his party's nomination after having written a committee report declaring the US Bank sound and opposing Jackson's plans to dismantle it and remove federal funds to state banks.

Although less important than during Macon's speakership, Stevenson's select committee assignments were also heavily partisan, especially when considering legislation favoured by Jacksonians or Jackson or procedural issues in the House.<sup>37</sup>

The pattern of Stevenson's appointments then was not only highly partisan but in many cases specifically designed to satisfy the demands of the White House. It is hardly surprising then that Alexander echoed contemporary charges by Whigs and other Anti-Jacksonians that Stevenson "acted as a sort of patronage secretary to President Jackson" (1916: 71, 76).

How then did these partisan patterns of committee appointments impact the shape of House legislation during the speakerships of Macon and Stevenson?

### **The Impact of Partisan Committee Assignments on House legislation**

Assessing the impact of Macon and Stevenson's committee assignments on House legislation is highly problematic and necessarily abjures systematic analysis. For, any reliable answer would

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<sup>37</sup> Select committees in the 20<sup>th</sup> House concerned with the US Mint, federal retrenchment, the militia and changes to House rules and orders were given solid Jacksonian majorities whereas those concerned with apportionment, election of the president and vice president, establishing assay offices in the South, public buildings and internal improvements, the US Bank, House rules and orders, fraud in the Native American removal programme were given solid majorities in the 22<sup>nd</sup> House (Canon, Nelson and Stewart 2002: Vol. 4).

require us to separate actual committee and floor outcomes from other possible outcomes, as well as the influence of these speakers' assignment patterns from other influences, including the size and cohesion of committee and floor majorities. A few case studies must suffice.

### *Macon*

In his role as *de facto* floor leader at the beginning of the 7<sup>th</sup> House, Randolph proposed a series of resolutions on the floor instructing his Ways and Means committee to consider Jeffersonians' legislative agenda, including reducing duties, internal taxes, and expenditures, including reducing the US's military establishment (*Annals*. 7<sup>th</sup> House. Various dates in 1801: 354, 356, 419, 461). All were approved with overwhelming support from House Jeffersonians (including Randolph on most votes) or without divisions. Resolutions offered by Federalists were voted down, again with Randolph's support (419, 431, 447, 461). Until Randolph's break with Jefferson in 1806, similar resolutions offered by Macon's ideological "mess" mate to consider subjects other subjects contained within Jefferson's messages to Congress were also generally approved. "Many of the party dislike him – and on trifling measures they quarrel with him", observed Federalist Senator William Plumer (F-NH), "but on all measures that are really important to the party they unite with him" (1804: 123). Plumer's observation is borne out by Randolph's party support scores: 96.6% in the 7<sup>th</sup> House, the fifth highest of 68 House Republicans (compared with scores of 90% for Giles, 82.1% for Nicholson, and just 75.6% for Varnum), the sixteenth highest at 90% in the 8<sup>th</sup> House (out of a population of 108) (compared with 87.7% for Nicholson and 66.3% for Varnum).

Informally, Randolph was Jefferson's floor leader but, contrary to Harlow's assertion that during Jefferson's presidency "[floor leaders] were presidential agents, appointed by the executive, and dismissed at his pleasure" (1917: 177), Randolph was only Jefferson's agent so long as he wished to be and the speaker tolerated him. Much more significant was Randolph's accountability to his party in the House. In the context of a loose form of party government with Macon and Randolph providing leadership, Macon's appointment of Randolph satisfied House Jeffersonians only to the extent that he (and Macon) continued to support their president.

