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The President Pro Tempore of the Senate: History and Authority of the Office

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Summary

The U.S. Constitution establishes the office of the President pro tempore of the Senate to preside over the Senate in the Vice President's absence. Since 1947, the President pro tempore has stood third in line to succeed to the presidency, after the Vice President and the Speaker of the House.

Although the President pro tempore's powers are limited and not comparable to those of the Speaker of the House, as the chamber's presiding officer, he is authorized to perform certain duties. For example, he may decide points of order (subject to appeal) and enforce decorum in the Senate chamber and galleries.

Early in the Nation's history, some Presidents pro tempore appointed Senators to standing committees. While they no longer do so, election to the office is considered one of the highest honors bestowed by the Senate, and Presidents pro tempore are traditionally accorded a somewhat larger salary and allowances for staff.

Eight-eight different Senators have served as President pro tempore. Sixty-one served prior to 1900, when Vice Presidents routinely presided over the chamber and Presidents pro tempore were elected to serve only for limited periods when the Vice President was absent or ill, or the office was vacated. Frequently, several different Presidents pro tempore were chosen in a single congressional session, "on the basis of their personal characteristics, popularity, and reliability." (See Robert C. Byrd, "President Pro Tempore of the Senate," in Donald C. Bacon, Roger H. Davidson, and Morton Keller, eds., *The Encyclopedia of the Congress*, 4 vols., New York: Simon & Schuster, 1995, vol. 3, p. 1604.) The President pro tem in the 108th Congress is Senator Ted Stevens, Republican of Alaska.

Since 1890, the President pro tempore has customarily been the majority party Senator with the longest continuous service. Twice, the Senate has also created an office of Deputy President pro tempore to honor a colleague, and an office of Permanent Acting President pro tempore in a third instance for the same reason. In 2001, the Senate also created an office of President pro tempore Emeritus.

This report traces the constitutional origins and development of the office of President pro tempore of the Senate, reviews its current role and authority, and provides information on Senators who have held this office, and the more recently created subsidiary offices, over the past two centuries.

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The President Pro Tempore of the Senate: History and Authority of the Office

Introduction

The President pro tempore of the Senate is one of only three legislative officers established by the U.S. Constitution. The other two are the Speaker of the House of Representatives and the Vice President of the United States, who also serves as President of the Senate. The Constitution designates the President pro tempore to serve in the Vice President's absence. The President pro tempore is often popularly known as the President pro tem.

The role of the President pro tempore has evolved since John Langdon of New Hampshire first took the chair on April 6, 1789, in the absence of Vice President John Adams.¹ Once only temporary stand-ins for the Vice President, contemporary Presidents pro tempore now effectively serve as long as their party holds a majority in the Senate. By virtue of the Succession Act of 1792, the President pro tempore stood second in the line of presidential succession after the Vice President for nearly a century. The Succession Act of 1886 removed the President pro tempore as a successor. With the passage of the Presidential Succession Act of 1947, the President pro tempore was restored to the line of succession, this time following the Vice President and the Speaker of the House. At one time Presidents pro tempore appointed committee members and wielded considerable power within the Senate, but are now limited in their independent authority.

Perhaps the greatest change in the office has come since 1890, when the Senate decided that Presidents pro tempore would hold the office continuously until the election of a successor, regardless of whether the Vice President was present or absent. Since that time, the office has been customarily occupied by the most senior Senator of the majority party. Although the office's practical authority has diminished, it remains powerfully symbolic of the dignity of the United States Senate. As one noted historian of the Senate has written, "election of a [S]enator to the office of the [P]resident pro tempore has always been considered one of the highest honors offered to a [S]enator by the Senate as a body."²

¹John Langdon was first elected President pro tempore on April 6, 1789 for the purpose of counting the electoral vote ballots for President and Vice President. Technically, he did not replace Vice President John Adams in the chair, but served prior to the Vice President's formal election on that day. See *Debates and Proceedings of the Congress of the United States*, vol. 1, Apr. 6, 1789 (Washington: Gales and Seaton, 1834), pp. 16-17, 22. Vice President Adams first appeared in the Senate on Apr. 21, 1789.

²Robert C. Byrd, *The Senate, 1789-1989: Its History and Practice*, 100th Cong., 1st sess., (continued...)

On January 3, 2001, the first day of the 107th Congress, the Senate approved S.Res. 3, electing Robert C. Byrd, Democrat of West Virginia, to be President pro tempore from January 3 until January 20, 2001, and Strom Thurmond, Republican of South Carolina, to be President pro tempore beginning at noon on January 20.³ In May 2001, Senator James Jeffords of Vermont left the Republican Party and became an Independent. As a result, the Democratic Party became the majority party in the Senate, and on June 6, 2001, the Senate agreed to S.Res. 100, electing Senator Byrd President pro tempore for the second time in the 107th Congress.⁴ At the same time, the Senate also agreed to S.Res. 103, designating Senator Thurmond as President pro tempore Emeritus of the Senate.⁵

In addition to a survey of the origins, history, and authorities of the office of the President pro tempore, this report includes accompanying tables that provide further historical data. **Table 1** identifies each of the Presidents pro tempore since 1789. **Table 2** provides information on the two Senators who have held the office of Deputy President pro tempore. Historical data on the single Senator to serve as Permanent Acting President pro tempore is found in **Table 3**. The recently established office of President pro tempore Emeritus is noted in **Table 4**. A brief bibliography is also provided. An appendix explains the abbreviations used to denote party affiliations in **Table 1**.

In addition to statutory law and rules of the Senate, other sources provide information on the office of the President pro tempore. The principal source for party affiliations in **Table 1** is Senator Robert C. Byrd's *The Senate, 1789-1989, vol. IV: Historical Statistics, 1789-1992*.⁶ *The Senate Manual* contains tables similar to **Tables 1** and **2** in this report.⁷

²(...continued)

S.Doc. 100-20, (Washington: GPO, 1988-1994), vol 2, p. 183.

³This unusual election for President pro tempore was the consequence of the 2000 elections that resulted in a Senate of 50 Republicans and 50 Democrats. Since the 107th Congress convened before the inauguration of Republican President-elect George W. Bush on Jan. 20, the Senate was controlled from Jan. 3 until Jan. 20, 2001, by the Democratic Party. Because Vice President Albert Gore continued to be President of the Senate, Senator Robert C. Byrd, a Democrat, was elected as President pro tempore for that period. Following Republican Richard B. Cheney's inauguration as Vice President, Sen. Strom Thurmond, a Republican, became President pro tempore. See S.Res. 3, adopted Jan. 3, 2001. "Election of the Honorable Robert C. Byrd As President Pro Tempore And Election of the Honorable Strom Thurmond As President Pro Tempore," *Congressional Record*, daily edition, vol. 147, pp. S6-S7.

⁴See S.Res. 100, adopted June 6, 2001. "Election of the Honorable C. Byrd as President Pro Tempore," *Congressional Record*, daily edition, vol. 147, p. S5843.

⁵See S.Res. 103, adopted June 6, 2001. "Thanking and Electing Strom Thurmond President Pro Tempore Emeritus," *Congressional Record*, daily edition, vol. 147, p. S5844.

⁶Robert C. Byrd, *The Senate, 1789-1989*, vol. 4, pp. 647-653.

⁷*Senate Manual*, 107th Cong., 1st sess., S.Doc. 107-1 (Washington: GPO, 2002), pp. 991-996.

The official compilation of Senate precedents, including those relating to the President pro tempore, is printed as *Riddick's Senate Procedure*. The latest version, revised and edited by Senate parliamentarian Alan S. Frumin, was printed in 1992 (S.Doc. 101-28).⁸ Senate precedents are also available online from the Senate Legis database, although they are complete only through 1988. Online statutory information about the President pro tempore can also be found in commercial data bases such as Lexis-Nexis, and for free through the website of the U.S. Government Printing Office and its *United States Code* search engine.⁹ Recent scholarship also contributed to this report.¹⁰

Historical Development of the Office of the President Pro Tempore

Origins. Article I, Section 3 of the United States Constitution declares that:

The Senate shall choose their other Officers, and also a President pro tempore in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

Aside from the Vice President's designation as President of the Senate, the President pro tempore is the only position in the Senate explicitly established by the Constitution.

After a sufficient number of Senators arrived to constitute a quorum for the First Congress on April 6, 1789, the credentials of those present were approved and ordered filed. Next, the chamber selected a President of the Senate "for the sole purpose of opening and counting the votes for President of the United States."¹¹ John Langdon of New Hampshire was elected, and performed this task. After the election of John Adams as Vice President, the Senate immediately "proceeded by ballot to the choice of a President of their body, pro tempore" because Adams had not yet arrived to assume his duties as President of the Senate.¹²

Again, Langdon was chosen, this time to preside over the Senate, and he continued to do so until Vice President Adams appeared in the chamber on April 21, 1789. When Vice President Adams took the chair, Langdon's service as President

⁸Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices*, 101st Cong., 1st sess., S.Doc. 101-28 (Washington: GPO, 1992).

