Elected the Senate’s first majority leader in 1913, John Kern (D-IN) built on the two-decade-old precedent that the Democratic caucus chairman would serve as his party’s floor leader, but, as the leader of a new majority, Kern expanded and elaborated the functions of Senate floor leadership. When Joseph Robinson (D-AR) held the position in the 1920s and 1930s, he gave the institution its modern form. He organized public relations efforts and served as the chief party spokesperson; he served as the primary intermediary between his Senate party and the president and House leaders; he managed the organization of his Senate party; he managed floor activities and scheduling; and he often provided policy leadership by building coalitions for or against legislation. In short, he was the focal point for his party’s collective efforts to achieve its electoral and policy goals. Robinson did so with the full array of modern leadership management tools that had been adopted or created since 1913. In this paper, we provide an example consistent with our general theory that institutional innovation in the Senate comes at times when the parties are closely balanced, as they were when Kern assumed leadership. We examine the ways in which Kern led his caucus and the Senate in 1913-1917, the work of his successors Martin and Underwood, and the consolidation of this position with Robinson.

Paper prepared for presentation at Congress and History workshop, Vanderbilt University, May 21-23, 2015. We thank the Weidenbaum Center, Washington University, for support.
[Authors’ note: This paper is based on a draft chapter from our forthcoming monograph, *Steering the Senate*, which describes and explains the emergence of party leadership in the Senate. This paper carves out the story of the Senate Democrats in the 1913-1937 period after they began to recognize their caucus chairman as their chief party leader. During the 1913-1937 period, from the start of Majority Leader John Kern’s service to the end of Majority Leader Joe Robinson’s service, a process that involved both the innovations of leaders and the crystallization of senators’ expectations about leadership generated the modern floor leadership roles.]

When John Kern (D-IN) became the progressive Democrats’ choice for caucus chairman in 1913, no one doubted that he would be recognized as the Senate’s Democratic leader, would organize his party to pass a progressive legislative agenda, or would work collaboratively with the new president, Woodrow Wilson. As we observe in a previous paper (Gamm and Smith 2014), a Kern predecessor, Arthur Pue Gorman (D-MD), transformed the ministerial caucus chairmanship into a position of genuine leadership in the 1890s. More than merely convening caucus meetings and performing routine functions, the caucus chairman had become the leading strategist for his Senate party. What made Kern important was that his party had acquired a Senate majority for the first time since early 1895, making him the first senator in the majority to be both his party’s caucus chairman and recognized floor leader. Kern was a pioneer and institutional innovator, even as he built on more than two decades of precedent. He was the Senate’s first real majority leader.

Twenty years later, just after the Democrats regained a majority in the 1932 elections, Joseph T. Robinson (D-AR), always known as Joe, became majority leader and served until his death in 1937. Robinson transitioned smoothly from minority leader to majority leader because he already had
assumed all of the basic duties of modern Senate floor leaders. He served as the primary intermediary between his Senate party and the president and House leaders; he managed the organization of his Senate party; he managed floor activities and scheduling; and he often provided policy leadership by building coalitions for or against legislation. In short, he was the focal point for his party’s collective efforts to achieve its electoral and policy goals. Robinson did so with the full array of modern leadership management tools that had been adopted or created since 1913—the 1914 rule (Rule XII) on unanimous consent agreements, the 1917 rules (Rule XXII) on cloture, floor staff, a seat front and center on the floor, and, as Democratic leader, the chairmanship of the party’s conference, policy committee, and steering committee. In this paper we direct attention to the rapid development of the major functions of modern floor leaders over the period between Kern and Robinson.

The period from the 1910s to the 1930s provides multiple illustrations of our general argument: Congressional parties struggle to define and achieve their collective policy and electoral goals. Party leaders are assigned the task of managing the pursuit of those goals, including making decisions about the

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1 The attentive reader will wonder about the right of first recognition, which appears to have been first noted in 1937. The right of first recognition is considered to be the majority leader’s most important procedural advantage in the modern Senate. It refers to the practice of recognizing the majority leader when he and one or more other senators seek recognition. The right of first recognition for the majority leader was articulated by the vice president, former Speaker John Nance Garner, on August 13, 1937, a month after Robinson died (Riddick’s Senate Procedure, S. Doc. 101-28, 1094). For that reason, a case can be made that Robinson was not the first fully modern floor leader and that honor belong to Alben Barkley (D-KY), Robinson’s successor. However, the practice of priority recognition for the majority leader may have been Garner’s practice, and perhaps the practice of other presiding officers, for some time. A spotty but extensive reading of the Congressional Record for the 1910s-1930s indicates no problem for the majority leader gaining recognition to address the Senate or make a motion.
tradeoffs involved. The state of inter-party competition and intra-party factionalism determine the difficulty of defining and achieving party goals. Most important developments—creation of party organs and centralization of leadership functions in the floor leader—occur at times when the two parties are most closely balanced, a shift in party control appears imminent (or has just occurred), or the outcome of an important pitched legislative battle was in doubt. Republicans followed the Democrats in creating floor leadership positions, establishing the position of minority leader in 1913, and both parties learned from the experience of the parties in the House of Representatives, which led the Senate in organizational development.

Our strategy is to focus on the Democratic leaders of the 1913-1937 period in order to establish that functional, nearly modern floor leadership was established under Kern and his successors. We elaborate on the performance of important modern functions of floor leaders with particular emphasis on Kern. We conclude with a discussion of Democratic leader Joseph Robinson, who reinvigorated the Democratic leader’s role after taking over in 1924 and serving as both minority and majority leader over the next 13 years.

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<th>Senate Leaders, 1913-1937</th>
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<tr>
<td>John Kern (Indiana) 1913-1917</td>
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<td>Thomas Martin (Virginia) 1917-1919</td>
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<td>Gilbert Hitchcock (Nebraska)* 1919-1920</td>
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<td>Oscar Underwood (Alabama) 1920-1923</td>
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<td>Joseph Robinson 1923-1937</td>
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We reserve for a similar discussion of Republican leadership during this period for another paper. We cannot avoid giving them some attention in this
paper but we elaborate on developments in the Senate Republican party elsewhere. The Republicans followed the Democrats in identifying a floor leader and appointing a whip, and once they did they reduced their reliance on a directorate of committee chairmen, their steering committee, and their caucus. They, too, ended this period with heavy reliance on a central leader to address their collective party goals.

General Argument

While the purpose of this paper is primarily descriptive, it is integral to a larger project in which we argue that Senate party leadership emerged to address important problems of collection action and coordination for parties. In our account, legislative parties exist to address the collective party goals of winning legislative battles and gaining or maintaining majority status. The primary obstacle to achieving those goals is the other party. Inter-party competition drives innovation in party organization and its leadership functions, which evolve to improve the capacity of a party to achieve collective goals. Intra-party factional politics complicate how legislative and electoral goals are defined and greatly influence how parties organize and operate.

The primary tasks that are performed by party leaders in pursuit of party goals are managing the party organization, managing party activities on the floor, serving as intermediary with the president, building coalitions, and serving as party spokesperson. Managing basis party affairs—overseeing the committee assignment process, presiding over caucus meetings, and so on—was the responsibility of caucus chairs starting in the mid-19th century. Gorman
assumed responsibility for overseeing his party’s floor activity in the early 1890s and took charge of floor battles on important occasions. Kern, however, was a more regular coalition leader, a task still shared with bill managers, and was the primary, but not sole, intermediary with the president. Robinson performed all of these functions, but more pro-actively explained his party’s point of view with reporters than his predecessors. With Robinson, a fully modern floor leader emerges.

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<th>Functions of Senate Leaders</th>
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<td>Caucus Chairs Pre-Gorman (Pre-1890)</td>
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<td>Caucus Chairs—Gorman-Martin (1890-1913)</td>
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<td>Kern (1913-1917)</td>
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<td>Martin (1917-1919)</td>
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<td>Underwood (1920-1923)</td>
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<td>Robinson (1923-1937)</td>
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assumes primary responsibility; shared with bill managers

The organizational capacity and the associated expectations of senators about collective party action tend to be cumulative. A cumulative process is quite different than the wave function associated with the conditional party
government thesis (CPG) and the centralization of power, particularly in the House of Representatives (Aldrich and Rohde 2010). Even in the House, we argue, organizational capacity is expanded when needed, although its use and the identity of the central players in using that capacity may vary over time. Our story is more about the accumulated of organizational capacity and less about the use of that capacity, which tends to be less wave-like in the Senate than in the House. The table above summarizes the detail provided in this paper.

