History of the RULES Committee

While the Committee on Privileges and Elections is widely acknowledged to be the oldest of the standing committees of the House, the origins of the Committee on Rules may actually date back to the Athens in 4th Century. In order to alleviate concerns about possible corruption within the legislature, the chairman of the Council would randomly select another nine members from the Council, and together the ten would function as an executive committee of sorts. Aristotle would later explain that his "steering committee" of the legislature would receive the agenda prior to the legislative session, "superintend procedure, bring forward the business to be dealt with, act as tellers, direct all other business and have power to dismiss the meeting."

In 1571, we see a similar steering committee at work in Parliament. Certain members of the body were appointed to a special committee "for appointing such bills for the common-weal as shall be first proceeded in, and preferred before the residue, but not to reject any." While historians of English Parliament have noted that the 1571 steering committee was rare occurrence, and one that would not resurface for another 100 years as a mainstay of parliamentary practice, it does speak to an early recognition that a select subset of the membership might best aid and advise the presiding officer of the house on the most expedient way to organize the transaction of legislative business.

In the early days of the Virginia General Assembly, the task of divining the rules of procedure under which the House would operate fell to the Committee on Privileges and Elections, and not to a separate, stand-alone Committee on Rules. The Journal of the House records that on November 8, 1769, the Committee on Privileges and Elections was directed to review the "ancient Rules and standing Orders of the House, and present such as are fit to be continued, with any others which they think ought to be observed." The chairman of the committee was the future Speaker, Edmund Pendleton, and among those on the committee were George Washington, Thomas Jefferson, Benjamin Harrison, Richard Henry Lee, and Patrick Henry. Their report, consisting of 28 proposed rules, adopted on December 10, 1769, represented the first serious study of the rules of procedure of the House. It was also the first general revision to the rules in more than 100 years, and while 28 rules might not seem significant in terms of the Rules of the House as they exist today, they represented a five-fold increase over the five rules the chamber adopted in 1658.

After the American Revolution, as committee structures began expanding in the newly independent American states, the concept of a legislative steering committee began to take root in other states. In fact, the creation of a select committee whose job it was to present to the House an outline of the work to be done during the session developed almost simultaneously in six states (New Hampshire, Massachusetts, Pennsylvania, North Carolina, South Carolina and Georgia). In North Carolina, the Committee on Public Bills (sometimes known as the Grand Committee) "controlled the legislative agenda so completely that it became for a while the effective governing body of the state. Composed of the most powerful members of both houses, this joint standing committee by the late 1780s essentially formulated government policies and through its appointment powers directed the administration of these policies. The key to its power lay in a governor who was elected by the assembly and thus its chosen creature and in a

constitution that granted considerable executive power to the legislature and thus by implication to the committee on public bills."

The first congressional standing committee was not created in Congress until 1849, and even then, last but a single term. In 1858, the U.S. House of Representatives created a select committee on rules, consisting of the Speaker of the House and four other members. It was the first time in that body's history that the presiding officer was appointed as a member of a committee. To this day, it remains the only standing committee of the House on which any presiding officer has served.[1]

As originally constituted, the select committee on Rules in Congress was relatively insignificant and did little more than recommend the rules under which would operate during the upcoming session of the House. During session such as that of 1860 and again in 1880 when the Rules were recodified, the committee's work took on greater importance, but were exceptions rather than the general rule. The committee would not take on a role of prominence until the late 19th Century during the tenure of Speaker Thomas B. Reed (1889-1891 and 1895-1899). Reed deserves the credit for making the Rules Committee into a steering committee of the majority party, responsible for determining the House's legislative program.

The history of the Rules Committee in Virginia is thus unique in two regards. Historically, Virginia had one of the oldest functioning systems of standing committees in colonial America. Virginia boasted six standing committees of the House in years preceding the Revolution, while the other twelve colonies had a total of 15. After the Revolution, committee systems developed in other states, largely based on the model already in place in Virginia. As a result, by 1789, while the total number of standing committees across the country had doubled to 4, the Virginia's structure remained at six.