⁹"Keeping America Informed; United States Government Printing Office," [<http://www.access.gpo.gov/>].

¹⁰See Gerald Gamm and Stephen S. Smith, *Last Among Equals: The Senate's Presiding Officer*, paper presented at the Annual Meeting of the American Political Science Association, Boston, Sept., 1998. Hereafter, Gamm and Smith, *Last Among Equals*.

¹¹U.S. Congress, *Senate Journal*, 1st Cong., 1st sess., Apr. 6, 1789, p. 7.

¹²*Ibid.*, p. 8.

pro tempore came to an end. Langdon was re-elected to the office on August 7, 1789, when Adams was again absent.¹³

Tenure. For more than a century, the Senate acted upon the theory that a President pro tempore could be chosen only in the absence of the Vice President, and that the tenure of a President pro tempore expired when the Vice President resumed his duties in the Senate.¹⁴ Under this interpretation of the Constitution, the Senate elected a President pro tempore each time the Vice President was absent at the beginning of a daily session. Between April 1789 and March 1890, the Senate elected Presidents pro tempore on no fewer than 166 occasions. A record 10 such elections were held during the 42nd Congress.

During the period from April 1789 to March 1890, Presidents pro tempore usually served no more than a few consecutive days before the Vice President returned to displace them. A few men, however, did enjoy relatively long uninterrupted tenures because of the death, extended illness, or chronic absenteeism of some Vice Presidents, or because of a vice presidential vacancy following the death of a President.

Between 1811 and 1825, for example, John Gaillard of South Carolina and, to a lesser degree, James Barbour of Virginia served as Presidents pro tempore for considerable periods due to the deaths of two Vice Presidents and the absenteeism of a third. Two different Senators were President pro tempore for nearly four years after Vice President John Tyler assumed the presidency in March 1841 following William Henry Harrison's death one month after his inauguration as chief executive. Samuel L. Southard of New Jersey occupied the chair for the remainder of 1841 and the first five months of 1842, when Willie P. Mangum of North Carolina was chosen President pro tempore. Mangum served until the inauguration of the next Vice President, George M. Dallas on March 3, 1845.

Similarly, William R. King of Alabama served extensively in the chair during the late 1830s and early 1840s by virtue of his election as President pro tempore on nine consecutive occasions, between July 1836 and March 1841. King also held the position continuously from mid-1850 through late 1852 after Vice President Millard Fillmore succeeded to the presidency upon President Zachary Taylor's death. Senator Benjamin F. Wade of Ohio also enjoyed a long term as President pro tempore after Andrew Johnson became President following President Abraham

¹³Ibid., p. 14; also, George H. Haynes, *The Senate of the United States*, 2 vols. (New York: Russell and Russell, [1938] 1960), vol. 1, p. 249.

¹⁴In its report of Jan. 6, 1876, the Senate Committee on Privileges and Elections declared: "The office of the president pro tempore of the Senate must expire whenever the absence of the Vice President is at an end and he appears in the Senate to preside." U.S. Congress, Senate, [*Election of President Pro Tempore*], 44th Cong., 1st sess., S.Rept. 3 (Washington: GPO, 1876), p. 2. See also, George P. Furber, *Precedents Relating to the Privileges of the Senate of the United States*, 52nd Cong., 2nd sess., S. Misc. Doc. 68 (Washington: GPO, 1893), p. 176.

Lincoln's assassination, as did Senator John Sherman of Ohio, and subsequently John J. Ingalls of Kansas following Vice President Thomas A. Hendricks' death in 1885.¹⁵

By the late 19th century, the Senate's workload had grown dramatically and the parties had increasingly assumed responsibility for organizing the work of the chamber and controlling debate on the floor.¹⁶ The role of the presiding officer was consequently diminished. Moreover, questions had arisen over the years about the election of the President pro tempore. For example, is the President pro tempore of the Senate an officer of the Senate, and, does the death of the Vice President after the election of a President pro tempore have the effect of vacating the office of the President pro tempore and requiring a new election? These questions were raised in concrete form following the death in November 1875 of Vice President Henry Wilson, considered a "highly efficient and acceptable presiding officer."¹⁷ In January 1876 a report by the Committee on Privileges and Elections responded to these and other issues involving the "character and tenure" of the President pro tempore.¹⁸

After debate on the committee's report, the Senate adopted several clarifying resolutions. First, it determined that the tenure of a President pro tempore elected at one session would continue without interruption through a recess and into the next session until the Vice President appeared.

Second, it decided that the death of a Vice President did not automatically vacate the office of the President pro tempore if one had been properly chosen. Third, the Senate affirmed its authority to replace a President pro tempore whenever it pleased.¹⁹

These questions were of more than internal Senate interest throughout this period, since the President pro tempore followed the Vice President in the order of succession to the presidency. The Succession Act of 1792 provided that if both the President and Vice President were to die or otherwise become unable to exercise the powers of the presidency at a time when the Senate was officially absent from the nation's capital, and if that body had not chosen a President pro tempore to hold the

¹⁵Until the 20th century there was no seniority system in the Senate. Of the Senators elected President pro tempore between 1870 and 1900, only two ranked first in their party. "[S]enators instead tended to elect men who were distinguished, popular, and familiar with parliamentary law." Gamm and Smith, *Last Among Equals*, p. 4.

¹⁶*Ibid.*, p. 15.

¹⁷George Henry Haynes, "Henry Wilson," in *Dictionary of American Biography*, 10 vols., (New York: Charles Scribner's Sons, 1936), vol. 10, p. 324.

¹⁸U.S. Congress, Senate, [*Election of President Pro Tempore*], 44th Cong., 1st sess., S.Rept. 3 (Washington: GPO, 1876), p. 1.

¹⁹U.S. Congress, *Senate Journal*, "Election of President Pro Tempore," 44th Cong., 1st sess. (Washington: GPO, 1875), p. 90, 99. See also: "Office of the President Pro Tempore," *Congressional Record*, vol. 4 (Jan. 10, 1876), pp. 311-316, and (Jan. 11, 1876), pp. 360-373. These resolutions formalized what had been the usual, though unwritten practice of the Senate prior to their adoption.

office during the recess, then the Speaker of the House, under the law, would “act as President of the United States”²⁰

Considering the transportation available in those days, it might take weeks before enough Senators could reassemble and choose a new President pro tempore. Prudence therefore required that the Senate should elect someone to hold that office during the recesses between sessions of a Congress. Because the Senate at the time acted upon the theory that it could not choose a President pro tempore while the Vice President was present, it quickly became the custom after 1792 for the latter to withdraw from the chamber shortly before the end of a session so that Senators might “legally” elect one of their own to the position.²¹ Further, historian George H. Haynes notes:

In order that a Senator might be in a position to take upon himself the duties of President of the United States if the necessity should arise, a precedent, set by John Adams and scrupulously followed by Jefferson and Burr, was established whereby the Vice-President would absent himself — ‘out of courtesy, not necessity,’ as Senator Evarts insisted — a day or so before the end of the session, to afford the Senate an opportunity to elect a President *pro tempore* who should hold office during the recess.²²

Such withdrawals, as noted, were matters of courtesy rather than law, and while most Vice Presidents adhered to the custom, a few, inevitably, did not, usually because of critical political circumstances.²³ When both the President pro tempore and the Speaker of the House were removed from the line of succession by the Succession Act of January 19, 1886, the necessity for such maneuvers was eliminated.²⁴

²⁰1 Stat. 240.

²¹U.S. Congress, Senate, “Election of President Pro Tempore,” 44th Cong., 1st sess., S. Rept. 3 (Washington: GPO, 1876), pp. 3-5. See also, Haynes, *The Senate of the United States*, vol. 1, p. 256.

²²Haynes, *The Senate of the United States*, vol. 1, p. 256.

²³For example, Vice President Elbridge Gerry refused to vacate the chair in 1813 when President James Madison was seriously ill and the administration’s adversaries controlled the Senate. Similarly, Vice President George M. Dallas refused to retire at the end of the special session of 1845. Furber, *Precedents Relating to the Privileges of the Senate*, p. 179. “In Mar. 1881, the casting vote of the Vice-President was necessary to secure for the Republicans the organization of the Senate. Under those circumstances their ability to elect a President pro tempore was so uncertain that Vice-President Chester A. Arthur, like Vice President Gerry in 1813, ‘sat the session out;’ and Congress adjourned, May 20, with no one beyond the Vice President in the line of succession Four years later, Vice-President Thomas A. Hendricks continued to occupy the Chair till the end of the short session, Apr. 2, thus preventing the Republicans, then in majority, from choosing a President pro tempore.” Haynes, *The Senate of the United States*, vol. 1, pp. 257-258.