Our larger argument is that important developments in party organization and leadership are associated with the struggle to win legislative battles and elections. The seemingly obvious and simple claim obscures the complex ways in which the changing strength of the parties, party factionalism, and public and presidential expectations shape the challenges confronted by parties and their leaders. The relative strength of the parties is shown in the Figure 1, but the
details of party strength and factionalism are not discussed in this paper. For purposes of this exposition of the argument, it is important to realize that, at a minimum, leaders are expected to resolve, balance, or suppress differences among party colleagues about how to address differences in views about how to define and achieve legislative and electoral goals and often must make tradeoffs between legislative and electoral goals. This is a “stuff” of intra-party politics that influences the creation of leadership posts, animates leadership contests, and fills caucus meetings.

The Origins of Democratic Leadership Positions

Democrats originated the position of floor leader in its caucus chairmanship, dating to Gorman in the early 1890s, and the Republicans did so back to Gallinger in 1913. As we detail elsewhere, scholars of Senate history had previously struggled to pinpoint the creation of floor leadership positions (Gamm and Smith 2014; Kravitz 1960, Munk 1970, Ripley 1969a, 1969b). There was some recognition of a connection between the caucus chairmanship and floor leadership during the first decade of the 20th century, but the evidence in existing scholarship had been limited and the arguments left little confidence in the inferences drawn. For Kravitz and Munk, Kern’s election in 1913 was the vital turning point. “Kern’s brief tenure,” Kravitz writes (1966, x: 25), “was a landmark in the history of Senate leadership.” For Munk (1974, 28), “The pattern for the role of the modern leader began to solidify in 1913, when Wilson went to the White House and John W. Kern was elected floor leader in a Senate controlled by the Democrats.” Even for Kravitz and Munk, the evidence to back
their claims was inadequate and certainly did not account for the continuity in
the Senate Democrats’ expectations for the role of their caucus chairman in the
period since the early 1890s.

Beyond any reasonable doubt, Gorman, followed by David Turpie (D-IN),
James Jones (D-AR), Joseph Blackburn (D-KY), Charles Culberson, Hernando
Money (D-MS), and Thomas Martin (D-VA), were considered to be the
Democratic leaders in the Senate upon their election as chairmen of the
Democratic caucus (Gamm and Smith 2014). These men varied widely in their
effectiveness, but their shortcomings as leaders were duly noted in the press,
which reflected expectations of both senators and outsiders that these caucus
chairman were struggling to meet the expectations left by Gorman for his
successors. Kern’s election was significant because he was to lead the new Senate
majority and because his elevation represented a triumph for Democratic
progressives, who had failed to muster enough support to prevent the
conservative Martin from being elected caucus chairman in 1911.

Kern’s election was treated by his party colleagues as the election of a
majority leader and an important boost for the interests of progressives--and was
reported that way in the press. Newspaper accounts are replete with references
to Kern as “majority leader,” “Democratic leader,” and “floor leader” for his party
in 1913 and thereafter. Kern’s election in February 1913, the New York Times
observed, “makes Mr. Kern the Democratic floor leader in the Senate.”2 As the
Wall Street Journal noted in its dry, matter-of-fact, way: “Senator Kern of
Indiana was elected caucus chairman by the Democratic Senators. This carries

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with it the title of majority leader.” The \textit{Washington Post} simply referred to Kern, and to Martin, his predecessor, as “leader of the Democrats” in reporting Kern’s succession to the post. The \textit{Los Angeles Times} headline was, “Kern is Leader of Democrats: Indiana Senator to Direct Policy from Floor.”

Without a similar history of treating their caucus chairman as their floor leader, Senate Republicans elected Jacob Gallinger (R-NH) to the caucus chairmanship at about the same time as Kern became Democratic leader. In his fourth term in the Senate and shortly before his 76th birthday, Gallinger was promoted according Republican traditional practice in March 1913 on the basis of being the most senior member of the party. Nevertheless, he was quickly called “minority leader” or “floor leader” by his fellow partisans and reporters (Gamm and Smith 2014). The \textit{New York Times}, for example, stated that Senate Republicans had selected Gallinger “as their floor leader.” The \textit{Los Angeles Times} reported that Gallinger was elected as the Republicans’ “chairman and floor leader,” while the \textit{New York Times} referred to Gallinger merely as the “floor leader” in reporting his election as caucus chairman.

After nearly two decades in which Senate Republicans were led by Nelson Aldrich (R-RI), William Allison (R-IA), and the Republican Steering Committee, the transition to the leadership of the very senior Gallinger may not have been easy or automatic. When it became clear in the summer of 1913 that the

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5 “Kern is Leader of Democrats: Indiana Senator to Direct Policy from Floor,” \textit{Los Angeles Times}, 6 Mar. 1913, 17.
Democrats would be pushing significant tariff reform, the Republican party caucus “agreed by general consent that Senator Jacob H. Gallinger shall be the recognized leader of the Republicans in all tariff matters” (Republican Minutes, 43). At the time, Gallinger ranked fifth among Republicans on the Committee on Finance, behind Boise Penrose (R-PA), the ranking Republican, and Lodge (R-MA), McCumber (R-ND), and Smoot (R-UT), all experienced senators on tariff policy. Republicans, still committed to their longstanding rule of choosing their caucus chairman on the basis of seniority, now adopted the Democrats’ long established practice of delegating functional legislative leadership responsibility to their caucus chairman.

Unfortunately, in their historical notes on the Senate’s website, the Senate Historical Office continues to report a different and confusing story about the origins of party leadership posts during this period. According to its account, “the first floor leaders were formally designated in 1920 (Democrats) and 1925 (Republicans),” with accompanying photos of Oscar Underwood (D-AR), who served as Democratic leader from April 1920 until December 1923, and Charles Curtis (R-KS), who served as Republican leader from November 1924 until March 1929.7 Moreover, it reports that Joe Robinson was “the first Democratic majority leader” on January 23, 2015.

The Senate Historical Office appears to be accepting the conclusions of former Senate Parliamentarian Floyd Riddick, who prepared a brief history of the floor leadership posts, relying on the first mention of the terms “majority leader” and “minority leader” in the party minutes, which had not yet been made public (Riddick 1977). This standard is clearly misleading. Senators and the press recognized and labeled the caucus chairmen as majority and minority leaders, as floor leaders, at much earlier dates. Party secretaries’ use of the terms in the written minutes, which almost always refer to the election of a “chairman,” is an inadequate standard for making the origin of the functional, recognized leadership posts. Even when the terms “majority leader” and “minority leader” are first used in the minutes, there is no indication that a formal rule was adopted to provide for the change in title. Rather, the eventual use of the terms in the

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9 Although the Senate historians refer to Robinson as the first Democratic “majority leader, the first use of the term “majority leader” in the Democratic conference minutes occurs in 1944 upon the reelection of Alben Barkley to the post. In 1917, the minutes refer to the election of Thomas Martin as the “Democratic leader and chairman” and in 1919 to “chairman of the Democratic conference, and leader of the Democratic Minority” (Democratic Minutes, 257, 276). In 1933, when Robinson moved from minority leader to majority leader, the minutes merely refer to electing a “chairman,” as was the longstanding custom (Democratic Minutes, 339). The historians’ Robinson story refers to Underwood as the “floor leader” in 1923, although that term was not used in conference minutes until 1959, which illustrates the confusion in the treatment of the titles by the Senate Historical Office. The 1935 minutes reporting the reelection of Robinson to his post do not even mention the title of an office (Democratic Minutes, 349). The Republican minutes use the term “floor leader” first in 1925 when Curtis was elected “chairman of the Republican conference and floor leader” (Republican Minutes, 168). The Democratic minutes use the term “floor leader” first in 1959 with the reelection of Lyndon Johnson as leader (Democratic Minutes, 513), although the Senate Historical Office editors of the minutes refer to Robinson and Barkley as conference chairman and floor leader when they were elected to the post in 1923 and 1937 (Democratic Minutes, 305, 353).
minutes occurred many years after senators and outsiders used the labels to characterize the functional positions of caucus chairmen.

In fact, the Senate parties created additional leadership posts that assumed the existence of a top floor leadership position. Democrats created the post of “whip” in the spring of 1913 to assist Kern in dealing with an attendance problem in the narrowly divided Senate. The Senate normally met in March of each odd-numbered year to organize and adjourn until December, when its usual “long session” began. But the effort to make progress on President Woodrow Wilson’s “New Freedom” program kept the Senate in session into the hot summer of 1913 and attendance became a problem for Kern, complicated by Republicans’ refusal to answer the call of their names during quorum calls. Some dissension on tariff reductions also concerned the party (Bowers 350-3; Munk 1970; Oleszek 1985, 5).

