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Chaplain of the House: Selection and Related Procedures

Paul S. Rundquist and Richard S. Beth
Specialists in American National Government
Government and Finance Division

Summary

On March 23, 2000, Speaker J. Dennis Hastert announced his appointment of Rev. Daniel P. Coughlin, a Roman Catholic priest from Chicago, to serve as acting Chaplain of the House. Earlier in the day, the House accepted by unanimous consent the resignation of Rev. James David Ford as Chaplain. During the first session of the 106th Congress, Chaplain Ford announced his intention to retire after 20 years of service. Chaplain Coughlin was formally elected to the post at the beginning of the 107th Congress and was re-elected at the start of the 108th Congress.

House procedures to elect an officer during a Congress differ from those followed at the start of a Congress. A resolution to elect a replacement officer to fill a vacancy during a Congress is privileged and debatable under the hour rule. By statute, the Speaker has authority to appoint a temporary replacement officer, and in some cases, temporary appointments have continued in effect for the remainder of a Congress. This report describes the consultative process that ultimately led to Father Coughlin's temporary appointment, and related parliamentary issues concerning the selection of House officers. For a brief history of the evolution of the congressional chaplaincy, see CRS Report RS20427, *House and Senate Chaplains*, by Mildred L. Amer.

Background

On March 23, 2000, Speaker J. Dennis Hastert announced his appointment of Reverend Daniel P. Coughlin, a Roman Catholic priest from Chicago, as acting chaplain of the House. Earlier in the day, the House accepted by unanimous consent the resignation of Rev. James David Ford as chaplain. Father Coughlin, a priest for 40 years, had served in a variety of clerical posts in the Chicago archdiocese, and at the time of his selection was vicar (personal representative of the archbishop) to the priests of the archdiocese.

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Reverend Ford, House chaplain since 1979, announced in early 1999 his intention to retire. Speaker J. Dennis Hastert announced,[1] in May 1999, the formation of an informal 18-member bipartisan committee to review applications for the post of chaplain and to recommend three names to the party leaderships. The Speaker was expanding upon the practice initiated by Speaker Thomas P. O'Neill, Jr., the last time the House was faced with choosing a chaplain. At that time, Speaker O'Neill directed a three-member committee consisting of House Majority Leader Jim Wright (D-TX), House Minority Leader John J. Rhodes (R-AZ), and Rep. George Mahon (D-TX), the dean of the House, to recommend a successor to Rev. Edward Gardiner Latch, the incumbent chaplain. The committee recommended Rev. Ford for the post, and he was elected by the House when it convened at the beginning of the 96th Congress.[2] Earlier chaplaincy vacancies had been filled upon the sole recommendation of the Speaker or of the majority party conference, subject to election by the full House.

Late in 1999, the informal committee forwarded the names of Rev. Robert Dvorak, Rev. Timothy O'Brien, S.J., and Rev. Charles Wright to the leadership group (the Speaker and majority and minority leaders), after reviewing more than three dozen applications for the post. Reverend Wright, a Presbyterian minister, was reported as the choice of the leadership group, with Speaker Hastert and Majority Leader Richard K. Armey supporting him and Minority Leader Richard A. Gephardt supporting Father O'Brien, a Roman Catholic Jesuit priest.

A subsequent controversy over the selection process delayed Chaplain Ford's retirement. Ultimately, Rev. Wright requested Speaker Hastert to withdraw his name from consideration. Press reports indicated that Speaker Hastert consulted with Cardinal Francis George, the Roman Catholic archbishop of Chicago, about the chaplain selection controversy. At the Speaker's request, Cardinal George reportedly submitted the names of priests who would be suitable candidates for the chaplaincy, and Speaker Hastert was said to have met with Father Coughlin for the first time on Monday, March 20, 2000.[3]

Father Coughlin is the first Roman Catholic House chaplain. Under provisions of the Speaker's appointment authority (2 U.S.C. 72a-1), Father Coughlin was named the acting chaplain of the House. Individuals appointed as acting officers serve until the House formally elects a permanent officer or until the end of the Congress. Although there was some thought that a privileged resolution to a permanent chaplain might be offered at any time on the House floor, no such action occurred and Father Coughlin served as acting chaplain for the remainder of the 106th Congress. When the 107th Congress convened on January 3, 2001, the House elected him without controversy to a full term. He was re-elected to the post at the start of the 108th Congress.