²⁴See CRS Report 98-731, *Presidential and Vice Presidential Succession*, by Thomas H. Neale.

Four years later the Senate resolved the question of the President pro tempore's tenure when it adopted a resolution originally introduced by Senator William M. Evarts of New York. As accepted by the Senate on March 12, 1890, the resolution read:

Resolved, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during all future absences of the Vice-President until the Senate otherwise order.²⁵

That resolution is still in effect. Under its terms a President pro tempore, once elected, holds the post continuously whether or not the Vice President is absent (although, of course, he may not preside over the Senate unless the Vice President steps down from the chair). The tenure of the President pro tempore ends upon the expiration of the term for which he was elected Senator, a precedent dating back to at least 1841. He may, of course, resign, or the Senate may elect another in his stead at its pleasure.

The Presidential Succession Act of 1947 restored the President pro tempore to the line of succession, placing him after the Vice President and Speaker of the House and ahead of the cabinet.²⁶ But neither the 1947 Act nor the 25th Amendment to the Constitution, which further clarifies the rule of presidential succession, has any impact on the tenure of the President pro tempore in his relationship to the Senate as the chamber's presiding officer.²⁷

Election to the Office. The usual practice of the Senate has been to elect as its President pro tempore a candidate of the majority party — almost invariably by a straight party vote. Most often, that person has continued to serve in the post so long as his party remains in the majority.

On a few occasions, the majority party has experienced great difficulty in electing its candidate. Late in 1881, for example, Democrats in the Senate refused to permit administration of the oath of office to several Republicans waiting to be sworn in as Senators. As a result of this maneuver, the Democrats maintained a narrow majority of the votes in the chamber and proceeded to elect one of their own, Delaware's Thomas F. Bayard, as President pro tempore. Even after the missing Republicans had been installed, the Senate remained equally divided between the two major parties. An arrangement was eventually agreed upon and an independent Senator, David Davis of Illinois, was elected to replace Bayard as President pro tempore.²⁸

²⁵U.S. Congress, *Senate Journal*, 50th Cong., 2nd sess., p. 165. See also "President Pro Tempore of the Senate," *Congressional Record*, vol. 21 (Mar. 12, 1890), pp. 2144-2150.

²⁶61 Stat. 380.

²⁷CRS Report RL31761, *Presidential and Vice Presidential Succession: Overview and Current Legislation*, by Thomas H. Neale.

²⁸U.S. Congress, *Senate Journal*, 47th Cong., 1st sess., pp. 7, 10, 14.

When the 62nd Congress convened in 1911, Republicans held a nominal majority of seats in the Senate. A faction of seven progressive Republicans, however, refused to vote for the regular Republican candidate for President pro tempore and their defection prevented election of a presiding officer. (While neither the Constitution nor the rules of the Senate explicitly exclude election of a President pro tempore by a plurality, the practice of the Senate has been to assume that a majority vote is required.) One observer noted:

After fifteen ballots, distributed through five days, compromise became necessary to enable business to go forward. Upon motion of a Republican leader, a Democrat was unanimously elected President *pro tempore* for a single day, and thereafter for the rest of the session, ending August 26, 1912, Presidents *pro tempore* were elected for brief, designated periods, Senator [Augustus] Bacon, Democrat, alternating with four Republicans, some of whom served for but a single day. In the short session which ended that sixty-second Congress, this alternating arrangement was continued, [Augustus] Bacon, Democrat, and [Jacob] Gallinger, Republican, each serving a fortnight at a time.²⁹

Practice of President Pro Tempore Being the Senator With Longest Service. Of the 13 Presidents pro tempore who have served since 1945, only one has not been the most senior Senator in his party — Senator Arthur Vandenberg of Michigan, was the second ranking Republican in the Senate at the time of his election in 1947.³⁰

Prior to 1945, while the parties had for the most part tended to put forward men with long senatorial service as candidates for President pro tempore, there were some notable exceptions. Senator George H. Moses of New Hampshire ranked only 15th among Senate Republicans when he was elected President pro tempore in 1925, and Senator Albert B. Cummins of Iowa ranked 12th when he was first chosen in 1919. In 1846, Senator David R. Atchison of Missouri was elected President pro tempore before he had completed half his first term as a Senator, and Senator Willard Saulsbury of Delaware was also still in his first term when the Senate elevated him to the post on December 14, 1916.

Even during the 19th century, the Senate sometimes elected Presidents pro tempore from among the longest serving members of the Senate. Men like Senators William P. Frye of Maine, John J. Ingalls of Kansas, Allen G. Thurman of Ohio, and Henry B. Anthony of Rhode Island held significant seniority when elected President pro tempore. That tradition continued and evolved in the 20th century, with the exceptions noted above. By the middle of the 20th century, the Senate routinely elected as its President pro tempore *the* most senior Senator of the majority party.

²⁹Haynes, *The Senate of the United States*, 1, p. 252.

³⁰Arthur Capper of Kansas was the senior Republican Senator in 1947. Arthur Vandenberg, however, had been his party's choice for President pro tempore for several Congresses before the Republicans ascended to the majority in 1947. He was considered by party leaders more in the party's mainstream than Capper; and Capper, himself, was in poor health. Interview with Donald A. Ritchie, associate historian, Senate Historical Office, Oct. 19, 2000.

Senator Strom Thurmond of South Carolina, the most senior Republican in the 107th Congress, was one of two Senators in the 20th century to serve two non-consecutive terms as President pro tempore, and one of two Senators in the post-war era to serve three non-consecutive terms. He first served from 1981 to 1987, and then was elected again at the beginning of the 104th Congress in 1995. Following the interim election of Senator Robert C. Byrd of West Virginia (the most senior Democrat) to serve at the start of the 107th Congress (from January 3, 2001 to January 20, 2001), Senator Thurmond was again elected as President pro tempore to serve beginning at noon on January 20, 2001. Senator Thurmond is the oldest Senator to have held the office.

Senator Byrd, the only other Senator in the modern era to serve three non-consecutive terms, first served as President pro tempore from 1989 to 1995, prior to his tenure from January 3, 2001 to January 20, 2001. He was again elected President pro tempore in the 107th Congress on June 6, 2001, after Senator James Jeffords of Vermont left the Republican Party and became an Independent, and control of the Senate switched to the Democrats. Senator Kenneth McKellar from Tennessee, the other Senator to serve two non-consecutive terms, held the chair from 1945 to 1947, and again from 1949 to 1953. The President pro tempore for the 108th Congress is Senator Ted Stevens of Alaska. He succeeded Senator Thurmond who retired from the Senate at the end of the 107th Congress.

Salary. In 1816, Congress for the first time accorded the President pro tempore a larger salary than that allotted to other Senators, but only when the office of Vice President was vacant.³¹ In 1818, the law was amended so that the President pro tempore would receive additional compensation for each day he presided over the Senate, whether the office of Vice President was vacant, or the Vice President was absent.³²

In 1845, and again in 1854, when the office of the Vice President was vacant, the Senate in each case adopted a resolution authorizing compensation for the President pro tempore that was equal to that established by law for the Vice President.³³ The practice of compensating Presidents pro tempore at the same rate as the Vice President when the vice presidency is vacant was confirmed in law on August 16, 1856.³⁴ In 1969, the salary of the President pro tempore was fixed at the same level as that of the majority and minority leaders of both houses.³⁵ When a vacancy exists in the office of the Vice President, the President pro tempore receives

³¹3 Stat. 257.

³²3 Stat. 404.

³³U.S. Congress, *Senate Journal*, 28th Cong., 2nd sess., p. 243; also, *Senate Journal*, 33rd Cong., 2nd sess., p. 31.

³⁴11 Stat. 48.

³⁵83 Stat. 107.

the salary provided the Vice President.³⁶ The current salary of the President pro tempore is \$157,000. If there is no Vice President, it is \$181,400³⁷

Power, Authority, and Responsibilities of the President Pro Tempore

The President pro tempore lacks the formal institutional and political powers of the Speaker of the House — the congressional officer to whom he is often compared. Nor does he have the stature and authority of the major party leaders in the Senate, especially the majority and minority floor leaders. Nevertheless, the Constitution, public law, the chamber’s rules and precedents, and Senate customs provide the President pro tempore a significant role to play in the life of the Senate.

Power and Authority as Presiding Officer. For about 10 years, from late 1823 to late 1833, Presidents pro tempore enjoyed the privilege of appointing the membership of the Senate’s standing committees at the beginning of a session.³⁸ Several times during the later years of this period the rule was partially suspended so that the Senate could elect the President pro tempore to a chairmanship.³⁹ The President pro tempore also evidently appointed Senators to committees in 1838, 1843, and 1863.⁴⁰

As a presiding officer, the powers and prerogatives of the President pro tempore historically have differed little from those of the Vice President. One notable exception involves the privilege of appointing a substitute to perform the duties of the chair. From 1820 until 1883, the Senate operated under a rule stating, in part, that “the Presiding Officer shall have the right to name a Senator to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.”⁴¹

That rule was subsequently amended to restrict the privilege solely to the President pro tempore.⁴² Moreover, the Senate had many times previously honored

³⁶11 Stat. 48.

