

THE US HOUSE OF REPRESENTATIVES ELECTS A NEW SPEAKER

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Article I, Section 2 of the Constitution of the United States of America affirms that “the House of Representatives shall *chuse* [in contemporary English: *choose*] their Speaker.” The terse formula used by the framers has always been interpreted as meaning that an absolute majority of members is required in all ballots, but it has also been taken by a significant number of constitutional jurists to mean that it is not theoretically necessary for the Speaker to be a member of the House. This paradoxical option, however, has never been put into practice (see [K. BRADSHAW-D. PRING](#), 55)

Although the term “Speaker” is used in both the US and British parliamentary systems, and although both nations (a handful of US states excepted) use the same “English-style” first-past-the-post voting system, the Speakers have completely opposite roles in their respective assemblies.

In the UK, the Speaker is independent of the party for which he or she was elected Member of Parliament, and serves as the impartial arbiter of parliamentary debate. The Speaker sits at the back of the rectangular debating chamber, in which government and opposition benches face each other across a central divide. In front of the Speaker lies an ancient, weighty mace, a symbolic instrument of discipline to compel compliance with the Rules of the House and institutional etiquette. The Speaker strictly enforces the rules in a spirit of absolute neutrality and with reference to the precedent set by previous Speakers. The Speaker does not contribute to the setting of the parliamentary agenda, which is the job of the “Leader of the House” (the nearest Italian equivalent of which is the Minister of Relations with Parliament). The Speaker often comes from the opposite party to the one in government. For example, the current Speaker, Lindsay Hoyle, was elected for the Labour Party, whereas the current Prime Minister is the Conservative Party’s Rishi Sunak. Conversely, in 2009, the Conservative John Bercow was elected Speaker under the premiership of the Labour Party's Gordon Brown. For this reason, once elected, Speakers usually relinquish their party affiliation, while the main opposition party typically refrains from running a candidate against them in their constituency.

In Washington, the situation is quite the opposite. The Speaker is the parliamentary leader of his or her party and one of its main fundraising campaign managers. If from the same party as the President, the Speaker is the President’s most important institutional ally; if from the rival party, the Speaker is recognised as leader of the opposition. ([K. BRADSHAW-D. PRING](#), 56).

Such connotations notwithstanding, the Speaker clearly may not exhibit partiality in the conduct of House business or in the making of institutional announcements (convening the House, presiding over debates, declaring the outcome of votes, etc.). Even so, the partiality of Speakers emerges from their public statements and from the partisanship evident in how they set the legislative agenda. ([W. MCKAY-CW JOHNSON](#), 43).

A notable example of a politically active Speaker is Newt Gingrich, elected in 1994, who remained a thorn in the side of Bill Clinton's presidency until 1998, first frustrating Democrat attempts at healthcare reform, and later contributing to the development of the Lewinsky case.

His successor, Dennis Hastert (another Republican), felt inspired in 2003 to draw up a list of precepts that a good Speaker should follow, in which he underlined the necessity of dependability

and concreteness in the Speaker no matter how strong his or her political affiliation. ([W. MCKAY-CW JOHNSON](#), 45). The Democrat Nancy Pelosi, the first woman Speaker in history of the USA, was elected to the post twice, after the mid-term elections of 2006 and 2018 (in between which, from 2010 to 2018, came the speakerships of two Republicans, John Boehner and Paul Ryan). Pelosi is said to have been substantially inspired by Hastert's rules. She is also known for having moved to change the [Rules of the House](#), specifically Rule IX on “Questions of privilege,” by which members may offer a resolution from the floor.

This Rule refers to a series of discrete cases that, under the Italian parliamentary system, would fall somewhere between the disparate categories of the setting of the legislative agenda, the enforcement of House rules, and personal reference. The Rules of Congress also allow a “motion to vacate the Chair,” essentially a motion for a vote of no confidence in the Speaker. When the instrument was first used in 1910, the motion was not approved. The instrument is included in [Jefferson's Manual](#), the primary and traditional source of reference and interpretation of the Rules.

As a result of an amendment made under Pelosi's speakership, the motion to vacate was rendered admissible only if endorsed by an entire parliamentary group (the Democratic Caucus or the Republican Conference). In January 2023, however, in the wake of the mid-term elections of November 2022, the aspirant Speaker, Californian Congressman Kevin McCarthy, promised the Republican Conference that once elected, he would reinstate the rule that allowed a single member of the House to move to vacate. The reason he conceded so much was that by 6 January 2023, after three days and 11 unsuccessful ballots, he had still not been elected Speaker. On 7 January 2023, on the fifteenth ballot, he was elected to the Speaker's chair on the understanding that he was highly vulnerable if he should be challenged by a member from his own Republican Conference.

On 3 October 2023, the Republican Congressman from Florida, Matt Gaetz, turned the looming threat that had hung over McCarthy's speakership from the start into a reality by presenting a *motion-melius* resolution to declare vacant the Office of the Speaker, which, for the first time in congressional history, the House approved. Eight Republicans and all 212 Democrats voted in favour.

What followed were hectic days of parliamentary bargaining as the Republican Conference searched for a candidate whose name could be put before the House. To begin with, the party held a sort of internal ballot in which the Representative from Louisiana, Steve Scalise, prevailed over the Representative from Ohio, Jim Jordan. Before the House convened in plenary session, however, Scalise withdrew from the ballot because those who had voted for Jordan had publicly declared that they would not support him. A new vote within the Conference therefore made Jordan the Speaker designate, yet, even after three ballots in the House, he failed to secure the votes he needed (having all Democrats plus around 20 Republicans against him), so he also withdrew. The story repeated itself on 24 October: the Conference nominated the Representative from Minnesota, Tom Emmer, preferring him to the Representative from Louisiana, Mike Johnson. Yet, Emmer – advised that Johnson's supporters would not vote for him – also withdrew. What followed was a vote on 25 October 2023 at which the House finally [elected](#) Mike Johnson as Speaker.