In late May, Kern called a caucus meeting to address the attendance problem, during which Senator William Stone (D-MO) proposed creating a “whip” position to which Senator J. Hamilton Lewis should be appointed (Democratic Minutes, 79). The Atlanta Constitution reported that Lewis was elected “Democratic floor manager and assistant to Majority Leader Kern,” although the caucus minutes use only the term “whip.”10 The New York Times provided more detail, although it sounds somewhat speculative:

As a further precaution against a snap division in the Senate by which the Democrats might find themselves in the minority, the caucus elected Senator J. Hamilton Lewis of Illinois today to serve as “whip,” although designated as assistant to Majority Leader Kern in the capacity of floor

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10 “J. Ham Lewis Named Whip of the Senate,” Atlanta Constitution, 29 May 1913, 1.
leader. Mr. Lewis’s chief duty will be see that Democrats are present or paired at every roll call.

The appointment of an assistant to Senator Kern, though brought about in a way to avoid wounding the majority leader’s pride, is in fact partly explained by general dissatisfaction with Mr. Kern’s leadership.\textsuperscript{11}

There are no other references to evaluations of Kern’s leadership at the time in press coverage, but clearly the need for timely attendance and votes was the motivation for creating the new post.\textsuperscript{12}

1913-1923: Kern, Martin, Hitchcock, and Underwood

John Kern, at age 62, was elected Democratic leader after the 1912 elections when his predecessor, Thomas Martin (D, Virginia) stepped aside. Kern was the candidate of Democratic progressives, whose numbers swelled in the election, and a favorite of President Woodrow Wilson, who had just been elected


\textsuperscript{12} Republicans created the parallel position in December 1915. One week after being elected unanimously as the first “secretary and whip,” James Wadsworth (R-NY) resigned as “whip of the minority” and the conference unanimously elected Charles Curtis (R-KS) as whip (Republican Minutes, 46, 47). Wadsworth was a former speaker of the New York State Assembly. Curtis had just been reelected to the Senate after an absence of four years and, before losing his seat in 1912, had been a “trusted whip of the old guard,” according to the \textit{New York Times} before the switch was made. “Senate Installs Clarke,” \textit{New York Times}, 7 Dec. 1915, 3. No explanation for the switch is provided in the press or biographies. The creation of separate positions may have provided a way to accommodate two rising stars in the party, to exploit Curtis’s experience in the Senate, and to take advantage of Curtis’s good relations with western Republicans. Curtis was elected chairman and majority leader after the death of Henry Cabot Lodge (R-MA) in late 1924. This made Curtis the first Republican leader elected to the post who was not the most senior member of the party. At the same conference meeting, James Watson (R-IN) was elected to replace Curtis as vice chairman, but, at Curtis’s request, the conference left the appointment of a whip to Curtis (Republican Minutes, 154). “Radicals, Read Out by G.O.P, To Fight Program of Party,” \textit{Washington Post}, 29 Nov. 1924, 1. Curtis’s reasons for separating the positions are not recorded in the press or conference minutes. The separation of the positions has been retained since then. The whip’s position remained appointive until 1944, when the Republicans made the post elective and codified their rules for the first time.
with the help of the progressive wing of the party. Martin was associated with the party conservatives and gave way to Kern when it became obvious that Kern would win the position. Kern’s election was notable for several reasons. He had served in the Senate for only two years and so obviously was selected for reasons other than his seniority. He was an experienced progressive Democrat, having served prominently as an Indiana legislative leader, twice his party’s candidate for governor, William Jennings Bryan’s vice presidential running mate in 1908, and the party convention platform committee chairman in 1912. He was a Steering Committee member since 1911, when he was appointed by Martin in an effort to give progressives more influence in making committee assignments and setting party strategy. Kern also was the oldest progressive Democrat. He was elected party leader in 1913 with the support of Bryan, who spent time in Washington to help unseat Martin from the post, and with the endorsement of President-elect Woodrow Wilson, who was consulted by progressive Democrats before choosing Kern. These moves reflected the recognition of his Senate colleagues and of President Wilson that Kern would serve in a meaningful leadership position in the Senate.

Kern was the leader of his Senate party. His primary task, at least at the start, was the enactment of Wilson’s legislative proposals, as his party’s progressive majority expected. This involved synchronization of most of the functions of a modern majority leader: managing party activities, managing the floor and setting the agenda, building majorities, and coordinating with the president. Kern performed these functions in consultation with leading progressive Democrats and his Steering Committee. The primary exception to
the rule that Kern performed the functions of a modern floor leader is that he did not take an exceptionally visible role on the floor or in the newspapers.

Just as remarkable as Kern’s election as majority leader after serving only two years in the Senate was his defeat in his first reelection bid in 1916 with a margin of 47.8 percent to 46.1 percent by Henry New. Kern’s poor health may have contributed to his lackluster campaigning; he died in August 1917. With no controversy, Martin, who was approaching 70 and near the end of his fourth term in the Senate, was unanimously elected as majority leader in March 1917. Martin had proven to be loyal to his party and the president, and appeared to be without an opponent in his bid to get reelected in 1918, a nice contrast to Kern. Perhaps more important, war with Germany was on the horizon and the Senate was in the midst of a pitched battle over Wilson’s war-related measures, including the armed ship bill that was killed by filibuster, and cloture reform, both of which Martin supported. Democrats were in no mood for an intra-party fight when they were rallying behind the president’s efforts. Martin was elected with token support for Thomas Walsh (D-MT), who was a strong Wilson supporter and played a prominent role in getting Democrats elected in western states.

Senate Democrats lost their majority in the 1918 elections. Minority Leader Martin fell ill in mid-1919 and died in November. Gilbert Hitchcock (D-NE), elected a conference vice chairman in 1917, served as acting leader, and happened to be chairman of the Committee on Foreign Relations in the fall of 1919 when the Treaty of Versailles was before the Senate.\footnote{Hitchcock became Foreign Relations chairman in mid-1918 following the death of William Stone (D-MO).} The failure to
overcome Democratic divisions and strong opposition from the majority Republicans on the treaty, to which President Wilson’s physical condition and political tactics following his stroke in early October surely contributed, undercut Hitchcock’s chances of getting elected conference chairman and leader. A tie between Hitchcock and Oscar Underwood (D-AL) in January 1920 was broken after Carter Glass (D-VA), Wilson’s Secretary of the Treasury, was elected to replace Martin, Hoke Smith (D-GA) changed his neutral position to favor Underwood, and Hitchcock withdrew from consideration.14

Underwood had served in the Senate only since 1915. He had considerable leadership experience and a national reputation by virtue of having served as House Minority Whip, House Majority Leader, and House Ways and Means Committee chairman, and as author of the Underwood Tariff Act of 1913, a major Wilson administration measure. He appeared to be frustrated as minority leader and served only until 1923, in the middle of his second Senate term, when he chose not to be considered again for party leader. In late 1921 and early 1922, he came under some criticism from party colleagues for accepting President Harding’s invitation to serve on the U.S. delegation to the arms limitation conference.15 At the time he announced his decision to step down in late 1922, he indicated that his health made it difficult for him to continue. He was struggling to perform “the full task required of a party leader, calling for practically constant

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14 Underwood may have challenged Hitchcock’s tactics on the peace treaty to gain ground against Hitchcock in the race for minority leader (Johnson 1980, 270-1). Wilson may have favored Hitchcock over Underwood, but Glass did not share the president’s view of the alternatives. See “Senate Row Holds Glass,” Los Angeles Times, 24 Jan. 1920, 13.


attending at Senate sessions,” as one newspaper reported his close friends to say.¹⁶ He did not seek reelection to the Senate in 1926 in the face of active opposition from the Ku Klux Klan, prohibitionists, and others in Alabama.

Managing the Party

Kern, and Democratic leaders following him, took charge of intra-party organizational affairs. They did so primarily by calling and chairing caucus¹⁷ meetings and chairing the party’s Steering Committee, which made committee assignments and more generally served as an executive committee, and the committee on patronage, which allocated Senate staff positions assigned to the party.¹⁸

Party factionalism made the task of managing party affairs difficult for Kern. After the November 1912 elections, progressive Democrats had begun organizing an effort to depose Martin and ensure that progressives controlled the major committees. By they time they settled on Kern as their choice for leader, they had developed plans to reform committee assignment practices to take control away from Democratic conservatives who would move into important chairmanships and dominate top committees by virtue of their seniority. The reforms included election of the Steering Committee (the Democrats’ committee

¹⁷ The Democrats used the terms “caucus” and “conference” somewhat interchangeably. The Democratic minutes indicate the use of the term “conference” in 1903, long before the Republicans used the term officially in 1913 (Democratic Minutes, 1), but there are numerous references to the “caucus,” “caucus chairman,” and similar terms during the first decade of the 20th century. The inconsistent use may reflect the practices of different caucus secretaries.
on committees) by the caucus rather than by appointment of the caucus chairman, giving every Democrat an opportunity to serve on one of the top five committees before any Democrat could serve on two of them, and doing away with the practice of sending the three most senior members of a committee to conference, as appointed by the chairman, and instead allowing a committee to select conferees. This plan represented a substantial shake-up in how the Senate had operated for years.