³⁷103 Stat. 1769, Ethics Reform Act of 1989 (P.L. 101-194, Nov. 30, 1989), codified at 2 U.S.C. 31(2)(A).

³⁸Furber, *Precedents Relating to the Privileges of the Senate*, pp. 335-336; Haynes, pp. 273-275.

³⁹Henry H. Gilfrey, *Precedents: Decisions on Points of Order with Phraseology ... 1789-1913*, 62nd Cong., 3rd sess., S.Doc. 1123 (Washington: GPO., 1914), p. 268.

⁴⁰Furber, *Precedents Relating to the Privileges of the Senate*, pp. 337, 339.

⁴¹U.S. Congress, *Senate Journal*, 16th Cong., 1st sess., p. 63.

⁴²“Rule 1: Appointment of a Senator to the Chair,” *Congressional Record*, vol. 15, (Dec. 18, 1883), pp. 160-163; and “Amendment to Rule 1,” *Ibid.*, vol. 16, Jan. 7, 1884, p. 237.

the request of a President pro tempore that another Senator take his place for a day or longer, while denying the same privilege to the Vice President.⁴³

In 1902, the rules were further amended to empower the President pro tempore to designate a Senator to perform the duties of the chair for an unspecified time during a vacancy in the office of Vice President.⁴⁴ Usually the President pro tempore designates members of his own party to replace him in the chair, but not always. In a notable exception, President pro tempore Carl Hayden, a Democrat, once appointed Republican Senator George D. Aiken of Vermont to preside for a day.⁴⁵

Under the Constitution, the Vice President may cast a vote in the Senate only when the body is equally divided.⁴⁶ The question of whether or not a President pro tempore retained his vote while he was performing the duties of his office was clarified by a Senate resolution adopted on April 19, 1792, which declared that he retained “his right to vote upon all questions.”⁴⁷

In the modern Senate, with the exception of his authority to appoint other Senators to preside, the President pro tempore’s powers as presiding officer differ little from those of the Vice-President, or any other Senator who presides over the Senate. These powers include the authority to:

- Recognize Senators desiring to speak, introduce bills, or offer amendments and motions to bills being debated. The presiding officer’s power of recognition is much more limited than that of the House Speaker or whomever presides in the House. In the Senate, the presiding officer is required by Rule XIX to recognize the first Senator on his feet and seeking recognition.⁴⁸ By tradition, leaders and committee managers are given precedence in recognition;

⁴³For an example of the Senate’s refusal to accept a direct substitution made by the Vice President, see the incident of Jan. 11, 1847, when the Senate ignored a letter from Vice President George M. Dallas designating Senator David R. Atchison to preside for that day, defeated a resolution appointing Atchison President pro tempore, and then proceeded to elect Atchison to the post by ballot. See U.S. Congress, *Senate Journal*, 29th Cong., 2nd sess., pp. 161-164. For examples of action by the President pro tempore to appoint substitutes, see Furber, *Precedents Relating to the Privileges of the Senate*, pp. 186-188.

⁴⁴Senate Rule I(3). The rule today reads: “The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly enrolled bills and joint resolutions but such substitution shall not extend beyond an adjournment, except by unanimous consent; and the Senator so named shall have the right to name in open session, or if absent, in writing, a Senator to perform the duties of the Chair, but not to extend beyond an adjournment, except by unanimous consent.”

⁴⁵“Designation of Acting President Pro Tempore,” *Congressional Record*, vol. 112, Aug. 23, 1966, p. 20275.

⁴⁶U.S. Constitution, Article I, Sec. 3.

⁴⁷U.S. Congress, *Senate Journal*, 2nd Cong., 1st sess., p. 429.

⁴⁸Senate Rule XIX(1)(a), 108th Congress.

- Decide points of order, subject to appeal by the full Senate;
- Appoint Senators to House-Senate conference committees, although this functions is largely ministerial. Conferees are almost always first determined by the floor managers of the bill and then approved on the floor by unanimous consent. A list of the appointments is then provided to the chair;
- Enforce decorum;
- Administer oaths; and
- Appoint members to special committees, again, after initial determinations are made by the majority and minority leaders.⁴⁹

Position as Presidential Successor. In the earliest years of the nation, the President pro tempore was not included in the order of succession, which at first extended only as far as the Vice President. The Succession Act of 1792 designated, after the Vice President, the President pro tempore and the Speaker of the House, in that order.⁵⁰ A later statute, the Succession Act of 1886 transferred succession after the Vice President from the President pro tempore and the Speaker to the cabinet officers in the chronological order in which their departments had been created.⁵¹ With the passage of the Succession Act of 1947, the President pro tempore was restored as a successor to the presidency after the Vice President and Speaker of the House.⁵²

Although ratification of the 25th Amendment in 1967 did not supplant the order of succession established by the Presidential Succession Act of 1947, it empowered the President to nominate a Vice President whenever that office is vacant, and rendered it unlikely that the President pro tempore would become President except in the event of an unprecedented national catastrophe.⁵³

Other Duties and Responsibilities. Over the years, other powers have also accrued to the President pro tempore. Many of these are formal or ministerial. Decisions are first made by each party's principal political leaders — in the Senate, the majority and minority floor leaders — and the President pro tempore's charge is to implement their decisions. These include appointments to the following positions:

⁴⁹Details of these powers can be found in *Senate Manual Containing the Standing Rules, Orders, Laws and Resolutions Affecting the Business of the U.S. Senate*, 107th Cong., 1st sess., S.Doc. 107-1 (Washington: GPO, 2002), pp. 485, 808, 814, 828.

⁵⁰1 Stat. 240.

⁵¹24 Stat. 1.

⁵²61 Stat 380. At the time, President Harry S. Truman argued that it was more appropriate and democratic to have popularly elected officials first in line to succeed, rather than appointed cabinet officers.

⁵³CRS Report 98-731, *Presidential and Vice Presidential Succession*.

- Director of the Congressional Budget Office (made jointly with the Speaker of the House);
- Senate legislative counsel and legal counsel;
- Senators to serve on trade delegations; and
- certain commissions, advisory boards, and committees, such as the boards of visitors to the U.S. military academies; the American Folklife Center; and the United States Holocaust Memorial Council.

The President pro tempore is responsible for recommending candidates to be U.S. Comptroller General, the head of the General Accounting Office (GAO). The President pro tempore jointly supervises, with a House officer selected by the Speaker, the activities of the congressional page school.⁵⁴

Following the recommendation of the Senate majority and minority leaders, he appoints members of the Senate to the United States Delegation to the Parliamentary Assembly Conference on Security and Cooperation in Europe.⁵⁵

Under statute, the President pro tempore also makes recommendations for membership to the Morris K. Udall Scholarship and Excellence In National Environmental Policy Foundation, and the James Madison Memorial Fellowship Program.⁵⁶ Similarly, he makes appointments to the National Commission on Social Security, the Social Security Advisory Board, the Advisory Council on Unemployment Compensation, the National Commission on Children, the Commission on International Religious Freedom, and the board of the Christopher Columbus Fellowship Foundation.⁵⁷

The President pro tempore is authorized to receive certain reports from government offices. Examples of these include

- a report pursuant to research efforts by the Environmental Protection Agency (EPA) to prevent pollution of shellfish beds;⁵⁸
- an annual report pursuant to a Department of Agriculture program to improve conservation and sustainable agriculture in Latin America and the Caribbean;⁵⁹ and,

⁵⁴For the above, see *Senate Manual*, 107th Cong., p. 828.

⁵⁵22 U.S.C. 276m.

⁵⁶20 U.S.C. 5603 and 20 U.S.C. 4502.

⁵⁷42 U.S.C. 907a, 42 U.S.C. 903, 42 U.S.C. 1108, 42 U.S.C. 1320b-9, 22 U.S.C. 6431, and 20 U.S. C. 5702.

⁵⁸33 U.S.C. 2407.

⁵⁹7 U.S.C. 1738(m).