Over several months beginning in early 1806, however, Randolph surrendered that role. In his 1805 message to the congress, Jefferson recommended suspending commercial relations with Britain. When the provocative and censorious Randolph absented himself, House Jeffersonians discharged Randolph's committee from considering a resolution to enact the president's

recommendation (*Annals*. 9<sup>th</sup> House. 29 January 1806: 410-14). A northern Jeffersonian loyalist then offered the appropriate resolution, which the House agreed to consider *in lieu* and then passed with the support of 97% of voting Republicans – but only after Macon, influenced by Randolph (Dodd 1903: 203), made a lengthy speech in the Committee of the Whole opposing the proposed action (*Annals*. 9<sup>th</sup> House. 5 March 1806: 686). Subsequently, Randolph repeatedly refused to report appropriations bills and other measures requested by the administration and eventually broke with Jefferson in 1806 – obliging Jefferson to rely on northern Jeffersonians – Macon’s opponents - to advance his recommendations in the House and causing Randolph’s party support score to drop to the ninth lowest in his party.<sup>38</sup>

Ultimately, House Jeffersonians held Randolph (and Macon) responsible to their party. As an “old school” Republican who was never an unqualified supporter of Jefferson (e.g. Dodd 1902; 1903; Price 2004: 12; Wilson 1900: 4-10; *Annals*. 7<sup>th</sup> House. 17 April 1802: 1198), Macon relentlessly tolerated and supported Randolph, even after the Ways and Means chair had split with Jefferson. In a party less influenced than previously by the ideological debates over the Constitution, less concerned with states’ rights (especially Southern rights), more politically pragmatic, and less Southern,<sup>39</sup> Macon had consistently attracted opposition. In the 1803 speakership election, Varnum - a more dependable Jefferson supporter - received 30 votes to Macon’s 76. In 1805, the same opponent attracted 23 votes and Macon was only re-elected on the third ballot. Randolph’s behaviour now directly threatened Macon’s position

Having blundered through his party’s humiliatingly unsuccessful prosecution of Supreme Court Samuel Chase in the Senate (Dodd 1903: 194-95, 204) and then overtly obstructing House Jeffersonians’ ability to pass legislation, House Republicans feared that Macon would reappoint. Accordingly, in the first of a number of rare challenges to the speaker’s prerogative (Hinds 1909: Vol. IV, 889), on the last day of the first session of the 9<sup>th</sup> House, James Sloan (R-NJ) offered a motion to deprive Macon of his right to name committees and their chairs (*Annals*. 9<sup>th</sup> House. 21 April 1806: 1107-15). Sloan did not seek House action at that time but on the first day of the

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<sup>38</sup> Thus, when Randolph refused to report a bill to appropriate \$2 million requested by Jefferson to purchase Florida in January 1806, the president turned to Varnum, Macon’s primary opponent in the 1803, 1805 and 1807 speakership elections, to bring a resolution before the House, which 68% of Jeffersonians supported and 60% of southern Jeffersonians, including Randolph, opposed.

<sup>39</sup> Whereas 43% of House Jeffersonians represented southern states in the 7<sup>th</sup> House, by the 10<sup>th</sup> House southerners constituted 38% of the party. Although southern and north Jeffersonians were ideologically close to one another on the DW-NOMINATE first dimension (-.045 and -.023), unsurprisingly, they differed sharply on the second dimension (-.345 and .418). Meanwhile, Jeffersonians from the Border States were nearest to Federalists on both dimensions.

second session, an influential Jeffersonian from Macon's state moved the same motion, which failed by just two votes (*Annals*. 9<sup>th</sup> House. 1 December 1806: 110-11). Macon, however, was defiant and through a circuitous route not only reappointed Randolph but bolstered southern support on the committee to ensure that he was re-elected chair. Randolph continued his attacks on Jefferson's policies - apparently with Macon's support (Dodd 1903: 209). At the beginning of the 10<sup>th</sup> House (October 1807), Macon did not even offer himself as a candidate for the speakership, and took some time to appear in the House. Varnum was elected speaker on the first ballot receiving 60% of the votes for Jeffersonian candidates. Unsurprisingly, the new speaker did not reappoint Randolph or any other member who had served in the previous House to Ways and Means and made extensive changes to other committee rosters. The majority party had reasserted its control over the speakership and the speaker's capacity to configure committee rosters and influence the shape of legislation reported to the floor.<sup>40</sup>

Apart from Randolph's appointment, a couple of other cases demonstrate the impact of Macon's committee assignments on House decisions: one concerned Jeffersonian efforts to revise import duties and the other to repeal the Federalists' highly controversial 1801 Judiciary Act.

