Party Government in the House of Representatives, by Paul DeWitt Hasbrouck

Richard C. Spencer
Western Reserve University

Follow this and additional works at: http://www.repository.law.indiana.edu/ilj
Part of the Law and Politics Commons, and the Legislation Commons

Recommended Citation
Available at: http://www.repository.law.indiana.edu/ilj/vol4/iss9/6

This Book Review is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Indiana Law Journal by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.
covered separately in this collection because of their enormous present importance. Besides all these, there are collections of forms on the organization and conduct of business in the District Courts, habeas corpus (including immigration) matters, courts of special jurisdiction (the Court of Claims and the Court of Customs Appeals), eminent domain proceedings brought by the Federal government, and proceedings with respect to the obtaining of witnesses and testimony in the Federal courts. In addition there is a chapter given to bankruptcy forms, most of the official and a large number of unofficial forms being included. It is specifically stated, however, that this collection is not so complete as that generally included in special works upon bankruptcy.

The need of a work of this sort seems fairly obvious. The enormous amount of litigation in the Federal courts at the present time practically insures to any active practitioner the opportunity, and usually the necessity, of a certain amount of Federal litigation; and in such litigation his experience in state court litigation is not usually helpful—rather is often positively misleading. A collection of forms which have been approved in the Federal courts is, therefore, invaluable. The need thus existing seems to be very well met by the book under review. The forms are selected very largely from litigated cases, references to which are often included. The book is adequately indexed and the selection of forms seems to be very well done. While, of course, no form book can ever cover all of the exigencies of actual practice, it will be a very rare situation when assistance will not be obtained from this full and admirable collection. Every practitioner in the Federal courts should have access to and make large use of this work.

ROBERT C. BROWN.

Indiana University School of Law.

PARTY GOVERNMENT IN THE HOUSE OF REPRESENTATIVES

*Party Government in the House of Representatives* is a valuable contribution to the literature of legislative processes. It is definitely a study in political science. The introduction rapidly surveys the development during and since the "revolution of 1910," as a background for the study. Earlier practices and precedents are drawn upon merely to illustrate the significance of recent changes. The bulk of the study shows the extent to which party influences affect the legislative produce of the

The thesis running throughout is that a workable rule should be adopted whereby committees may be discharged of a bill or the Committee of Rules discharged of a "special order" at the will of a majority of the House. This is urged as a check upon the majority-party leaders.

Probably contrary to the author's expectation, the book is much more of a contribution through its lucid explanation of the springs of control in the House of Representatives than in its advocacy and outlining of a desirable discharge rule. It is made clear that few generalizations regarding procedure can be valid. One conclusion, however, the reader cannot well escape: party control is not so highly concentrated at present as it was previous to 1910. A number of important committees have become "exclusive," and the chairmen can no longer be members of the Committee on Rules or of the Steering Committee. Although these chairmanships are key positions, they with the rest of the committee memberships are determined very largely by seniority. Control rests with the Speaker, the Floor Leader, and several influential members, usually of long experience, in a number of the key chairmanships. Their methods of control vary, but they are to a great extent in the nature of informal understandings, arrived at after a large part of the party membership in the House has been sounded out on the policies proposed. Cruder methods of control, that through the delay in awarding of committee positions and that through the caucus, are employed as a rule early in a session to whip the apparently indifferent members into line for party unity. The caucus, it seems, is used less often than one is inclined to suppose—partly because it is crude and partly because its employment may arouse antagonisms within the party. It is utilized principally to organize the House at the opening of a Congress and especially when a party has just come into power and that power is not well centralized.

Another inescapable conclusion is that party considerations influence the great bulk of legislation much less than one is often led to believe. A vast number of measures are passed by general consent. Most of the remainder are voted upon not so much according to party alignment as according to the effect which each particular bit of legislation will be likely to have on the various home constituencies. Relatively few are treated strictly as party measures, and those few are selected by the leaders in consultation or by caucus action.

One reason for the lack of party influence in legislation (such as would be expected in the English two-party system) is clearly demonstrated in Chapter IX on "The Verdict of the Country." In the period 1914-1926, 148 districts in the country remained unchanged as Republican districts. Likewise, 122 districts remained as steadfastly Democratic. Republican strength in the House during that period was never lower than 193 and the Democratic was never lower than 132. Thus the actual range
of variation or the degree of fluidity has been relatively small and "in many Congressional districts of the United States, the judgment of the voters is so clouded by hereditary prejudice, by race antagonism, by rivalry between country and city, or by the personalities of local leaders, that there is no free choice between parties."

Because the party leaders in Congress have come largely from the districts which change least often and are trusted because of their long experience, the elections do not serve as a check on party leadership in the House. Seniority determination, moreover, of the membership of committees—sifters of legislation—also helps to prevent individual accountability. Hence, the advocacy of the discharge rule. It is intended to render these leaders more accountable to the House as a whole.

In spite of his desire for a workable discharge rule, the author seems inclined to think that party allegiance in the procedure of the House should grow in regularity, meaning, and binding force. In so far as a discharge rule might be utilized by members of the majority party to keep their leaders within reasonable bounds, these two desires of the author may not be inconsistent. But in so far as such a rule might be employed by insurgents with the help of minority members, the controls leading to party unity would be impaired. This would, however, mean control by a majority of the House.

In style, the book is clear and concise. It gives evidence of being the product of diligent research into source materials. In addition to official documents, biographical as well as numerous secondary works are cited. The reviewer noted but one inadequacy: a somewhat fuller treatment of the relations of the Senate and the Presidency to party government in the House of Representatives might more completely satisfy expectations aroused by the title.

Richard C. Spencer.

Western Reserve University.