- an annual report on juvenile justice and delinquency prevention programs.⁶⁰

After the President has submitted a report pursuant to the War Powers Act, the President pro tempore and the Speaker of the House have the authority to request jointly that the President convene Congress in order to consider the content of the report and to take appropriate action.⁶¹ The President pro tempore also prepares a report pursuant to the War Powers Resolution setting forth the circumstances, constitutional authority, and estimated scope and duration relating to American forces involved in foreign hostilities.⁶²

The President pro tempore is a member of certain commissions, boards and committees, including

- Senate Commission on Art;
- U.S. Capitol Preservation Commission;
- commission to recommend individuals to be Architect of the Capitol; and
- congressional Joint Leadership Group.⁶³

Also, the President pro tempore works with the Secretary of the Senate and the Sergeant at Arms of the Senate to ensure the enforcement of the rules governing the use of the Capitol and the Senate office buildings.⁶⁴

For many years the President pro tempore held the “patronage book,” as it was called, and had considerable influence in the distribution of patronage for positions that today are filled by professional staff. Carl Hayden of Arizona, who served as President pro tempore from 1957 to 1969, was the last President pro tempore to exercise this authority.⁶⁵

Finally, in his history of the Senate, Senator Robert C. Byrd of West Virginia, who has served as President pro tempore three times since 1989, notes that “Because the president pro tempore stands in the line of presidential succession, he is given a direct-access telephone to the White House and would receive special evacuation assistance from Washington in the case of national emergency.”⁶⁶

Political Influence of the Office. Senator Arthur Vandenberg, who held the position from 1947 to 1949, was seen as one of the few Presidents pro tempore up

⁶⁰42 U.S.C. 5617.

⁶¹50 U.S.C. 1544 (a).

⁶²50 U.S.C. 1543.

⁶³*Senate Manual*, 107th Cong., pp., 336, 763,781,785.

⁶⁴Byrd, *The Senate, 1789-1989*, vol. 2, p. 183.

⁶⁵*Ibid.*, p. 182.

⁶⁶*Ibid.*

to that time who exerted significant political influence. Floyd M. Riddick, a scholar of congressional procedure who later became Senate parliamentarian, wrote in 1949 that Vandenberg, who chaired the Senate Foreign Relations Committee while serving as President pro tempore, “took quite an important part in the legislative program and no doubt exerted as much influence in what was done and not done as the Speaker of the House.”⁶⁷ Vandenberg, Riddick emphasized, “was firm in his rulings, of which all but one or two stood as the decision of the Senate, even though several appeals were taken; he participated in discussions of the pending legislation from the chair, perhaps to an unprecedented extent during any Congress of recent years”⁶⁸

More recently, Senator Richard Russell of Georgia, despite being hospitalized for much of his term as President pro tempore (1969-1971), was seen as wielding power “potentially equal” to that of Vandenberg through his chairmanships of the Appropriations Committee and its Defense Appropriations Subcommittee.⁶⁹

Today, the degree of political influence exerted by the President pro tempore depends more on other factors in conjunction with a Senator’s position as President pro tempore, than solely on election to that office. The most important of these are a Senator’s position as a senior member of his party, and as a committee chairman. As the most senior Senator of the majority party, his chairmanship is likely to be significant. For example, during the years he was President pro tempore for the first time (1989-1995), Senator Byrd was also chairman of the Appropriations Committee. When the Senate switched from Republican to Democratic control on June 6, 2001, Senator Byrd was elected President pro tempore and returned to chair the Appropriations Committee. As President pro tempore, Senator Thurmond chaired the Judiciary Committee from 1981 to 1987, and from 1995 to 1999, the Armed Services Committee.⁷⁰

As Senator Byrd has remarked, “Because of his position as a senior member of the party, and often the chairman of a key committee, the leadership regularly consults the president pro tempore as to his views on policies and actions of the party.”⁷¹

Republicans as well as Democrats consider the President pro tempore an ex-officio member of the party leadership, including the respective caucus and conference, policy committees and steering committees. In these capacities, the President pro tempore may work closely with the party floor leader.

⁶⁷Floyd M. Riddick, *The United States Congress: Organization and Procedure* (Washington: National Capitol Publishing Co., 1949), p. 67.

⁶⁸Ibid.

⁶⁹*Congressional Quarterly’s Guide to Congress*, 3rd edition (Washington: Congressional Quarterly, Inc., 1982), p. 393.

⁷⁰See S.Res. 12, adopted Jan. 7, 1999; “Senate Resolution 12 — Making Majority Party Appointments To Senate Committees for the 106th Congress,” *Congressional Record*, daily edition, vol. 145, Jan. 7, 1999, p. S45.

⁷¹Sen. Robert C. Byrd, “The United States Senate: The President Pro Tempore and the Vice President,” *Congressional Record*, vol. 126 (May 21, 1980), p. 11910.

Offices of the Deputy President Pro Tempore, the Permanent Acting President Pro Tempore, and the President Pro Tempore Emeritus

Office of the Deputy President Pro Tempore. On January 10, 1977, the Senate adopted S.Res. 17, a resolution creating an office of Deputy President pro tempore of the Senate.⁷² The office was created to honor Senator Hubert H. Humphrey, a Democratic Party stalwart, who had served as both Vice President, and a presidential candidate in 1968. Humphrey served in the Senate from 1949 to 1964 and from 1971 until his death in January 1978.

The resolution provided that “any Member of the Senate who has held the Office of President of the United States or Vice President of the United States shall be a Deputy President pro tempore.”⁷³ Although the resolution did not specifically enumerate the duties and responsibilities of the new office, the Deputy President pro tempore was subsequently provided a staff,⁷⁴ given a salary increase to the level of the Majority Leader, and in the event of the absence of the Vice President and the President pro tempore, authorized to preside over the Senate and sign bills as well as resolutions without a specific authorization from the President pro tempore.⁷⁵

Senator Humphrey served as Deputy President pro tempore from January 5, 1977 until his death on January 13, 1978.⁷⁶ The position was next filled by Senator George J. Mitchell, Democrat of Maine, who was appointed at the start of the 100th Congress. The elected President pro tempore for the 100th Congress was Senator John C. Stennis of Mississippi, the most senior Democratic Senator but in poor health. Senate leaders were concerned that Senator Stennis’ poor health might prevent him from fulfilling some of the responsibilities of the office, particularly the President pro tempore’s principal responsibility for presiding over the Senate. Senator Mitchell was appointed to assure that a presiding officer would be available all times.⁷⁷ Senator Mitchell served as Deputy President pro tempore from 1987 until

⁷²“Establishment of the Office of Deputy President Pro Tempore of the Senate,” *Congressional Record*, vol. 123, Jan. 10, 1977, p. 457.

⁷³Ibid.

⁷⁴Ibid. Staffing authority was enacted into law by P.L. 95-26, 91 Stat. 80.

⁷⁵P.L. 95-26, 91 Stat. 79.

⁷⁶Although the resolution establishing the Office of the Deputy President pro tempore (S.Res. 27) was approved on Jan. 11, 1977, the effective date was Jan. 5, 1977. “Senate Resolution 27 — Electing a Deputy President Pro Tempore of the Senate,” *Congressional Record*, vol. 123, Jan. 11, 1977, p. 756.

⁷⁷Interview with Donald A. Ritchie, associate historian, Senate Historical Office, Jan. 2, 2001.

he was elected Majority Leader for the 101st Congress on November 29, 1988.⁷⁸ The position has not been filled since that date.

Office of the Permanent Acting President Pro Tempore. In early 1963, the Senate began debate on what became the landmark Civil Rights Act of 1964. The President pro tempore at the time was Carl T. Hayden of Arizona, then 86 years old. Early in the debate, Majority Leader Michael J. (Mike) Mansfield of Montana expressed concern about Hayden’s age and physical stamina during what was likely to be a long and difficult debate. In February 1963, Mansfield told a group of visitors that should a round-the-clock filibuster develop, as it eventually did, he did not want to be responsible for the elderly Hayden’s demise.⁷⁹ Subsequently, in a series of resolutions introduced by Mansfield beginning in June 1963, Senator Lee W. Metcalf of Montana was named acting President pro tempore.⁸⁰ Before his designation, Metcalf was one of a regular group of Senators serving in rotation as presiding officer.

Mansfield chose Metcalf for several reasons. Metcalf was relatively young and vigorous; he lived in an apartment across the street from the Senate and could be called quickly to preside over late night sessions. As Mansfield’s junior colleague from Montana, he was trustworthy and unlikely to rule against the majority floor leader.⁸¹

On February 7, 1964, the Senate approved a resolution, S.Res. 296, which authorized Senator Metcalf to be “Acting President pro tempore until otherwise ordered by the Senate.” On March 31, more than two months before cloture on the civil rights bill was finally invoked, but after a strenuous period of parliamentary

⁷⁸ Senator Mitchell was recommended for the position of Deputy President pro tempore by Majority Leader Robert C. Byrd. See Byrd, *The Senate 1789-1989*, vol. 2, p. 182. See also, S.Res. 90, and S.Res. 91, adopted Jan. 28, 1987, Sen. Robert C. Byrd, “Designation of A Deputy President Pro Tempore of the Senate and Designation of Senator George S. Mitchell As Deputy President Pro Tempore of The Senate,” *Congressional Record*, vol. 133, Jan. 28, 1987, pp. 2167-2168.