The convoluted route by which Jeffersonians sought to revise import duties began with Samuel Smith (R-MD) offering a motion to give consideration of legislation to revise import duties to the Commerce and Manufactures, to which he had been reappointed chair by Macon at the beginning of the 7<sup>th</sup> House. With Randolph absent, the Federalist chair of Ways and Means in the previous House protested on the grounds that the subject was essentially a revenue issue. Smith countered, "it was usual and necessary for the subject to be discussed by commercial men [sic], of whom alone the Committee of Commerce and Manufactures was composed". Although Macon ruled in Smith's favour on procedural grounds and the legislation was referred to Commerce and Manufactures (*Annals*, 7<sup>th</sup> House, First Session 11 December 1801: 317-18), which after being bombarded with petitions from manufacturing and commercial interests recommended protectionist measures (US Congress. House of Representatives. 1803a: 29-30). On the House floor, the legislation was refused consideration. By the beginning of the 8<sup>th</sup> House, however, Smith had been elected to the Senate. Macon replaced him with Samuel Mitchill (R-NY), who wrote a new committee report much more reticent about extending protection (US Congress.

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<sup>40</sup> Indeed, such was the strength of Jeffersonians' allegiance to their party and Jefferson that the 20 or so House Jeffersonians who voiced support for Randolph risked not being pre-nominated by their party or not being re-elected. Even Randolph's own re-election was threatened in 1806 and 1808 (Cunningham 1963: 230-31).

House of Representatives. 1803b: 58-59) but evidently not sufficiently so for Macon and Randolph. On the House floor, the House discharged Commerce and Manufactures from further consideration without any debate reported, and referred the committee's report - with authority to introduce a bill - to Randolph's Ways and Means Committee (*Annals*, 8<sup>th</sup> House. 2 March 1804: 1086-87). That committee then reported a bill containing little or no protective measures, which was then passed in amended form with 81% of voting Jeffersonians in support and 90% of voting Federalists in opposition (*Annals*, 8<sup>th</sup> House. 21 March 1804: 1204-5). While we have no direct evidence of Macon's influence or him combining with Randolph to effect this legislative outcome, it seems highly likely that these two Jeffersonian leaders connived to produce the result that would comport with their ideological preferences.

A second example concerning Jeffersonians' efforts to repeal the 1801 Judiciary Act, which represented one of the party's top legislative priorities, also shows the impact of the speaker's committee appointment power and the effects of his direct intervention on the House floor. In anticipation of his party's efforts to repeal the 1801 Act, Speaker Macon appointed his friend and "mess" mate Nicholson as chair of a select committee to enquire into the judiciary at the beginning of the 7<sup>th</sup> House. Shortly after, Macon judged Nicholson's leadership of the committee to be insufficiently energetic and radical, and replaced him with another "mess" mate, Giles, as committee chair. When Giles became ill after a bill was reported to the House, Macon intervened directly to assume management of the bill on the House floor where he advanced some extreme radical Republican views, including that US senators should take instruction from their state legislatures on how to vote on this and other important issues while House members should take cognisance of their recommendations (*Annals* 8<sup>th</sup> House. 23 February 1802: 706-21). Nonetheless, the bill passed the House in amended form, supported by 87% of House Jeffersonians, including Randolph (*Annals*. 7<sup>th</sup> House. 3 March 1802: 982).

Still, while these and other examples demonstrate the influence of the speaker's committee power on the outcome of House legislation, as Jeffersonians' treatment of Randolph and Macon demonstrate, even in the absence of formal party organisation and structures that might provide mechanisms by which the majority party might constrain (or empower) the speaker, Macon's party nonetheless found effective ways in which to assert itself and ensure the speaker remained accountable to his party.

*Stevenson*



Moving forward a few decades, notwithstanding the continued existence of real limitations on committee influence on the House floor, the extension and elaboration of the committee system offered significantly greater scope for the speaker to influence its composition in such ways as to advantage further party preferences – both in opposition to President Adams in the 20<sup>th</sup> House (Hargreaves 1985: 194; *Niles Weekly Register* 1829 XXXV: 55-57) and in advancing party and presidential preferences once Jackson was elected to the White House.