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[1] "Statement of Speaker J. Dennis Hastert and Democratic Leader Gephardt on the Retirement of Dr. James Ford as House Chaplain," in "Final Report: Chaplain Search Committee," unpublished report circulated to all House Members, January 2000, attachment 2.

[2] Jack Eisen, "Chaplain of House Retires after 12 Years of Service," *Washington Post*, Oct. 15, 1978, p. A14; Mimi Noel, "Rev. James D. Ford Settles in as Chaplain," *Roll Call*, Feb. 2, 1979, pp. 1, 3.

[3] Matthew Vita, "House Gets 1st Catholic Chaplain," *Washington Post*, Mar. 24, 2000, pp. A1, A12.

The process by which House chaplains are selected in the future may remain unaddressed until the next time a vacancy occurs. On March 23, 2000, Representative Cal Dooley (D-CA) and Representative Earl Pomeroy (D-ND) introduced H.Res. 447, a proposal to amend House Rules concerning the election of a chaplain. (Representative Pomeroy was the co-chair of the Speaker's informal chaplain review committee.) Under the Dooley-Pomeroy proposal, the House would elect its chaplains in the future based on a nomination for the post jointly and unanimously submitted by the Speaker and the majority and minority leaders. The resolution was referred to the House Rules Committee, but no further action was taken on it in the 106th Congress, and no similar resolutions have been introduced in the House since then.

For a brief history of the evolution of the congressional chaplaincy, see CRS Report RS20427, *House and Senate Chaplains*, by Mildred L. Amer.

Selecting a Replacement Officer: Procedures and Related Topics

This section describes some of the parliamentary precedents governing House action to choose a new House officer to fill a vacancy. When such precedents were used during the recent chaplain selection process, appropriate descriptions are included.

Resignation Effective When Accepted. Under House precedents, the resignation of an elected officer is subject to acceptance by the House.[4] The Speaker lays letters of resignation from officers before the House, and they are usually accepted by unanimous consent.[5] If objection is heard, a motion to accept would be in order and debated under the hour rule (see discussion below).

On November 10, 1999, the House agreed to H.Res. 373, a resolution designating Rev. Ford chaplain emeritus upon his retirement. Chaplain Ford continued to offer opening prayers on a regular basis and did not submit a letter of resignation until March 23, 2000. No action to choose or designate a successor was necessary until a vacancy in the post formally existed.[6]

Speaker Appointments to Fill Officer Vacancy. Since 1953, the Speaker has had the authority in law to make a temporary appointment to fill a House officer vacancy. On several occasions over the intervening years, the Speaker has made such temporary appointments, which, in some cases, have extended through the remainder of the

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[4] Wm. Holmes Brown and Charles W. Johnson, *House Practice: A Guide to the Rules, Precedents and Procedures of the House* (Washington: GPO, 2003), chap. 35, pp. 624-651.

[5] See, for example, the resignation of Jack Russ as sergeant at arms and the appointment of Werner Brandt as acting sergeant at arms, "Resignation as Sergeant at Arms and Appointment of Sergeant at Arms," *Congressional Record*, vol. 138 (Mar. 12, 1992), p. 5519. The resignation of Chaplain Ford was accepted by unanimous consent after Rep. Gerald Kleczka (D-WI), under a reservation of objection (subsequently withdrawn), received assurances that time on the House floor would be made available for additional statements about the chaplain selection process. *Congressional Record*, electronic edition, vol. 146 (Mar. 23, 2000), H1327.

[6] Julie R. Hirschfeld, "House GOP May See Chaplain Ford as Better Idea," *CQ Daily Monitor*, Feb. 11, 2000, p. 7.

Congress then underway. In one instance (1972), the sergeant at arms resigned (in order to qualify for certain federal government pension benefits) and was subsequently appointed acting sergeant at arms. In March 1966, the Speaker appointed Rev. Edward Gardiner Latch acting chaplain after the death of the incumbent; Rev. Latch served as acting chaplain for the remainder of the Congress, and was elected chaplain at the beginning of the next Congress in January 1967. Most recently, Father Coughlin served as acting chaplain from March 23, 2000, until the end of the 106th Congress. The House, at any time, retains the right formally to elect a replacement officer.[7]

The Speaker's action to appoint Father Coughlin shows the temporary character of this appointment.