⁷⁹Charles Whalen and Barbara Whalen, *The Longest Debate; A Legislative History of the 1964 Civil Rights Act* (Washington: Seven Locks Press, 1985), p. 129.

⁸⁰See the following resolutions: S.Res. 155, adopted June 10, 1963, Senator Mike Mansfield, “Continuation of Authority of Acting President Pro Tempore Beyond Adjournment of Senate Today,” *Congressional Record*, vol. 109, June 10, 1963, p. 10444; S.Res. 232, adopted Dec. 9, 1963, Senator Mike Mansfield, “Designation of Senator Metcalf As Acting President Pro Tempore During the Remainder of the Present Session of the Congress,” *Congressional Record*, vol. 109, Dec. 9, 1963, p. 23754; S.Res. 238, adopted Dec. 20, 1963, Senator Mike Mansfield, “To Continue Authority of Acting President Pro Tempore Until Next Session of Congress,” *Congressional Record*, vol. 109, Dec. 20, 1963, pp. 25254-25255; and S.Res. 296, adopted Feb. 7, 1964, Senator Mike Mansfield, “Designation of Senator Metcalf As Acting President Pro Tempore,” *Congressional Record*, vol. 110, Feb. 7, 1964, p. 2401.

⁸¹Interview with Donald A. Ritchie, associate historian, Senate Historical Office, July 28, 2000; and Whalen, *The Longest Debate*, pp. 126, 199.

maneuvering, Senator Mansfield spoke on the floor of Senator Metcalf's role as presiding officer:

The role of the Presiding Officer of the U.S. Senate has had its ups and downs in the history of this legislative body. In recent years, and more particularly in recent weeks, the Presiding Officer has assumed a position of renewed importance. The man most responsible for this new role is my distinguished colleague from Montana, Senator Metcalf.

Senator Metcalf, in his role as Acting President pro tempore, brings vigor, [and] knowledge of the legislative process to a position which all too often is looked upon as a chore.⁸²

Senator Metcalf served as Permanent Acting President pro tempore and presided frequently over the Senate in that capacity until his death in January 1978.⁸³ The office has not been filled since then.

Office of the President Pro Tempore Emeritus. In May 2001, Senator James Jeffords of Vermont changed his party affiliation from Republican to Independent, and the Senate, until then evenly divided (and operating under a series of formal and informal power sharing agreements), switched to Democratic control. On June 6, the Senate elected Robert C. Byrd, Democrat of West Virginia, to be the President pro tempore.⁸⁴ At the same time, Senator Strom Thurmond, Republican of South Carolina, who had served as President pro tempore since January 20, 2001, was elected President pro tempore Emeritus.⁸⁵

The practice of electing a Senator as President pro tempore Emeritus continued in the 108th Congress. Senator Byrd was elected to the office on January 15, 2003.⁸⁶

⁸²“Senator Metcalf — A Strong Presiding Officer,” *Congressional Record*, vol. 110, Mar. 31, 1964, p. 6609.

⁸³Interview with Donald A. Ritchie, associate historian, Senate Historical Office, Jan. 2, 2001.

⁸⁴See S.Res. 100, adopted June 6, 2001. “Election of the Honorable Robert C. Byrd as President Pro Tempore,” *Congressional Record*, daily edition, vol. 147, p. S5843.

⁸⁵See S.Res. 103, adopted June 6, 2001. “Thanking and Electing Strom Thurmond President Pro Tempore Emeritus,” *Congressional Record*, daily edition, vol. 147, p. S5844.

⁸⁶See S. Res. 21, adopted Jan. 15, 2003. “Thanks to the Honorable Robert C. Byrd and His Designation as President Pro Tempore Emeritus,” *Congressional Record*, daily edition, vol. 149, p. S843.

Table 1: Presidents Pro Tempore of the Senate, 1789-2004

Name	Party ^a	State	Congress	Date Elected
John Langdon	Pro-Admin/ Anti-Admin/ R(DR)	NH	1 st	April 6, 1789
Richard Henry Lee	Anti-Admin	VA	2 nd	April 18, 1792
John Langdon	Pro-Admin/ Anti-Admin/ R(DR)	NH	2 nd	November 5, 1792
John Langdon		NH	2 nd	March 1, 1793
Ralph Izard	Pro-Admin	SC	3 rd	May 31, 1794
Henry Tazewell	Anti-Admin/ R(DR)	VA	3 rd	February 20, 1795
Henry Tazewell		VA	4 th	December 7, 1795
Samuel Livermore	Pro-Admin/F	NH	4 th	May 6, 1796
William Bingham	F	PA	4 th	February 16, 1797
William Bradford	Pro-Admin/F	RI	5 th	July 6, 1797
Jacob Read	F	SC	5 th	November 22, 1797
Theodore Sedgwick	F	MA	5 th	June 27, 1789
John Laurance	F	NY	5 th	December 6, 1789
James Ross	Pro-Admin/F	PA	5 th	March 1, 1799
Samuel Livermore	Pro-Admin/F	NH	6 th	December 22, 1799
Uriah Tracy	F	CT	6 th	May 14, 1800
John E. Howard	F	MD	6 th	November 21, 1800
James Hillhouse	F	CT	6 th	February 28, 1801
Abraham Baldwin	R	GA	7 th	December 7, 1801
Stephen R. Bradley	Anti-Admin/ R(DR)	VT	7 th	December 14, 1802
Stephen R. Bradley		VT	7 th	February 25, 1803
Stephen R. Bradley		VT	7 th	March 2, 1803
John Brown	Anti-Admin	KY	8 th	October 17, 1803
John Brown	Anti-Admin	KY	8 th	January 23, 1804
Jesse Franklin	R(DR)	NC	8 th	March 10, 1804

Name	Party ^a	State	Congress	Date Elected
Joseph Anderson	R(DR)	TN	8 th	January 15, 1805
Joseph Anderson	R(DR)	TN	8 th	February 28, 1805
Joseph Anderson	R(DR)	TN	8 th	March 2, 1805
Samuel Smith	R(DR)/J	MD	9 th	December 2, 1805
Samuel Smith		MD	9 th	March 18, 1806
Samuel Smith		MD	9 th	March 2, 1807
Samuel Smith		MD	10 th	April 16, 1808
Stephen R. Bradley	Anti-Admin/ R(DR)	VT	10 th	December 28, 1808
John Milledge	R(DR)	GA	10 th	January 30, 1809
Andrew Gregg	R(DR)	PA	11 th	June 26, 1809
John Gaillard	R(DR)/J	SC	11 th	February 28, 1810
John Gaillard		SC	11 th	April 17, 1810
John Pope	R(DR)	KY	11 th	February 23, 1811
William H. Crawford	R(DR)	GA	12 th	March 24, 1812
Joseph B. Varnum	R(DR)	MA	13 th	December 6, 1813
John Gaillard	R(DR)/J	SC	13 th	April 18, 1814
John Gaillard		SC	13 th	November 25, 1814 ^b
John Gaillard		SC	14 th	[no election]
John Gaillard		SC	15 th	March 6, 1817
John Gaillard		SC	15 th	March 31, 1818
James Barbour	R(DR)	VA	15 th	February 15, 1819
James Barbour		VA	16 th	[no election]
John Gaillard	R(DR)/J	SC	16 th	January 25, 1820
John Gaillard		SC	17 th	February 1, 1822
John Gaillard		SC	17 th	February 19, 1823
John Gaillard		SC	18 th	May 21, 1824
John Gaillard		SC	19 th	March 9, 1825
Nathaniel Macon	R(DR)/J	NC	19 th	May 20, 1826

Name	Party ^a	State	Congress	Date Elected
Nathaniel Macon		NC	19 th	January 2, 1827
Nathaniel Macon		NC	19 th	March 2, 1827
Samuel Smith	R(DR)/J	MD	20 th	May 15, 1828
Samuel Smith		MD	21 st	March 13, 1829
Samuel Smith		MD	21 st	May 29, 1830
Samuel Smith		MD	21 st	March 1, 1831
Littleton Tazewell	JR/J	VA	22 nd	July 9, 1832
Hugh L. White	J/AJ/W	TN	22 nd	December 3, 1832
Hugh L. White		TN	23 rd	[no election]
George Poindexter	J/AJ	MS	23 rd	June 28, 1834
John Tyler	J/AJ	VA	23 rd	March 3, 1835
William R. King	R(DR)J/D	AL	24 th	July 1, 1836
William R. King		AL	24 th	January 28, 1837
William R. King		AL	25 th	March 7, 1837
William R. King		AL	25 th	October 13, 1837
William R. King		AL	25 th	July 2, 1838
William R. King		AL	25 th	February 25, 1839
William R. King		AL	26 th	July 3, 1840
William R. King		AL	26 th	March 3, 1841
William R. King		AL	27 th	March 4, 1841
Samuel Southard	R(DR)W	NJ	27 th	March 11, 1841
Willie P. Mangum	J/AJ/W	NC	27 th	May 31, 1842
Willie P. Mangum		NC	28 th	[no election]
Ambrose H. Sevier	J/D	AR	29 th	December 27, 1845 ^c
David R. Atchison	D	MO	29 th	August 8, 1846
David R. Atchison	D	MO	29 th	January 11, 1847
David R. Atchison	D	MO	29 th	March 3, 1847
David R. Atchison	D	MO	30 th	February 2, 1848
David R. Atchison	D	MO	30 th	June 1, 1848
David R. Atchison	D	MO	30 th	June 26, 1848