Jacksonians' efforts to pass a tariff bill in the 20<sup>th</sup> House under conditions of split-party government provides a classic example of a coordinated majority party strategy that harnessed the speaker's power to make partisan committee assignments. Orchestrated by van Buren with Stevenson's assistance, Jacksonian leaders' strategy was to pass a bill that Southerners would oppose thereby damaging Adams' prospects in the 1828 presidential election. Stevenson was to execute the first stage by honouring commitments apparently made during his speakership campaign to appointed a 5:2 Jacksonian majority on the Committee on Manufacturers comprising highly malleable majority members (Remini 1958: 906) but chaired by the strong protectionist Rollin Mallary (Adams-VT), who had chaired the committee in the previous House.<sup>41</sup> Stevenson would also appoint Silas Wright (Jacksonian-NY), van Buren's "most trusted confidant", to the committee with the intention that he would provide its effective leadership (Adams 1875: VII, 397; Jenkins 1852: 53-60; Silbey 2002: 20).

Under Wright's leadership and with van Buren "calling out the Jackson members of the committee daily, and many times a day, to hold talks with them" (Remini 1958: 907-8), the committee reported out the protectionist bill Jacksonian leaders wanted, apparently satisfying diverse agricultural and manufacturing interests (Taussig 1910: 89-95) but unwanted by Mallary and other Adams supporters (*Register of Debates*. 20<sup>th</sup> House. 10 March 1828: 1894-95). On the House floor, Wright deployed a latter-day variant of a closed rule to protect the bill from hostile floor amendments, and with impressive party discipline won passage of the bill with the support of Adams and one third of northern Jacksonians, but opposed by almost all Southerners, 79% of whom were Jacksonians.

Stevenson's appointments to other committees, notably Ways and Means with jurisdiction over the administration's extensive proposals for "national" internal improvements - which constituted the bulk of the Adams' administration's domestic legislative programme - were much less

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<sup>41</sup> At that time, the Ways and Means Committee did not have jurisdiction over the tariff (Kennon and Rogers 1989: 95).

successful as Northern and Western Jacksonians frequently combined with Adams supporters to defeat Jacksonian objections (Baker 2002: 448; Larson 2001: 150). Still, Adams' congressional successes played a substantial part in alienating large parts of the South and West and helping Jackson and congressional Jacksonians to victory in the 1828 and 1829 elections.

Once Jackson was elected, he immediately began to intrude directly in congressional operations from the White House (Remini 1981: 230), co-opting Jacksonian House leaders, including Stevenson (224), and setting Jacksonians' legislative agenda. Stevenson's compliance with these arrangements, likely influenced by his desire for a cabinet post as well as shared values and a common association with van Buren (Parton 1860: 282), led to frequent accusation of being Jackson's crony.<sup>42</sup> "No Speaker, except perhaps Macon", Follett observed, "has been so distinctly the President's man as was Stevenson during Jackson's administration" (1896: 84). Indeed, the impact Stevenson's partisan committee assignments on committee and floor action are readily apparent in legislation to approve Jackson's policy of Native American "removal" and opposition to rechartering the Bank of the US.

Anticipating the need to pass legislation granting President Jackson's request for appropriations to remove the remaining Cherokees pushed out of Georgia by white settlers, at the beginning of the 21<sup>st</sup> House Stevenson had appointed a sympathetic Indian Affairs Committee chaired by John Bell – a known supporter of Native American "removals". Predictably, the committee reported a bill that essentially granted Jackson's request. Following a virulent partisan and procedural floor debate led by Bell, and responding to intense pressure from Jackson and van Buren (Fitzpatrick 1918: 293-94; Remini 1988: 66), the House narrowly approved a Senate bill along partisan lines with Southern Jacksonians voting for the measure to almost to a man but with one third of Northern and Western Jacksonians opposing. Indeed, Stevenson's committee selections were not sufficient to ensure floor passage of the Indian Affairs Committee bill as Anti-Jacksonians (and some Northern Jacksonians, especially from Ohio and Pennsylvania) tried all manner of procedural tactics to delay, Stevenson used his casting vote on three separate occasions to avert the bill's defeat by personally voting for previous question motions (*Register of Debates*. 21<sup>st</sup>

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<sup>42</sup> Nicholas Biddle, president of the Second Bank of the US, branded Stevenson as one of the "Slaves of the Executive", guilty of "subserviency and prostitution" (1834) while Harrison (1970: 184) refers to Virginia's Junto as "Jacksonian Democracy's general staff".