> The SPEAKER. Pursuant to 2 U.S.C. 75a-1, the Chair appoints Father Daniel Coughlin of Illinois to act as and to exercise temporarily the duties of Chaplain of the House of Representatives. Will Father Coughlin please come forward and take the oath of office?[8]

Election of Officers Generally. The House normally elects its officers by resolution. A resolution for this purpose is privileged for consideration, as constituting a "privileges of the House resolution."[9] A privileges of the House resolution is a privileged resolution, offered pursuant to House Rule IX, that presents a question bearing on the "rights, ...safety, dignity, and ... integrity" of the House.[10] Thus, such a resolution would be offered to elect an individual to a House office that was currently vacant.

Election of Chaplain: Proposed Rule Change. After the appointment of Father Coughlin on March 23, 2000, Representatives Cal Dooley (D-CA) and Earl Pomeroy (D-ND) introduced H.Res. 447, a proposal to require bipartisan concurrence among the House leadership to nominate a chaplain in the future. The resolution would require the election at the beginning of a Congress of a chaplain who "shall have been nominated by the Speaker, the Majority Leader, and the Minority Leader, acting jointly." H.Res. 447 was referred to the House Committee on Rules, but no further action was taken on it.

Electing an Officer during a Congress. The procedure for filling a vacancy that occurs during a Congress differs in some respects from that used to elect officers at the start of a Congress. When the House convenes at the beginning of a new Congress, the chairman of the majority conference typically offers an omnibus resolution for the election of specified individuals to the offices of clerk, sergeant at arms, chief

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[7] P.L. 197, 83rd Cong., 1st sess., 1953, 67 Stat. 387, 2 U.S.C.A. Sec. 75a-1(a); *Deschler's Precedents of the U.S. House of Representatives,* 94th Cong., 2nd sess., H.Doc. 94-661 (Washington: GPO, 1977), vol. 1, ch. 6, Sec. 21.

[8] "Appointment as Chaplain of the United States House of Representatives," *Congressional Record*, electronic edition, vol. 146 (Mar. 23, 2000), p. H1329.

[9] U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Eighth Congress,* [compiled by] Charles W. Johnson, Parliamentarian, 107th Cong., 2nd sess., H.Doc. 107-284 (Washington: GPO, 2003), Sec. 699. Hereafter cited as *House Rules Manual*.

[10] House Rule IX, clause 1, *House Rules Manual,* Sec. 698.

administrative officer, and chaplain.[11] The minority party caucus chairman is then customarily recognized. The minority caucus chairman usually (1) asks for a division of the question so that a separate (and noncontested) vote occurs on the election of the chaplain, and (2) offers an amendment to the remainder of the resolution, replacing the names of the majority candidates for the three other officer positions with the names of minority party nominees.[12] Little or no debate typically occurs on this amendment or on the division of the resolution it would amend before the amendment is defeated and the resolution adopted.

When a House officer resigns, dies, or is removed from office during a Congress, the vacancy normally is also filled by House action on a resolution. The Speaker of the House may appoint an acting House officer, but the House retains the right to elect a replacement officer at any time. A privileges of the House resolution, if offered by the majority leader or minority leader in proper form, is in order for immediate consideration by the House. If such a resolution is offered by any other Member, such Member must give the House advance notice of his or her intent and the Speaker may postpone the consideration of the resolution for up to two days.[13] The Speaker then rules whether the resolution presents a question of the privileges of the House. At the onset of consideration, any Member may demand a vote on whether the House will consider the resolution ("raising the question of consideration"). The question of consideration, a nondebatable proposition, is a means by which the House protects itself from acting on business it does not currently wish to consider. If the House determines by vote that it does not then wish to consider the item of business, the item in question may be brought up again, even on the same day. Alternatively, a motion to table the privileges resolution would more decisively block it.

A privileges of the House resolution is debatable under the hour rule, with the time equally divided and controlled between the proponent of the resolution and either the majority leader, the minority leader, or a Member designed by the Speaker.[14] Typically, at the end of one hour's debate, the proponent moves the previous question. If the House orders the previous question, it proceeds without further debate to vote on the resolution.[15]

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[11] See House consideration of H.Res. 1, a resolution electing the officers of the House, *Congressional Record,* electronic edition, vol. 149 (Jan. 7, 2003), p. H6.