In addition, a formal standing committee system was even slower to develop in the new U.S. Congress than it had been in the states. At the start of the 19th Century, the U.S. House of Representatives boasted just four standing committees, two fewer than the Virginia House of Delegates. Even so, in the formation of a Committee on Rules, the Virginia House of Delegates notably lagged behind the other state legislatures as well as Congress.

The American Civil War brought innumerable changes to this country and the Commonwealth of Virginia, many of which have had a profound and lasting impact. It would therefore be easy to see where the creation of the House of Delegates first Rules Committee could get lost in the other events of the day.

When the House of Delegates convened in December of 1865, John B. Baldwin of Augusta was elected Speaker of the House and P. R Grattan of Richmond City moved that the House adopt the rules of the House from the 1858-59 session as the rules for the upcoming session. The same rules had been utilized and readopted as the rules of the House at every session since their initial adoption and it made sense that they would continue to guide the operations of the House. R.M. Bentley of Loudoun offered a substitute. Bentley proposed that the Rules from 1859-1860 be

[1] By 1928, Virginia was among 20 states designating the Speaker of the House as the chairman of the Rules Committee.

adopted temporarily, and only to the extent applicable under the state's new constitution, and that a select committee be appointed to revise the Rules of the House so as more closely to conform the realities of post-war Virginia. Bentley's substitute was adopted by a voice vote of the House and two days later, on Wednesday, December 6, 1865, the Speaker appointed Delegates Albert G. Pendleton of Giles, M. Garnett of Essex/Middlesex, F.N. Watkins of Appomattox/Prince Edward, R.M. Bentley of Loudoun, P.R. Grattan of Richmond City, W.T. Joynes of Dinwiddie/ Petersburg and Benjamin F. Garrett of Halifax. Speaker Baldwin did not appoint himself to the committee but he was added after the other appointments were announced upon a motion by Mr. Joynes,

During the 1948 Regular Session of the General Assembly, Senate Joint Resolution 44 was approved, creating a joint commission of members of the House and Senate to study the rules of the two bodies and suggest such amendments to each "should be made in order to facilitate the dispatch of the business of the respective bodies and of the General Assembly." Among the 13 recommendations included in the commission's report, presented to the 1950 Regular Session, were three directly related to the system of standing committees in each house and one that specifically addressed the jurisdiction of the Committee on Rules.

The Commission also recommended that all resolutions be referred to the Committee on Rules. They found that "all too frequently the members are not acquainted with the exact terms of the resolution." It was believed that by referring resolutions to the respective Rules Committees the General Assembly could "to a large extent prevent the adoption of ill-considered resolutions" and prevent duplication.

From its inception, the Committee in Rules had laid claim to subjects previously falling to the Committee on Privileges and Elections. It was natural that responsibility for drafting the Rules of the House be moved from the Committee on Privileges and Elections to the newly created Committee on Rules. In 1982, once again usurped subject matter previously reserved for the Committee on Privileges and Elections; this time assuming a role in policing member behavior and ethical issues.

In the Rules of the House adopted at the beginning of the 1982 Regular Session, jurisdiction on issues related to the conduct of members was split between the Committee on Rules and the Committee on Privileges and Elections. First appearing as Rule 21(a), the House established a three-member Ethics Subcommittee of Rules to review member's disclosure forms and consider member's requests for advisory opinions "with respect to the general propriety of any current or proposed conduct." In Rule 21(b), the Committee on Privileges and Elections was charged with receiving and investigating "any charges or complaints brought against any member of the House of Delegates in the performance or discharge of his responsibilities."

At the start of the 1994 Regular Session, changes to the Rules of the House resulted in a renumbering of these two rules, although the language remained the same. As a result, the language relating to the Standards of Conduct subcommittee of the Rules Committee became Rule 23 and the language concerning the Committee on Privileges and Elections was made Rule 24. In 1998, as a result of a power-sharing agreement in the House, Rule 23 was expanded from three members to four members, and a provision was added that two members be appointed from the majority party caucus, and two from the non-majority party caucus. While the House no

longer operates under a power-sharing agreement, and Republicans hold a two-to-one edge in the membership, the provision remains in the Rules that the membership on the Ethics Subcommittee be equally split, two Republicans and two Democrats.