House. 20 May 1830: 1124.<sup>43</sup> Only when Bell switched tactics and endorsed a Senate bill with which the House was invited to concur was the legislation approved, and then only after several sessions were suspended while the Sergeant at Arms was sent out to require the attendance of missing members.

The effect of Stevenson's committee appointments on the House outcome in respect of Jackson's "war" over rechartering the Second Bank was even less. In response to a second message from the president demanding vague changes to the Bank's charter, the House approved a routine motion in December 1830 to refer the relevant part of the president's message to the Ways and Means Committee. Although Stevenson had reappointed a 5-2 Jacksonian majority to this committee, he had been obliged to retain McDuffie, who was a friend of the Bank along with many other House Jacksonians, as chair. Further, when a Jackson ally sought to circumvent Ways and Means by having the matter referred to a select committee "whose views corresponded with those of the President" and presumably appointed by Stevenson (*Register of Debates*. 21<sup>st</sup> House. 9 December 1830: 353), 42% of Jacksonians opposed thus ensuring that the motion was lost. Predictably, McDuffie's committee rejected Jackson's objections and reported a bill recommending rechartering the Bank. At which point majority Jacksonians peremptorily tabled the report without further consideration or a roll call vote (*Register of Debates*. 21<sup>st</sup> House. 9 December 1830: 350-54).

At the beginning of the 22<sup>nd</sup> House (December 1831), the Bank's supporters opted to force Jackson's hand betting that in an election year the president would be wary of offending voters and Congress members by opposing rechartering the Bank. On the House floor, McDuffie's motion to refer their memorial to Ways and Means was approved by between 75 and 80% of House Jacksonians (including about 90% from the South). Again, the Ways and Means majority with an increased Jacksonian 6:1 majority recommended rechartering. Again, Jackson's anti-Bank supporters countered with a motion to appoint a select committee to investigate the Bank (*Register of Debates*. 22<sup>nd</sup> House. 23 February 1832: 1846). Fearing that Stevenson would appoint a "packed committee" with an anti-Bank majority, the Bank's supporters proposed that the House elect the seven-member committee. The motion was narrowly defeated with over 70% of Jacksonians opposed (*Register of Debates*. 22<sup>nd</sup> House. 7 March 1832: 2042; 8 March 1832:

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<sup>43</sup> This and other interventions helped fuel growing Jacksonian opposition to Stevenson that was reflected in him receiving only the bare minimum of votes to win re-election as speaker at the beginning of the 22<sup>nd</sup> House. Jackson too feared Stevenson might not be re-elected (1831)

2087). However, on reconsideration the vote was tied. “Modesty did not afflict Stevenson” (Alexander 1916: 76), who then broke the tie to give himself the authority to appoint a select committee (*Register of Debates*. 22<sup>nd</sup> House. 13 March 1832: 2129). On Jackson’s advice (Remini 1981: 362), Stevenson then appointed the ant-Bank sponsor of the motion to appoint a select committee, as chair together with three other anti-Bank Jacksonians in addition to McDuffie and two Anti-Jacksonians. Still, once again, Stevenson’s committee appointments and rulings ultimately came to nought on the House floor as McDuffie and his pro-Bank allies turned back Jacksonian amendments to a Senate bill and approved a recharter bill over the opposition of 75% of Jacksonians.