[12] In the 19th century, contested elections for chaplain occurred with some regularity. Multiple candidates were nominated for the post in 13 Congresses during the 19th century. Eighteen candidates were nominated in 1856 and in 1860. Six ballots were required to elect in 1840. The last contested House election for chaplain occurred in 1889. There were no contested elections for House chaplain in the 20th century.

[13] House Rule IX, clause 2(a)(1), *House Rules Manual*, Secs. 699, 701. The Speaker is not required to postpone consideration of a privileges resolution when offered by someone other than the majority leader or the minority leader. House Resolution 207, 105th Congress, a resolution electing a new chief administrative officer, was submitted by Rep. John Boehner (R-OH), the chairman of the Republican Conference, and the Speaker immediately laid it before the House. *Congressional Record,* daily edition, vol. 143 (July 31, 1997), pp. H6669-H6671. A privileges of the House resolution reported from committee is also privileged for immediate consideration.

[14] House Rule IX, clause 2(a)(2), *House Rules Manual,* Sec. 699.

[15] If the previous question is moved and ordered before any debate occurs, any Member may (continued...)

An amendment to the resolution (e.g., proposing another person to fill the office in question) would be in order only (1) if the Member controlling time in favor of the resolution yielded for that purpose, (2) if the motion for the previous question was not offered or was defeated, or (3) in the form of instructions in a motion to commit.[16]

A motion to commit, with or without instructions, is in order. If offered by a Member before debate on the resolution has begun, the motion itself would be debatable for one hour, controlled by the Member who offered the motion. This motion would also be subject to a nondebatable motion to table. If offered after the previous question is ordered, a committal motion would not be debatable.

Other motions could also be offered, either at the outset or the conclusion of debate on the resolution. For example, a motion to table the resolution itself (and, thus, defeat it indirectly) would be in order, if offered before the proponent was recognized for debate, or if the Member controlling time on the resolution yielded for the purpose.

Resolution for Disclosure of Documents. Press reports suggested earlier that one or more Members might seek the disclosure of files and documents prepared by the informal committee established by the Speaker during its review of applicants for the chaplain's post.[17] Such a request for disclosure would presumably be made through a privileges of the House resolution. No such resolution was presented.

Prayers during a Vacancy in the Chaplain's Office. During past vacancies in the chaplain's office, the doorkeeper arranged for guest chaplains to offer the prayer at the beginning of a daily session. Since the abolition of the doorkeeper's office, most duties of that post have been assumed by the sergeant at arms. On some occasions, opening prayers have been offered by Members who were also clergymen. The House has also infrequently opened its session with a moment of silence.[18]

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[15] (...continued)
demand 40 minutes of debate time, equally divided and controlled, as provided in House Rule XIX, clause 1. If the previous question is moved and ordered after even minimal debate under the hour rule, the demand for 40 minutes of debate time is not in order. *House Rules Manual*, Sec. 994, 999.

[16] House Rule XIX, clause 2, *House Rules Manual*, Sec. 1001-1002; the parliamentarian's notes also detail the use of committal and referral motions on resolutions at various stages of floor consideration. *Congressional Quarterly's American Congressional Dictionary* (2nd ed., p. 48) notes that "the terms 'commit,' 'recommit,' and 'refer' are essentially synonymous." Technically, a privileges of the House resolution offered directly on the floor could not be "recommitted" because it had never initially been referred to committee.

[17] Amy Keller and Jim VandeHei, "GOP Sees Peril in Chaplain Spat," *Roll Call*, Jan. 10, 2000, pp. 1, 19; Anne E. Kornblut, "Choice of House Chaplain Greeted with Cries of Bias," *Boston Globe*, Dec. 3, 1999, p. A3.

[18] *House Practice*, p. 647; *Deschler's Precedents*, vol. 1, ch. 6, Sec. 21.8.

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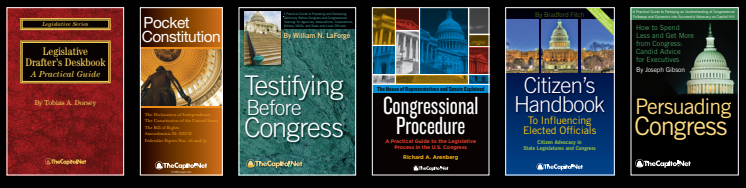
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