Kern, it appears in all counts, was drafted for the leadership post by progressives who were looking for a senator with both progressive policy commitments and a reputation as a trustworthy, experienced, tactful, conciliatory policy maker. Although Kern had been in the Senate only two years, he had quickly confirmed his credentials as a public servant and skilled advocate of progressive ideals. Once he agreed to pursue the post, it quickly became apparent that he would win it and he moved to keep peace within the party. He knew that the Democrats had only a seven-seat advantage over the Republicans and would lose important votes by losing as few as four votes on the floor. Martin, who withdrew from consideration before the caucus met to choose a leader, was promised the Appropriations chairmanship over the more senior Benjamin Tillman (D-SC), who was 65 years old and in poor health, and the conservative Furnifold Simmons (D-NC) was free to take Finance after he promised to support Kern (Oleszek 1991, 20).

Once elected, Kern appointed a steering committee stacked with progressives, but he personally performed the balancing act of asserting progressive control of key committees while accommodating the seniority and
requests of as many of his colleagues as possible. The Kern-led committee also
created a new committee, Banking and Currency, to take over jurisdiction of a
large category of legislation important to progressives, thereby reducing the
jurisdiction under Simmons’s control, and appointed a large progressive
contingent to the new committee (Bower 1918, 289-93). With the experience of
the Republican Senate during the previous 20 years in mind, along with
persistent criticism of how decisions had been made by the Democratic Steering
Committee, the steering committee’s report explained that “we propose that this
great body shall be Democratic not only in name, but in practical reality, and that
the charge so often made that it is controlled by a few men through committee
reorganization and otherwise shall no longer have any basis in fact” (Democratic
Minutes, 61).19

Kern also introduced reform resolutions but only one, providing that the
majority of committee Democrats may call a meeting of a standing committee
and may select subcommittees and conferees, is known to have been adopted.
Action on the other proposals was postponed but no entries in the caucus
minutes refer to the proposals again in that Congress. Kern’s resolution and the
adjustment of committee memberships may have reduced progressive’s interest
in additional reforms.

Kern’s successors, Martin and Underwood, faced considerably different
conditions and responded in turn. The progressive-conservative conflict of 1910-
1913 was no longer animating competition for committee assignments and

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19 Olezsek (1991, 21) attributes this statement directly to Kern, citing the Washington Post 16 Mar. 1913, 6, which does appear to quote Kern. The conference minutes report the same statement word-for-word as the report of the steering committee.
chairmanships, which were made rather routinely by observing seniority. Differences over pre-war policy were another matter. In 1917, as the United States was about to declare war on Germany, Senator William Stone (D-MO), chairman of the Committee on Foreign Relations, created some controversy because of his opposition to President Wilson’s filibustered armed ship bill. Martin’s steering committee returned him to the post, and no record of a caucus fight can be found, although news accounts indicate that interest in keeping the party united as war loomed over the country kept the opposition to Stone from crystallizing. Stone was expected to be supportive of the Wilson administration if war was declared, as he was until his death a year later.

In the minority after the 1918 elections, Martin and Underwood had less difficulty managing internal party affairs than Martin did in 1911 and Kern in 1913. The progressive-conservative battle had faded, perhaps because the Wilson wing was dominant but also because minority status made some party matters less important. In the minority, neither had to worry about the allocation of important committee chairmanships. Even the largely symbolic choice of a president pro tempore was no longer a concern. The task of assigning members to committees generated little controversy.

Rather quickly, Democrats entrusted committee assignments to the party leader. During this era, the last time the Steering Committee’s committee assignment list was presented to the full Democratic conference for approval was in 1919. Thereafter, under Underwood and Robinson, the caucus adopted a motion creating a steering committee and giving it “authority to assign

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representatives on the several committees of the Senate from time to time, and make selections to fill vacancies that might occur” or similar language (Democratic Minutes, 303-4, 307, 312, 328, 332, 341, 350). The steering committee, comprised of the leader, whip, vice chairman, and 10 or 11 senators appointed by the leader, allowed the leader to control the process, and the leader did so.

Managing the Floor

The term “floor leader” is used only once in the Democratic conference minutes—only in 1959 in a list of leaders—but by the time Kern was elected, the term was frequently used in the press to describe the elected leader and the whip was sometimes described at the assistant floor leader, although the term does not appear in the minutes.21 In fact, Kern immediately assumed responsibility for managing the Senate floor. He negotiated the schedule with his party colleagues, made motions to consider important bills, and worked with the president to arrange the Senate schedule to ensure consideration of priority and time-sensitive legislation.

It is not easy to demonstrate the personal responsibility for scheduling that Kern and his successors assumed with systematic data. Most of what happened was not recorded in the Congressional Record, personal papers, newspapers, or caucus minutes. One method is to show that the majority leader

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took over responsibility for offering motions for the conduct of business in the Senate. In Figure 3, the senator moving to close (adjourn or recess) the Senate is shown for the Congress from 1899 through 1936, Robinson’s last full Congress as majority leader. Kern was far more active than the previous caucus chairman—compare his 172 motions in his first Congress in the role with William Allison’s 15 motions in 1905-1907. Martin, Martin’s Republican successors Lodge, Curtis, and Watson, and Democrat Robinson all closed sessions most of the time, leaving it to a bill manager or whip to handle the chore when convenient. (Martin’s number is very low in the year that he was hospitalized for most of a session and then died.)

Figure 3. Motions to Close Sessions, Majority Party Leader and Top Committee Leaders, 1899-1936 (By Congress).

Source: Congressional Record.
Motions to adjourn are usually routine, but their sponsorship indicates the presence of the leader on the floor and the reliance on the leader to manage daily the Senate’s business for the party. Occasionally, the decision to adjourn or recess is strategically important. Reasonably well known is the advantage of recessing rather than adjourning at the end of a day: to recess allows the majority to circumvent opportunities that might be exploited by a minority in the usual morning business to obstruct or slow down floor action. Less well known is that adjourning the Senate for a lengthy period of time (days or weeks) gives the president an opportunity to call a special session, which he cannot do if the Senate is merely in recess. This proved important in 1918, when senators wanted to take a mid-summer vacation and the president wanted authority to seize control of the telegraph and telephone system in the event of a “wire” strike during the war. Wilson’s hand-delivered letters to Martin were the president’s means of communicating his wishes to the Senate.22

Managing the floor was not a one-man responsibility. Under Kern, the frequent steering committee and caucus meetings provided guidance and often a collective judgment about legislative priorities.23 President Wilson used a heavy hand to express himself with Senate Democrats about the schedule of business, too, meeting frequently with Kern and with the steering committee a few times. Martin continued to be responsive to Wilson, but he continued to use

the steering committee and seemed to rely on discussions with committee leaders. Although floor scheduling was not a solo endeavor, as majority leaders, both Kern and Martin were the central players in party discussions of the floor agenda—calling meetings, setting the party agenda, and chairing the steering committee sessions. Underwood served as leader only in the minority and so had little role in scheduling. Neither Martin nor Underwood used the caucus.

Starting with Kern, the caucus chairmen, in their capacity as floor leader, took primary responsibility for representing their parties on the floor. On occasion, a whip, bill manager, or another senator would handle routine floor activity, but, beginning with Kern, the responsibility was assumed to rest with the party leader. For majority leaders Kern and Martin, this meant arranging the schedule and the motions required to implement it. With Kern, and then his successors, the majority leader took responsibility for negotiating and offering unanimous consent agreements, which are used to schedule and expedite Senate action on legislation, amendments, and nominations. He announced the unavoidable absences of his colleagues, moved the Senate in and out of executive session, and revised the daily schedule to manage minority delays.

Kern, Martin, and Underwood, and then Robinson, were assisted on the floor by new floor staff. When Kern became floor leader, he moved Edwin Halsey, then a staff member in the press gallery, to the floor to manage Democratic pages and otherwise assist Democratic senators (under the auspices of the Sergeant-at-Arms). Over time, Kern and his successors became quite dependent on Halsey.

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for communicating with senators, keeping records, and other chores, and
Robinson added an assistant, Leslie Biffle, under Halsey in 1925 (Democratic
Minutes, 315). Halsey acquired the trust of Democratic senators and became an
important part of the floor leader’s operations. Halsey and Biffle served as the
lead staff member for the Democrats’ campaign committee in the 1920s and
1930s, and both floor assistants helped the Democratic leaders count votes
(Farley 1948, 81-2). Halsey’s positions went from “chief of the pages” to “assistant
doorkeeper” to, finally in 1929 when the modern position was established,
“secretary for the minority” (“party secretary,” more informally) (Democratic
Minutes, 278, 332). He was the unsuccessful nominee of the Democrats for
Secretary of the Senate when they were in the minority in the 1920s. He was
elected to the post in 1933 and already was a confidant of Democratic leader
Robinson. Biffle took his place as party secretary (Democratic Minutes, 340).