Name	Party ^a	State	Congress	Date Elected
David R. Atchison	D	MO	30 th	July 29, 1848
David R. Atchison	D	MO	30 th	December 26, 1848
David R. Atchison	D	MO	30 th	March 2, 1849
David R. Atchison	D	MO	31 st	March 5, 1849
David R. Atchison	D	MO	31 st	March 16, 1849
William R. King	R(DR)J/D	AL	31 st	May 6, 1850
William R. King		AL	31 st	July 11, 1850
William R. King		AL	32 nd	[no election]
David R. Atchison	D	MO	32 nd	December 20, 1852
David R. Atchison	D	MO	33 rd	March 4, 1853
Lewis Cass	D	MI	33 rd	December 4, 1854
Jesse D. Bright	D	IN	33 rd	December 5, 1854
Jesse D. Bright	D	IN	34 th	June 11, 1856
Charles E. Stuart	D	MI	34 th	June 9, 1856
James M. Mason	D	VA	34 th	January 6, 1857
James M. Mason	D	VA	35 th	March 4, 1857
Thomas J. Rusk	D	TX	35 th	March 14, 1857
Benjamin Fitzpatrick	D	AL	35 th	December 7, 1857
Benjamin Fitzpatrick	D	AL	35 th	March 29, 1858
Benjamin Fitzpatrick	D	AL	35 th	June 14, 1858
Benjamin Fitzpatrick	D	AL	35 th	January 25, 1858
Benjamin Fitzpatrick	D	AL	36 th	March 9, 1859
Benjamin Fitzpatrick	D	AL	36 th	December 19, 1859
Benjamin Fitzpatrick	D	AL	36 th	February 20, 1860
Jesse D. Bright	D	IN	36 th	June 12, 1860
Benjamin Fitzpatrick	D	AL	36 th	June 26, 1860
Solomon Foot	W/OP/R	VT	36 th	February 16, 1861
Solomon Foot		VT	37 th	March 23, 1861
Solomon Foot		VT	37 th	July 18, 1861
Solomon Foot		VT	37 th	January 15, 1862

Name	Party ^a	State	Congress	Date Elected
Solomon Foot		VT	37 th	March 31, 1862
Solomon Foot		VT	37 th	June 19, 1862
Solomon Foot		VT	37 th	February 18, 1863
Solomon Foot		VT	38 th	March 4, 1863
Solomon Foot		VT	38 th	December 18, 1863
Solomon Foot		VT	38 th	February 23, 1864
Solomon Foot		VT	38 th	April 11, 1864
Daniel Clark	R	NH	38 th	April 26, 1864
Daniel Clark	R	NH	38 th	February 9, 1865
Lafayette S. Foster	OP/R	CT	39 th	March 7, 1865
Benjamin F. Wade	W/OP/R	OH	39 th	March 2, 1867
Benjamin F. Wade		OH	40 th	[no election]
Henry B. Anthony	R	RI	41 st	March 23, 1869
Henry B. Anthony	R	RI	41 st	April 9, 1869
Henry B. Anthony	R	RI	41 st	May 28, 1870
Henry B. Anthony	R	RI	41 st	July 1, 1870
Henry B. Anthony	R	RI	41 st	July 14, 1870
Henry B. Anthony	R	RI	42 nd	March 10, 1871
Henry B. Anthony	R	RI	42 nd	April 17, 1871
Henry B. Anthony	R	RI	42 nd	May 23, 1871
Henry B. Anthony	R	RI	42 nd	December 21, 1871
Henry B. Anthony	R	RI	42 nd	February 23, 1872
Henry B. Anthony	R	RI	42 nd	June 8, 1872
Henry B. Anthony	R	RI	42 nd	December 4, 1872
Henry B. Anthony	R	RI	42 nd	December 13, 1872
Henry B. Anthony	R	RI	42 nd	December 20, 1872
Henry B. Anthony	R	RI	42 nd	January 24, 1873
Matthew H. Carpenter	R	WI	43 rd	March 12, 1873
Matthew H. Carpenter	R	WI	43 rd	March 26, 1873
Matthew H. Carpenter	R	WI	43 rd	December 11, 1873

Name	Party ^a	State	Congress	Date Elected
Matthew H. Carpenter	R	WI	43 rd	December 23, 1874
Henry B. Anthony	R	RI	43 rd	January 25, 1875
Henry B. Anthony	R	RI	43 rd	February 15, 1875
Thomas W. Ferry	R	MI	44 th	March 9, 1875
Thomas W. Ferry	R	MI	44 th	March 19, 1875
Thomas W. Ferry	R	MI	44 th	December 20, 1875
Thomas W. Ferry	R	MI	45 th	March 5, 1877
Thomas W. Ferry	R	MI	45 th	February 26, 1878
Thomas W. Ferry	R	MI	45 th	April 17, 1878
Thomas W. Ferry	R	MI	45 th	March 3, 1879
Allen G. Thurman	D	OH	46 th	April 15, 1879
Allen G. Thurman	D	OH	46 th	April 7, 1880
Allen G. Thurman	D	OH	46 th	May 6, 1880
Thomas F. Bayard, Sr.	D	DE	47 th	October 10, 1881
David Davis	I	IL	47 th	October 13, 1881
George F. Edmonds	R	VT	47 th	March 3, 1883
George F. Edmonds	R	VT	48 th	January 14, 1884
John Sherman	R	OH	49 th	December 7, 1885
John J. Ingalls	R	KS	49 th	February 25, 1887
John J. Ingalls	R	KS	50 th	[no election]
John J. Ingalls	R	KS	51 st	March 7, 1889
John J. Ingalls	R	KS	51 st	April 2, 1889
John J. Ingalls	R	KS	51 st	February 28, 1890
John J. Ingalls	R	KS	51 st	April 3, 1890 ^d
Charles F. Manderson	R	NE	51 st	March 2, 1891
Charles F. Manderson	R	NE	52 nd	[no election]
Charles F. Manderson	R	NE	53 rd	[no election]
Isham G. Harris	D	TN	53 rd	March 22, 1893
Matt W. Ransom	D	NC	53 rd	January 7, 1895
Isham G. Harris	D	TN	53 rd	January 10, 1895

Name	Party ^a	State	Congress	Date Elected
William P. Frye	R	ME	54 th	February 7, 1896
William P. Frye	R	ME	55 th	[no election]
William P. Frye	R	ME	56 th	[no election]
William P. Frye	R	ME	57 th	March 7, 1901
William P. Frye	R	ME	58 th	[no election]
William P. Frye	R	ME	59 th	[no election]
William P. Frye	R	ME	60 th	December 5, 1907
William P. Frye	R	ME	61 st	[no election]
William P. Frye	R	ME	62 nd	[no election]
Charles Curtis	R	KS	62 nd	December 4, 1911
Augustus O. Bacon	D	GA	62 nd	January 15, 1912
Jacob H. Gallinger	R	NH	62 nd	February 12, 1912
Henry Cabot Lodge	R	MA	62 nd	March 25, 1912
Frank B. Brandegee	R	CT	62 nd	May 25, 1912
James P. Clarke	D	AR	63 rd	March 13, 1913
James P. Clarke	D	AR	64 th	December 6, 1915
Willard Saulsbury, Jr.	D	DE	64 th	December 14, 1916
Willard Saulsbury, Jr.	D	DE	65 th	[no election]
Albert B. Cummins	R	IA	66 th	May 19, 1919
Albert B. Cummins	R	IA	67 th	March 7, 1921
Albert B. Cummins	R	IA	68 th	[no election]
Albert B. Cummins	R	IA	69 th	[no election]
George H. Moses	R	NH	69 th	March 6, 1925
George H. Moses	R	NH	70 th	December 15, 1927
George H. Moses	R	NH	71 st	[no election]
George H. Moses	R	NH	72 nd	[no election]
Key Pittman	D	NV	73 rd	March 9, 1933
Key Pittman	D	NV	74 th	January 7, 1935
Key Pittman	D	NV	75 th	[no election]
Key Pittman	D	NV	76 th	[no election]