While Rules of the House have, since 1982, distinguished between comptemplated conduct and actual conduct, with the Committee on Rules charged with jurisdiction regarding "the general propriety of any current or proposed conduct" and Privileges and Elections charged with investigating charges or complaints brought against any member, the reality has been that all cases of member conduct have, in recent years, been referred to Rules.

Except for the language previously noted in Rules 23 and 24, the subject matter jurisdiction of the standing committees of the House of Delegates is no annunciated in the Rules of the House of Delegates. Instead, the standing committees have very broad jurisdiction to consider and report on matters specially referred to them by the Speaker. While the Speaker enjoys complete discretion in determining which legislation is referred to each of the standing committees, with no committee is this more evident than in the Committee on Rules. In addition to consideration of measures directly related to the rules, practices, procedures and operations of the legislature which have traditionally been the bread and butter of the committee, the responsibility for consideration of resolutions transferred in 1950, and the consideration of issues concerning member conduct acquired in 1982, the Rules Committee of the 21st Century reviews all appointments made by the Speaker of the House or the Joint Rules Committee subject to confirmation; oversight of legislative branch boards, commissions and agencies; and legislative studies.

Past Chairman

1864 - 1865 @ ALEXANDRIA	Andrew L. Hill
1865 - 1866	Albert G. Pendleton (Giles)
1866 - 1868	John B. Baldwin (Augusta), Speaker (ex-offico)
1869 - 1871	Zephaniah Turner Jr (Rappahannock), Speaker (ex-offico)
1871 - 1877	Marshall Hanger, Speaker (ex-offico)
1877 - 1879	Henry C. Allen, Speaker (ex-offico)
1879 - 1880	B.W. Lacy, Speaker (ex-offico)
1881 - 1882	I.C. Fowler, Speaker (ex-offico)
1883 - 1887	Charles E. Stuart, Speaker (ex-offico)
1887 - 1894	R.H. Cardwell, Speaker (ex-offico)
1895 - 1898	John F. Ryan, Speaker (ex-offico)
1899 - 1900	E.W. Saunders, Speaker (ex-offico)
1901 - 1905	John F. Ryan, Speaker (ex-offico)
1906 - 1907	W.D. Cardwell (Hanover), Speaker (ex-offico)
1908 - 1913	Richard Evelyn Byrd (Frederick), Speaker (ex-offico)
1914 - 1915	Edwin P Cox, Speaker
1916 - 1919	Harry R. Houston, Speaker
1920 - 1925	Richard L. Brewer Jr (Nansemond), Speaker
1926 - 1929	Thomas W. Ozlin (Lunenburg), Speaker
1930 - 1935	J. Sinclair Brown (Roanoke County)
1936 - 1941	Ashton Dovell (Williamsburg)
1942 -1947	Thomas B. Stanley (Henry/Martinsville)
1948 - 1949	George Alvin Massenburg (Elizabeth City/Hampton)
1950 - 1967	E. Blackburn Moore (Clarke/Frederick/Winchester)
1968 - 1978	John Warren Cooke (Mathews)
1979 - 1991	A. L. Philpott (Henry)
1992 - 1999	Thomas W. Moss Jr. (Norfolk)
2000 -2002	S. Vance Wilkins (Amherst)
2003 – 2017	William J Howell (Stafford)
2018 – Present	M. Kirkland Cox (Colonial Heights)

Other Related Committees

- 1791-1793, 1798-1866 Clerk's Office
- 1821-1866 Bonds of Public Officers
- 1866-1969 Officers and Offices at the Capital
- 1866-1873 Resolutions
- 1874-1949 Federal Relations and Resolutions
- 1950-1969 Federal Relations