Minority leaders Martin, Hitchcock, and Underwood exhibited some
variation, from leader-to-leader and bill-to-bill, in their attentiveness to floor
activity. Hitchcock, serving as acting leader after Martin died and already serving
as Foreign Relations chairman, was the central player on the peace treaty in 1919
and 1920. Underwood was somewhat unpredictable, sometimes striking out on
his own without his party behind him, in support or opposition to Republican
legislation. Nevertheless, it was the minority leader, more than other senators in

chief page and assistant doorkeeper assigned to them. Halsey was promoted to assistant
doorkeeper in 1925. See “G.O.P. Caucuses Postpone Controversial Matters,”
Washington Post, 6 Dec. 1925, 1. Also see the Senate Historical Office biographical
stories on Halsey and Biffle:
https://www.senate.gov/artandhistory/history/common/generic/SOS_Edwin_Halsey.htm;
the party, who responded to scheduling requests and other unanimous consents from the majority side.

Underwood, who was responsible for few innovations, made one conspicuous change. In 1921, after the electoral defeat of George Chamberlain (D-OR) led the center and front desk on the Democratic side of the Senate floor to be vacated, Underwood took it. Chamberlain had the prime location due to his seniority, but Underwood, who had arrived in the Senate only six years earlier, had a seat in the last row in the previous Congress. Lodge, the Republican majority leader, continued to operate from the second row on his side of the center aisle. Senators Curtis, Watson, and McNary, Lodge’s successors as Republican floor leader, also operated from their regularly assigned desks. It appears that the Republican leader was in the front-center seat in 1935, although some reports place the date in 1937 (Munk 1970, 35).²⁶

The Special Role of Unanimous Consent Agreements

Until 1913, responsibility for floor management was diffused. Not only was the position of majority leader not recognized by the Republican majorities, but the modern practice essential to the modern majority leader—unanimous consent agreements (UCAs) and the right of first recognition—were still unknown when Kern was elected leader. The right of first recognition would wait for two decades to pass, but a new understanding of UCAs was established under Kern.

²⁶ Seating charts are available in the Congressional Directory, and are reproduced at https://www.senate.gov/artandhistory/art/special/Desks/earlychambermaps.cfm. The chart for 1935 places McNary next to Underwood—apparently not centered because of the shortage of Republicans.
UCAs had been used for several decades by Kern’s time. Agreements that
provided for a vote on a bill and pending amendments at a certain time were a
regular part of floor management practice at the turn of the twentieth century.
Responsibility for negotiating UCAs rested with bill managers—typically
committee chairmen. Without a central leader, orchestrating agreements and
managing several bills proved difficult and consumed considerable time on the
floor. Moreover, a UCA could not enforced by the Senate’s presiding officer
because it was considered to be an informal agreement among senators—a
gentlemen’s agreement, as senators recognized it. Strangely, as an agreement
among senators on the floor at a given time, the UCA could not be modified later,
even by unanimous consent. The reasoning was that the senators who were party
to the original agreement might not be in attendance later when another senator
seeks to modify the plan (Gamm and Smith 2000).

In 1913, before the Democrats assumed majority control, the inability to
reverse a UCA that provided for consideration of a prohibition-related
amendment proved embarrassing and inconvenient, leading to an effort to write
a rule to govern UCAs. In 1914, the Senate adopted a rule, recommended by the
Committee on Rules, that provided that a UCA providing for a final vote on a bill
shall “operate as the order of the Senate, but any unanimous consent may be
revoked by another unanimous consent” (Senate Rule XII). Treating a UCA as an
order of the Senate allows the presiding officer to enforce it; allowing a UCA to be
modified by unanimous consent created a more flexible, functional tool
(Congressional Record, January 16, 1914, 156-60). Kern did not speak on the
new rule, which was adopted 51-8 with the support of Kern and the Republican
leader, Jacob Gallinger. Even Lodge, the future Republican leader, voted for the new rule after expressing concern about allowing a UCA to be modified when not all senators on are the floor. A mixture of senators of both parties voted against the reform.

With the new rule, the majority leader had a more useful tool for arranging the business of the Senate. The presiding officer would enforce an agreement, and new circumstances would allow the majority leader to seek a change in the agreed upon plans. While UCAs were often negotiated by bill managers on an *ad hoc* basis to expedite action on their bills, the enforceability of the rule by the presiding officer made the details of UCAs more important and the involvement of the floor leader to protect the interests of the party.

Serving as Intermediary with the President

President Wilson’s large legislative agenda and insistence on leading Congress shaped the relationship between the Senate Democratic floor leaders and the White House in a powerful way. Kern for four years and Martin for most of another two years served as the primary advisor to the president about the Senate. They met frequently with the president, received letters from the president, and reported the president’s views to their party colleagues. Wilson also was consulting party leaders of the House of Representatives, but the Wilson-Kern relationship appears to have been more consequential because the Senate represented a more serious challenge to enacting the large domestic legislative program that Wilson sponsored (Munk 1970, 1974; Oleszek 1191, 24-6).
Kern made many visits to the White House, his biographer reports, that were kept secret and certainly out of the newspapers (Bowers 1918, 363).

As we have noted elsewhere (Gamm and Smith 2014), Munk (1970, 1974) overstates Wilson’s role in the creation of the modern floor leadership role. Wilson certainly wanted a lieutenant in the Senate and relied on Kern, but Wilson shared a need with Senate progressives for a leader to organize the party and schedule the Senate to enact the progressive program. Wilson did not manufacture the floor leadership role for the Senate Democrats; it already existed. Wilson did not choose Kern; he found him an excellent choice. Wilson did not empower Kern to lead his party; he exploited their common interest in enacting a large, progressive legislative program.

Less appreciated than Kern’s role is the fact that Martin, Hitchcock, and Underwood continued the practice of having the floor leader serve as the chief intermediary between the Senate party and the president after Kern left the Senate in early 1917. Martin is particularly noteworthy because he was a conservative Democrat, was the leader of the Virginia Democratic organization that Wilson had famously criticized in a 1911 speech, had not supported Wilson’s presidential candidacy until the last moment, and had been deposed by Kern and the progressives in 1913 with Wilson’s assistance (Holt 1975; Moger 1968; Reeves 1960). Nevertheless, once back in the leadership in 1917, Martin readily adapted to leading Wilson’s Senate party after Kern lost his reelection bid in 1916.²⁷ In

²⁷ There are many examples of Martin visiting the White House or expressing the president’s views in the Senate. For example, see “Embargo Power Given to Wilson: Drastic Provision Restored by Senate,” Atlanta Constitution, 8 May 1917, 3; “Senate Assails Administration,” Boston Globe, 17 May 1917, 1; “Puts Food Bill First,”
fact, in 1917 Martin seems to have been instrumental in reinvigorating Wilson’s relations with other Senate Democrats. Even after the Republicans assumed majority control of the Senate in March 1919, Martin continued to be a regular consultant with the president until he was hospitalized in Charlottesville in early June of that year. He never returned to Washington.

Hitchcock, who had been somewhat critical of the administration’s war effort and sponsored a 1918 “war cabinet” bill that Wilson opposed, led the fight for the president’s peace plan under the most difficult circumstances. He was acting leader as caucus vice chairman and also chairman of the Committee on Foreign Relations, but he was taking over on short notice after Martin became deathly ill and managing the legislation for the Democrats while Wilson was often unavailable as he was recovering from a stroke. Wilson was in his last year as president, the peace treaty was about to be killed by the Republican majority, and little else was going to be pursued by congressional Republicans until after the 1920 presidential election. Hitchcock continued the role of intermediary with the president, reporting the president’s views on a couple of occasions, but the president’s condition, the Republicans’ partisan approach to legislating in the 1920-1921 short session, and the very short congressional sessions left him with little to do at the White House.

Washington Post, 16 Jun. 1917, 2; “President Wants Simpler Food Bill,” New York Times, 13 Jul. 1917, 3. There were a small number of exceptions to Martin’s support for Wilson’s legislative requests, such as Martin’s opposition to a bill to grant Wilson broad powers to reorganize executive departments during the war. “Wilson Bill to Enlarge Power Facing Defeat,” Chicago Tribune, 8 Feb. 1918, 5.

Underwood’s relations with Presidents Wilson and Harding were complicated. By the time Underwood was elected leader in April 1920, Wilson was in his last year in the White House. Wilson’s health was slowly recovering but his communications with party leaders on Capitol Hill were not the same as they had been with Kern. Underwood supported Wilson on most matters, but he went his own way on more issues (Johnson 1980, 294-309).