Indeed, these two examples tell the story of Stevenson’s attempts to manipulate the legislative process fairly well.<sup>44</sup> Even when he was able to compose committees to his and Jackson’s liking and use other prerogatives in highly partisan ways intended to advantage his party and the president, in the absence of formal or informal majority party approval, which later became an essential condition of majority party government in the House, Stevenson’s subservience to Jackson produced neither the desired legislative outcomes nor escape from his own party’s censure. No amount of reinterpretations of the House rules and procedural precedents typically neither enhanced the legitimacy of his arbitrary decisions nor delivered the desired legislative outcomes. Thus, Adams – no friend of either Stevenson or Jackson – reported that at the end of the 20<sup>th</sup> House when the usual resolution thanking the speaker for his services was offered, laughter broke out (1875: VIII, 532) and that the word “impartiality” had to be removed before the resolution could pass, and even then it was only passed without a quorum (*Register of Debates*. 20<sup>th</sup> House. 24 May 1828: 2766-68; 3 March 1829: 388-90). Not since Sedgwick’s departure in 1801 had such objection to the vote of thanks been raised. When Stevenson finally resigned from the speakership in 1834, moreover, the House took a month to offer the customary vote of thanks.

## Discussion

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<sup>44</sup> With the exceptions of the House tabling a bill providing appropriations for a new national road from Buffalo to New Orleans and House efforts to override Jackson’s party-defining Maysfield Road veto (highly unpopular with many Northern and Western Jacksonians), divisions among House Jacksonians typically failed to prevent the House passing internal improvements legislation despite Stevenson appointing various committees with Jacksonian majorities. As with McDuffie on Ways and Means, the Jacksonian speaker was also obliged to appoint Joseph Hemphill (Jacksonian-PA), a well-known champion of internal improvements, as chair at the same time that many Northern and Western Jacksonians (and most Anti-Jacksonians) continued to support internal improvements legislation, which was opposed by Stevenson and often by Jackson.

Both Macon and Stevenson were both strong partisans elected to the speakership in the wake of party insurgencies, probably with the support of most of the majority party. Their speakerships demonstrate the stretching and strengthening of the office over the first three decades of the nineteenth century as the party system evolved from one based on parties-in-government to mass parties. This stretching and strengthening process occurred without major changes to the speaker's institutional prerogatives but within it – in the speakerships of Macon and Stevenson – we see glimpses of the partisan speakership that developed in the post-Civil War period. It was a gestation process periodically catalysed by various speakers besides Clay and including Macon and Stevenson, who exploited their extant institutional powers, working with other House majority party leaders and with strong presidents under conditions of unified party government who co-opted their party's majority leadership in the House (Jackson more than Jefferson) in efforts to enact their party's legislative programme (which was typically also the president's).

This process occurred, however, mainly without majority party cartels that organised the House, exercised exclusive control over who became speaker and occupied other top offices, controlled patronage, set the chamber's legislative agenda, formulated and approved legislation (Cox and McCubbins 1993; 2005; Jenkins and Stewart 2013: 3). In the absence of majority party organisations licensing their speakers to exercise power, Macon and Stevenson were relatively free to make committee selections and procedural choices that, in Macon's case were determined by his personal ideological preferences and in the case of Stevenson by obeisance to Jackson, were often not supported by the majority of their party in the House. Indeed, the incidence of these individual speakers' agency into an explanation of speakers' behaviours in the chair helps explain why the trajectory towards a partisan speakership was not linear or closely correlated with levels of House party.

Nonetheless, as the speakerships of Macon and Stevenson also demonstrate, even in the absence of a cohesive majority party and a formal party caucus, their parties held these speakers accountable for their overreaching behaviour - in so doing reinforcing the justification for terming this period of the *ante bellum* speakership as protopartisan. In Macon's case, party objections to his tolerance and support for Randolph led him not to seek re-election to the speakership in 1807. Stevenson eventually obtained the executive post he sought from Jackson and was never forced to relinquish the speakership but, if Adams' account of the 1821 result is correct, he escaped by one late vote.

But, to return to the paper's main theme, as early as the first decades of the nineteenth century - and leaving aside Clay's speakership - speakers often sought to be partisan leaders, allied with other House majority leaders and the president of their party. Even before 1809, they were more than simply impartial presiding officers and they were politically as well as parliamentary important - albeit nowhere near as great as it would become in the late nineteenth, early twentieth and twenty-first centuries.

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