Underwood’s relations with Republican President Harding were personally warmer and controversial. President Harding appointed minority leader Underwood to be one of four U.S. delegates to the International Conference on the Limitation of Armaments. At least some Senate Democrats were upset that their party leader would serve a Republican president in that capacity. In fact, Underwood’s support for the subsequent treaties appeared to reflect a friendship with Harding that was a concern in some quarters (Johnson 1980, 312-23). After Underwood announced in November 1922 his decision to give up the leadership post, the names of several senators were mentioned as possible successors. As soon as the conference ended, Underwood returned to the Capitol and asked for a caucus meeting on the question of his leadership, but no one took up the offer.29 While overt opposition to Underwood did not materialize, it was plain that many Democrats placed high value on the leader’s

29 “Underwood Faces Revolt in Party,” New York Times, 15 Dec., 1921, 3; “Democrats Quit Cold,” Los Angeles Times, 16 Dec. 1921, I1. At least some resentment about Underwood’s service on the delegation appears to have lingered. See “Democrats Decline Debt Board Service,” New York Times, 5 Mar. 1923, 3. Underwood’s relations with Harding were strong enough for Harding to write about nominating him to the Supreme Court, but it may have been that Underwood’s presidential ambitions made some of his colleagues suspicious of his motives in playing such a prominent role in foreign policy (Johnson 1980, 323, 334-5)
commitment to the Senate party and at least some of his colleagues were unsatisfied with his commitment.

Building Majority Coalitions

Throughout his four years as majority leader, Kern assumed responsibility for finding majorities. His use of the caucus was extraordinary. Kern operated through caucus meetings far more than any leader before him and more than most of his successors. Figure 4 reports the number of caucus meetings, starting with the first Congress for which the minutes are available for each party and extending through 1940 that are reported in documents compiled by the Senate Historical Office. The Democrats’ 75 meetings in 1913-1917 period—one or more meetings per week that the Senate was in session—far exceed the number held by their party until the party started holding Tuesday lunches in the 1950s. The special session of 124 days in 1913, during which the initial Wilson legislation was passed, contributed to the extraordinary number of meetings in the 63rd Congress (1913-1915), although special sessions called by President Wilson in each of the next three Congresses had far fewer caucus meetings.

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30 The published minutes do not include meetings for which minutes were not found. At least a few such meetings are mentioned in newspapers or other sources but do not appear in the published minutes. After World War II, parties started meetings under the auspices of units such as the policy committees, which makes a comparison of Congresses across a longer period of time less useful.
Kern’s use of party meetings might be seen as a throwback to bossism, but, in context, is best viewed as just the opposite—a displacement of the Republicans’ practice of centralizing policy making in an interlocking directorate of a few committee chairmen who sat on each other’s committees with a more democratic process of shaping legislation by the full majority party caucus. That is how progressive Democrats saw it, and with some justification. Republicans quickly accused the Democrats of governing by caucus rather than by open debate on the Senate floor (Oleszek 1991, 28). Progressive Democrats, however, at least at first, contrasted the extended deliberations within their caucus to having no meaningful debates at all (Bowers 1981, 373).

The use of binding votes added to the notoriety of the Kern-era caucus. In 1903, upon the return of Gorman as minority leader, Senate Democrats approved
a rule that required Democrats to support the party policy position when the position was endorsed by at least two-thirds of the caucus. The rule remained in place in 1913 when Democratic senators invoked it for the tariff reform bill, war revenue bill, ship purchase bill, child labor, and other legislation (Democratic Minutes, 167, 179, 190, 210, 229). Use of the rule expressed a genuine expectation of party discipline, but senators violated the rule without serious repercussions. In 1916, Underwood, previously a chairman of the House Ways and Means Committee, worked very conspicuously to amend the war revenue bill, despite the caucus making it a “party measure.” He disapproved of the cotton tax, dye tariff, and creation of a tariff commission, among other things, and had mixed success in getting changes before the legislation passed, but voted for the bill in the end (Johnson 1980, 252-3).31 Moreover, Kern sometimes chose not to ask for a binding vote because he knew that the party divisions would make it pointless or, even when he might get a two-thirds majority, intensify differences.32

Although the sessions were held behind closed doors, the press and party minutes give us a good idea about the business conducted in Kern’s caucus meetings. Legislation was explained and debated, often for days, amendments to bills considered and approved, directions to committees given, motions to have the Senate take up certain measures considered, and strategy discussed. Dozens of votes were cast on substantive policy alternatives, often with proxies cast for absent senators, and Kern adopted the policy of publicly disclosing the vote.

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outcomes. The caucus often requested that Kern, a committee chairman, or a bill manager to act on a measure. Kern chaired the meetings and guided the discussion, but there is little indication that he used a heavy hand in doing so.

Airing of issues in the caucus appeared to help Kern rally party support for important measures, but Kern’s successors did not use the caucus. Martin’s caucus of the 64th Congress (1917-1919), a Congress consumed by war legislation, appears to have met just five times--three meetings were organizational, one involved a long day of caucus meetings on the new cloture rule in early 1917, and one concerned the dire need to pass appropriations bills in a timely way in the winter of 1919. No minutes of a caucus meeting and newspaper mention of a meeting can be found for 1918. Martin relied heavily on committee chairmen, informal meetings with groups of colleagues, and frequent meetings at the White House to set a direction for the party. On war legislation, which dominated his Congress as majority leader, there was little reason to use the caucus—as most Democrats and most Republicans readily supported most of the war legislation.

On many major issues, Underwood did little to unite his party, and Senate Democrats divided on much of the legislation in the Congress, 1921-1923, after which he gave up the leadership post. Underwood used the steering committee to proclaim Democratic positions on a few issues and, on even fewer occasions, consulted with House Democratic leaders about the party response to President Harding’s program.33 He appeared to take a personal position on some major

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issues without serious regard to the balance of views in his caucus (Johnson 1980, 338-9).

Party Spokesman

A conspicuous difference between Democratic leader Kern and the Republican caucus chairmen of the previous decade is visible in the frequency with which caucus chairmen made remarks on the floor, as indexed in the Congressional Record (Figure 5). During the 1913-1917 period, majority leader Kern made remarks far more frequently than the average senator and even more frequently than the average for the chairmen of the Appropriations, Finance, and Foreign Relations committees. Remarkably, Kern was known to be reserved, often did not actively engage in floor debate on major legislation, and encouraged his fellow Democrats to let the Republicans talk themselves out (Bowers 1918, 360-1; Munk 1970, 332-3). Nevertheless, he had many more occasions to address the Senate than the Republican caucus chairs in the previous decade. Robinson, majority leader from 1933-1937, was in a category by himself.

Newspapers regularly mentioned floor leaders and whips, often in reference to floor statements, meetings with the president, comments about the Senate schedule, or other activities associated with their official duties. The stories almost always mentioned the senators’ leadership positions. We report on the frequency of newspaper mentions below, but the important point that press reports reflected the desire to report on important developments and to cite or quote authoritative senators, which led reporters and editors to give disproportionate attention of floor leaders.
On occasion, Kern, Martin, and Underwood would make a floor statement, grant an interview, or issue a statement for the purpose of articulating a party view on a matter and getting quoted in the newspapers. In the late spring of 1917, for example, Martin vigorously responded to criticism that the Senate was slow in acting on war preparation legislation. Nevertheless, these leaders were not daily or even regular participants in Senate floor debate. They certainly lacked a modern “communication strategy.” Daily press conferences, press secretaries, and other elements of modern party leadership strategies did not feature in the activities of these Democratic leaders. President Wilson, of course, held the first

formal presidential press conference in March 1913 and made them a biweekly affair, and the Republican presidents who followed him continued some form of the practice. Senate leaders are not mentioned as having press conferences until much later.

1923-1937: Robinson

Robinson, first elected in 1912, was the last senator chosen by a state legislature before the implementation of the 17th Amendment. He proved to be a team player, articulately supported Wilson’s domestic program and war efforts, and was rewarded by being named chairman of the Democrats’ national convention in 1920. By the time Underwood announced his intention to step down from party leadership in late 1922, Robinson was among the most popular and prominent Democrats in the country. In the 1924 campaign season, with his own reelection not in doubt, he was one of the most in-demand speakers for the presidential ticket and other Democrats.

Immediately after Underwood’s announcement, Robinson challenged the leading candidate, Furnifold Simmons (D-NC), a conservative who had chaired and then was ranking Democrat on the Finance Committee and, having been in the Senate for 21 years, was the most senior Senate Democrat. Simmons was deemed the likely winner immediately after Underwood’s announcement, but Robinson aggressively sought the position and promised to turn Underwood’s moribund caucus into a “fighting force” (Bacon 1991, 68-71). Oratorical skill,

mastery of parliamentary procedure, a knack for wheeling and dealing, relative youth (Simmons was 70, Robinson was 50), and, most conspicuously, sheer effort and enthusiasm all worked to his advantage (Weller 1948, 96-7). After seven or eight weeks of effort, Robinson became the frontrunner and, perhaps because of illness, Simmons dropped out of the race (Democratic Minutes, 306).36

Robinson’s election, like Kern’s in 1913, Underwood’s in 1920, and Curtis’s on the Republican side in 1924, reflected a Senate party’s majority decision to be led by someone who represented the majority policy views within the party and had the skill to pursue the party’s legislative and electoral goals effectively. In electing Robinson, Democrats had chosen to deal with a new era of Republican rule by choosing a more aggressive leader who shared a commitment to Wilsonian progressivism, could work with Democrats of most ideological stripes, had a combative style, and seemed tireless. He would make the party’s interest his priority. The contrast between Robinson, on the one hand, and Underwood, Martin, and Simmons, on the other, was not lost on his colleagues.

Managing the Party

Like Kern, Martin, and Underwood, Robinson managed intra-party affairs personally. He appointed a steering committee to make committee assignments,

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36 “Start Leadership Fight,” *New York Times*, 6 Dec. 1922, 2; “Leadership in Next Congress Clarifying,” *Washington Post*, 18 Jan. 1923; “Robinson Will Lead Senate Democrats,” *New York Times*, 9 Feb. 1923. Bacon (1991, 72) reports that Robinson was “elevated” to his position on March 4, 1923. In fact, the Democrats waited until the regular session in December 1923 that was convened by Underwood, who was officially caucus chairman until that meeting. Robinson was nominated by Simmons (Democratic Minutes, 305-7).
as the Democrats had done for decades. He observed seniority with care and handled the process himself. He also implemented a policy in 1923 that was favored by progressive senators in the party: no senator could be ranking minority member on more than one important committee (Bacon 1991, 73). This forced a handful of senior Democrats to accept lower seniority rankings or switch committees. The rather routine and peaceful process supervised by Robinson stood in sharp contrast to the battles for chairmanships and assignments between regulars and radicals among Republicans during the 1920s.

In the majority after the 1932 elections, Robinson became more assertive in shaping the composition of important committees. He continued to observe the norm of giving a chairmanship to the senator with the longest continuous service on a committee, but he appointed new senators and awarded transfers by stacking committees with colleagues he could trust to support him and the administration (Weller 1998, 136). This allowed him to reward a number of cooperative colleagues and deny desired seats to a few others.

As he assumed the duties of majority leader, Robinson became the first Democratic party leader to refuse committee chairmanships, just at James Watson (R-IN), the Republican majority leader before him, had done. He was due to chair the Committee on Rules. According to the New York Times, “Senator Robinson said he would be fully occupied with his floor duties and the chairmanships of the two powerful groups, the Democratic Steering Committee and the Democratic Policy Committee.”37 The burden of those chairmanships, of course, were entirely derivative to being party leader, but clearly Robinson

envisioned his role as party leader to involve such a commitment of time and effort that taking a standing committee chairmanship, even one with as modest a work load as Rules, would be unmanageable.38

Managing the Floor

In the minority from 1923 to 1933, Robinson assumed personal responsibility for policing the floor and, after becoming majority leader, was ever-present. Biographer Donald Bacon (1991, 74) observes that “Robinson believed he was the sole guardian of Democratic interests on the Senate floor. His daily practice, from which he rarely varied, was to remain on the floor from the morning hour to the closing gavel.” Kern, Martin, and Underwood were diligent about policing the floor, too, but Robinson was considerably more vigilant. For Robinson, his presence on the floor was a piece of one cloth—to be in the center of the flow of information, to discover opportunities to offer policy alternatives and challenge the majority party, and to exploit opportunities to join with insurgent Republicans to block Republican measures and, occasionally, pass Democratic and progressive measures.

In the minority between 1923 and 1933, Robinson did not schedule legislation for the floor and so had less use for the steering committee after the committee assignment process was complete at the start of a new Congress. Nevertheless, Robinson had opportunities to shape the floor agenda from time to time.

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time, particularly when progressive or Farm Bloc senators, often called the insurgents or the Radicals, were pursuing farm and railroad legislation, and he used the steering committee to help him plot a course for party strategy.39

Oddly, although Underwood took the front and center desk in the Senate in 1921, he did not relinquish prime location upon giving up his position as floor leader in 1923 when Robinson was elected leader. Robinson retained his third-row desk until Underwood retired from the Senate in early 1927. When the next Congress convened in December 1927, Robinson took the front and center seat on the Democratic side of the chamber, as have all Democratic leaders since Robinson.40

In the majority, Robinson proved to be a fully modern floor leader. The ever-present Robinson let committee chairmen manage bills unless there was reason to take over himself, which he was not hesitant to do and did so with no apparent resistance from his caucus (Weller 1998, 145, 147, 152). He took personal charge of the first wave of New Deal legislation and, near the end of his life, handled the Supreme Court expansion bill when the chairman of the Committee on the Judiciary opposed it. He consulted closely with Republican leader Charles McNary (R-OR), who supported much of the New Deal legislation,

40 In the 69th Congress (1925-1927), Robinson and Underwood were ranked 11th and 13th in seniority among Senate Democrats and yet Underwood retained his front and center seat without holding a leadership position. See http://www.senate.gov/artandhistory/history/resources/pdf/chronlist.pdf. The Senate Historical Office reports that Robinson was the first leader to take the front and center seat, doing so in 1927 after Underwood retired and gave up that seat. That report neglects that fact that Underwood took the seat in 1921 as leader and simply did not give it up between 1923, when he gave up the leadership post, and stayed in the seat until March 1927 when he retired from the Senate. See http://www.senate.gov/artandhistory/history/minute/Republican_Leader_Front_and_Center.htm.
in his regular effort to avoid minority obstruction to Senate action on New Deal measures.

Robinson aggressively sought to limit debate and amendments with unanimous consent requests. Until Robinson became majority leader, bill managers, rather than the floor leader, requested the vast majority of UCAs to limit debate and set times for votes on legislation. Floor leaders offered few UCAs before Robinson, although they certainly intervened behind the scenes at times. An inspection of the *Congressional Record* shows that Robinson transformed the UCA into a tool of the majority leader: he was the first floor leader who routinely negotiated agreements to speed Senate action on legislation.

Serving as Intermediary with the President

Minority leader Robinson was a loyal partisan and sharp and frequent critic of Presidents Harding, Coolidge, and Hoover. Even before becoming party leader, he played a significant role in drawing attention to the Teapot Dome scandal in the Harding administration and was extraordinarily vocal in opposition to the Four Power Pact that Underwood had helped to negotiate and then endorsed. Once in the leadership post, Robinson the oil fields scandal intensified and Robinson continued to be the leading critic through the Hoover administration. Similar to Underwood’s experience, however, he was subjected to some unfriendly commentary for his friendship with Coolidge and later for serving on the U.S. delegation to the London Naval Conference during the Hoover administration (Bacon 1991, 74; Weller 1998, 127-130). He also was criticized for prematurely making commitments to Hoover on unemployment
and drought-relief legislation following the crash of 1929 (Weller 1998, 131-2).

Otherwise, Robinson took strong and visible positions against most major Republican legislation of the 1920s.

Majority leader Robinson was the champion of the Roosevelt administration in the Senate, as both the president and his Senate colleagues expected. Like Kern, Martin, and Underwood with President Wilson, Robinson almost always was the center of communication between Roosevelt and Senate Democrats. He both reported on the situation in the Senate to the president and reviewed the president’s wishes with his Senate colleagues on a frequent basis. In every respect, he carried on and expanded upon the Kern pattern that had been continued by Republican leaders Lodge and Curtis between them.

More than Kern, however, Robinson experienced some tension between his role as intermediary between his Senate colleagues, who elected him, and President Roosevelt. Throughout the Roosevelt administration, the president received support from a majority of Democrats, but tensions arose in 1936 and 1937 on a number of issues. Robinson himself began to differ with Roosevelt about the necessity of retaining some early New Deal policies and on bills to deal with strikes and to charge states for relief programs. For the most part, Robinson stood with the president and a majority of his Democratic colleagues (Bacon 1991).

Building Coalitions

As we have hinted, Robinson experienced two political worlds as floor leader. In the minority, Robinson had the advantage of the deep divisions among
Republicans, most frequently the split between insurgent Republicans and the
regulars, or Old Guard.\textsuperscript{41} On committee assignments and chairmanships, on
which insurgents and regulars regularly fought, Robinson preferred to stay out of
the battle. In 1925, for example, the regulars sought to take away the committee
seats of LaFollette and those who supported his candidacy on the Progressive
Party ticket. Robinson advised his party to let the Republicans “fight out the
issue without interference,” almost certainly because he recognized that the intra-
party fights among Republicans hurt them.\textsuperscript{42}

On legislation, Robinson was aggressive, even as minority leader. In the
70th and 72nd Congresses (1927-1929, 1921-1933), the Republicans had one-seat
majorities that frequently gave Robinson’s Democrats and insurgent Republicans
a floor majority on important legislation that allowed them to at least block the
Republican party and president. In other Congresses as minority leader,
Robinson could occasionally find the six or seven Republicans required to
prevent a Republican majority from materializing (Weller 1998, 103-25).

While minority leader, Robinson was a proactive leader in building
coalitions and managing the details of legislation. He was not particularly
deferential to ranking committee Democrats. Indeed, if Robinson had a problem
as minority leader, it was the perception of some of his colleagues that he was too
quick to compromise with the president. This was most notable at the start of the
Hoover administration. In a Congress in which Senate Republicans had only a

\textsuperscript{41} During the Hoover years, a third faction, the Young Guard, Republican senators who
had Old Guard values but wanted more compromise and effective leadership,
complicated the Republican leader’s job.

\textsuperscript{42} “Senate Insurgents Assist Republicans in Reorganization,” \textit{Washington Post}, 7 Mar.
1925, 1.
one-seat majority and several Republicans were eager to deal with the Great Depression more vigorously than Hoover proposed, Robinson was criticized by party colleagues for accepting unnecessary concessions to Hoover without adequate consultation with his party. He may have been guilty of seeking quick legislative action, but at least some Democrats did not appreciate his freelance negotiations with Hoover. This did not last long. Robinson was a severe critic of the president and his administration during the last three years of Hoover’s one term in office (Weller 1998, 131-2).

In the majority (1933-1937), Robinson continued his established pattern of running the show on both strategy and policy substance for the Democrats. The policy agenda, however, was not his own—fully drafted bills came from the White House. For a time, he had little trouble gaining Senate approval of the administration’s measures because he had super-sized majorities of 59 and 69 in his first two Congresses as majority leader with little dissension from the administration program.

Robinson appeared to be surprised that the president started so quickly with such a large legislative program. In anticipation that he and congressional Democrats would have a substantial role in initiating and writing legislation to address the economic crisis, Robinson had his caucus create a policy committee that would design legislation under his chairmanship at the caucus’s organizing meeting in March 1933 (Democratic Minutes, 341). With the chairmen of the major committees—Appropriations, Finance, Foreign Relations, Interstate Commerce—named to the committee, the policy committee had the appearance of a Senate cabinet. Adding to that impression was that all other members were
trusted supporters of the administration, including James Byrnes (D-SC), the senator with the closest personal relationship with the new president (Robertson 1994). The committee appears to have considered scheduling and substantive policy issues that previously were in the jurisdiction of the steering committee.

The policy committee has existed since then with evolving functionality, but Robinson’s vision for the committee as an engine for legislation did not anticipate the flood of legislative proposals from the White House, which Robinson readily championed. Very few policy committee meetings are mentioned in the press, but the committee certainly met from time to time under Robinson’s direction. The creation of the committee, whatever its use in practice, reflected Robinson’s intentions to be the center of legislative activity in the Senate and the willingness of his caucus to follow his lead, however brief they held their misconceptions of how the Roosevelt administration would operate. Robinson appointed a policy committee with similar membership in his last two Congresses in office.

At the same caucus meeting the policy committee was established in early 1933, Robinson asked for approval of a new binding caucus rule. This version of a binding caucus rule allowed a simple majority to bind all party members, in contrast to the two-thirds majority required in the 1903 version that was revived in 1913. Robinson’s motion, which was debated and apparently modified after considerable discussion, was approved in this form:

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That until further ordered the Chairman is authorized to convene Democratic Senators in Caucus for the purpose of considering any measure recommended by the President; and that all Democratic Senators shall be bound by the vote of the majority of the Caucus; Provided that any Senator may be excused from voting for any such measure upon his express statement to the Caucus that said measure is contrary to this conscientious judgment or that said measure is in violation of pledges made to his constituents as a candidate (Democratic Minutes, 341).

The motion was adopted. Much was made of the new rule in the newspapers, but the provisions for conscientious objector status and constituent pledges gutted the effect of the rule. Robinson never used it.

Robinson could count on winning majorities in the Senate until 1936, when some Democrats, particularly southern Democrats, began actively to oppose some of the administration’s legislation (Katzenelson 2005). Robinson’s most prominent losses as majority leader (and Roosevelt’s as president) were on the ratification of the treaty on the World Court and on the expansion of the Supreme Court (Weller 1998). In the case of the treaty, he and the president fell seven votes short of the required two-thirds majority. In both cases, Robinson was severely constrained in his ability to find compromises and salvage a favorable outcome. The consideration of a treaty may involve attaching reservations, but there were no meaningful reservations that would buy enough Senate votes and be acceptable to the signatory countries. On the “court packing” plan, Robinson floated ideas for compromise, but the president took a quite uncompromising approach. He died before Senate took final action on the plan.

Serving as Party Spokesman

By the time he was elected leader, Robinson already had a reputation as an effective spokesman for the party. As minority leader, he was mentioned in the newspapers about as frequently as Underwood (see Figure 6 below). That changed in the Hoover administration after the crash, when the frequency of Robinson mentions nearly doubled over the average for previous years as leader. The high number of Robinson mentions continued during the Roosevelt years, even with the aggressive public relations efforts of the White House. His activities and statements were reported in the press more than other leaders—the exception being Republican leader Lodge during the debates on the Paris peace treaty.

One of the mysteries of this early period of Senate party leadership is the nature of leaders’ relations with reporters and the newspapers. Even the origin of the floor leader’s press conference is not known. We know that Robinson held at least some sit-down press conferences because we have at least one press conference in 1937 from which photos were printed in the papers and was described as “his first press conference since his return to Washington.”

Moreover, newspapers referred to press conferences of other prominent legislators in the 1930s. It seems very likely the Robinson held occasional press conferences. He certainly set a new standard for interacting with reporters and

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being quoted in newspapers, often from his voluminous floor statements (see Figure 3 above), which he could have expected to be mentioned in the press.

Conclusion

The centralization of at least supervisory responsibility for the pursuit of the major collective party goals—legislative objectives and gaining or maintaining majority status—was the most important development of the 1913-1937 period. The election of Kern as the first majority leader led to the rapid emergence of a modern floor leader. Kern, and then his succeeding Democratic leaders, each performed functions that, at least before Gorman, were performed collectively in caucus or through their steering committee. These functions include:

![Figure 6. Leaders' Newspaper Mentions Per Day in Office, by Congress (1901-1936).](image-url)

Source: ProQuest Historical American Newspapers, six major papers, counts for caucus chairmen.
• managing the party’s internal affairs, such as committee assignments,
• managing the Senate floor, as their informal title, “floor leader,” implies,
• serving as intermediary between their party caucus and the president, and
• building coalitions for or against legislation.

When in the minority, the coalition-building function was performed somewhat inconsistently. Responsibility for public relations—serving as the party spokesman--did not fully crystallize in this period, although Robinson, both in the minority and in the majority, worked very hard to articulate a Democratic perspective on most major legislation.

The performance of these functions was clearly expected of Kern. As the first elected majority leader of the Senate, Kern responded to the expectation of his colleagues that he work closely with the president to enact the New Freedom program. He structured committees with quick action on this party’s agenda in mind, although he minimized the number of violations of seniority to avoid unnecessarily alienating conservative colleagues. His small majority and the habits of his colleagues led him to almost immediately struggle to muster floor majorities, which in turn led him to support the binding caucus rule, build a majority coalition within the Democratic caucus, and insist on attendance, and soon led the party to create the whip position to assist him in these efforts.

After the lackluster minority leaders Martin and Underwood passed from the scene, Robinson, in time, became the first fully modern leader. His campaign for leader in late 1922 and early 1923 was about making the party a more effective legislative machine and returning the party to majority status. After coming close to regaining a Senate majority in the 1926 and 1930 elections, it took the
Roosevelt election of 1932 to succeed on that dimension. Nevertheless, through the late 1920s and early 1930s, Robinson and his party successfully blocked a considerable number of Republican measures, highlighted Republican failings, and, on occasion, found a way to join with insurgent Republicans to control legislative outcomes in the Senate.

While the way in which some functions are performed continued to evolve, the basic responsibilities of today’s Senate leader differ little from those assumed by Robinson. In the majority after the 1932 elections, Robinson more fully centralized collective party functions in his leadership than ever. Ever-present on the Senate floor, he coordinated all aspects of party strategy, took over bill management responsibilities whenever it was best for his party, and invented a policy committee to coordinate the work of the major committees. He even proactively managed relations with the press.

Of course, this story is not complete without an account of developments in the Senate Republican party during the same period. The broad outline of that part of the story is that Republicans followed the lead of the Democrats in creating a floor leader, a whip, and centralizing the primary responsibility for pursuing collective party goals in their hands. Charles Curtis, who became caucus chairman and leader in 1924 following Lodge’s death, was the first Republican leader who was not the most senior member of the party. He warrants close attention in a future paper.