Name	Party ^a	State	Congress	Date Elected
William H. King	D	UT	76 th	November 19, 1940
Pat Harrison	D	MS	77 th	January 6, 1941
Carter Glass	D	VA	77 th	July 10, 1941
Carter Glass	D	VA	78 th	January 5, 1943
Kenneth D. McKellar	D	TN	79 th	January 6, 1945
Arthur Vandenberg	R	MI	80 th	January 4, 1947
Kenneth D. McKellar	D	TN	81 st	January 3, 1949
Kenneth D. McKellar	D	TN	82 nd	[no election]
Styles Bridges	R	NH	83 rd	January 3, 1953
Walter F. George	D	GA	84 th	January 5, 1955
Carl T. Hayden	D	AZ	85 th	January 3, 1957
Carl T. Hayden	D	AZ	86 th	[no election]
Carl T. Hayden	D	AZ	87 th	[no election]
Carl T. Hayden	D	AZ	88 th	[no election]
Carl T. Hayden	D	AZ	89 th	[no election]
Carl T. Hayden	D	AZ	90 th	[no election]
Richard B. Russell, Jr.	D	GA	91 st	January 3, 1969
Richard B. Russell, Jr.	D	GA	92 nd	[no election]
Allen J. Ellender	D	LA	92 nd	January 22, 1971
James O. Eastland	D	MS	92 nd	July 28, 1972
James O. Eastland	D	MS	93 rd	[no election]
James O. Eastland	D	MS	94 th	[no election]
James O. Eastland	D	MS	95 th	[no election]
Warren G. Magnuson	D	WA	96 th	January 15, 1979
Milton R. Young	R	ND	96 th	December 4, 1980 ^e
Strom Thurmond	ID/D/R	SC	97 th	January 5, 1981
Strom Thurmond		SC	98 th	[no election]
Strom Thurmond		SC	99 th	[no election]
John C. Stennis	D	MS	100 th	January 6, 1987
Robert C. Byrd	D	WV	101 st	January 3, 1989

Name	Party ^a	State	Congress	Date Elected
Robert C. Byrd	D	WV	102 nd	[no election]
Robert C. Byrd	D	WV	103 rd	[no election]
Strom Thurmond	R	SC	104 th	January 4, 1995
Strom Thurmond	R	SC	105 th	[no election]
Strom Thurmond	R	SC	106 th	[no election]
Robert C. Byrd	D	WV	107 th	January 3, 2001 - January 20, 2001
Strom Thurmond	R	SC	107 th	January 20, 2001- June 6, 2001
Robert C. Byrd	D	WV	107 th	June 6, 2001- January 7, 2003
Ted Stevens	R	AK	108 th	January 7, 2003

Source: The principal source for this table is Robert C. Byrd, *The Senate: Its History and Practice*, 4 vols., 100th Cong., 1st sess., S. Doc. 100-20, (Washington: GPO, 1988-1994), vol. 4, pp. 647-653.

Notes: Until 1890, the Senate elected a President pro tempore whenever the Vice President was not in attendance, whether for a day, or permanently, as in the case of the Vice President's death or resignation. When the Vice President returned, the President pro tempore lost his place. Then, when the Vice President was again absent, the Senate again elected a President pro tempore, in many cases the same Senator who had been chosen before. By the standing order agreed to on March 12, 1890, the Senate declared that the President pro tempore shall hold the office during "the pleasure of the Senate and until another is elected, and shall execute the duties thereof during all future absences of the Vice President until the Senate does otherwise order."

- a. A key to party abbreviations can be found in the Appendix.
- b. Senator John Gaillard was elected after the death of Vice President Elbridge Gerry and continued to serve throughout the 14th Congress, as there was no Vice President.
- c. There was no actual election. Senator Ambrose H. Sevier was "permitted to occupy the chair for the day." Gamm and Smith differ with respect to Sevier's service. See Gamm and Smith, *Last Among Equals*, "Table 1: Presidents Pro Tempore of the Senate," p. 13.
- d. As noted above, in March 1890, the Senate adopted a resolution stating that Presidents pro tempore would hold office continuously until the election of another President pro tempore, rather than being elected only for the period in which the Vice President was absent. That system has continued to the present.
- e. Senator Milton R. Young was elected to serve but the single day of December 4, 1980.

Table 2: Deputy Presidents Pro Tempore of the Senate, 1977-2004

Deputy President Pro Tempore	Party-State	Congress	Dates
Hubert H. Humphrey ^a	D-MN	95 th	January 5, 1977- January 13, 1978
George J. Mitchell ^b	D-ME	100 th	January 28, 1987- November 29, 1988 ^c

- a. Pursuant to S.Res. 17, agreed to January 10, 1977, the Senate established (effective January 5, 1977) the post of Deputy President pro tempore of the Senate to be held by “any Member of the Senate who has held the Office of President of the United States or Vice President of the United States.” Senator Humphrey held this position until his death on January 13, 1978. See Remarks *Congressional Record*, January 10, 1977, vol. 123, p.457.
- b. On January 28, 1987, the Senate agreed to S.Res. 90, authorizing the Senate to designate a Senator to serve as Deputy President pro tempore during the 100th Congress, in addition to Senators who hold such office under the authority of S.Res. 17, 95th Congress. Accordingly, on the same date the Senate agreed to S.Res. 91, designating Senator George J. Mitchell Deputy President pro tempore. See Remarks, *Congressional Record*, January vol. 133, p.2149.
- c. On November 29, 1988, by secret vote of the Senate Democratic Caucus, Senator Mitchell was elected Majority Leader for the 101st Congress. See “Democrats Pick Mitchell as Majority Leader, *Congressional Quarterly Almanac; 100th Congress, 2nd Session, 1988*, Washington, Congressional Quarterly, Inc., 1989, pp. 30-34.

Table 3: Permanent Acting President Pro Tempore of the Senate, 1964-2004

Congress	Name	State	Elected
88 th -95 th	Lee W. Metcalf ^a	Montana	February 7, 1964

Notes: This office was initially established in 1963 upon the adoption of S.Res. 232 and S.Res. 238 making Senator Metcalf Acting President pro tempore from December 9, 1963, until the meeting of the second regular session of the 88th Congress. When the position of Vice President became vacant upon the death of President John F. Kennedy, the added constitutional responsibilities imposed on then-President pro tempore Carl Hayden moved the Senate to agree on February 7, 1964 to S.Res. 296, authorizing Senator Metcalf “to perform the duties of the Chair as Acting President Pro Tempore until otherwise ordered by the Senate.” Senator Metcalf continued to hold the post throughout his remaining 14 years in the Senate. See Remarks, *Congressional Record*, February 7, 1964, vol. 110, p.249.

- a. Died January 12, 1978.

**Table 4: Presidents Pro Tempore Emeritus
of the Senate, 2001-2004**

Congress	Name	State	Elected
107 th	Strom Thurmond	SC	June 6, 2001 ^a - January 7, 2003
108 th	Robert C. Byrd	WV	January 15, 2003 ^b

- a. Elected pursuant to S.Res. 103, adopted June 6, 2001. See “Thanking and Electing Strom Thurmond President Pro Tempore Emeritus,” *Congressional Record*, daily edition, vol. 147, p. S5844.
- b. Elected pursuant to S. Res. 21, adopted January 15, 2003. See “Thanks to the Honorable Robert C. Byrd and His Designation as President Pro Tempore Emeritus,” *Congressional Record*, daily edition, vol. 149, p.S843.

Appendix: Political Party Abbreviations

Adams	Adams
Adams-Clay F	Adams-Clay Federalist
Adams-Clay R	Adams-Clay Republican
AJ	Anti-Jackson
Am	American (Know-Nothing)
Anti-Admin	Anti-Administration
C	Conservative
CRR	Crawford Republican
D	Democrat
F	Federalist
FL	Farmer-Labor
FS	Free Soil
I	Independent
ID	Independent Democrat
IR	Independent Republican
J	Jacksonian
JR	Jacksonian Republican
L	Liberty
LR	Liberal Republican
N	Nullifier
N/A	Party Unknown or No Party Affiliation
NR	National Republican
OP	Opposition
PO	Populist
PR	Progressive
Pro-Admin	Pro-Administration
R	Republican
R(DR) ^a	Jeffersonian, Jeffersonian Republican, or Democratic Republican
RA	Readjuster
S	Silver
SR	Silver Republican
U	Unionist
UU	Unconditional Unionist
W	Whig

Source: The table is derived from Robert C. Byrd, *The Senate, 1789-1989: Its History and Practice*, 4 vols., 1988-1994, 100th Cong., 1st sess., S. Doc. 100-20, (Washington: GPO, 1993), vol 4, p. xiii.

a. Although the *Biographical Directory of the American Congress* identifies the party affiliation of certain Representatives in early Congresses as Republicans, the designation “Democratic Republican” is more familiar to readers. This designation, R(DR), should not be confused with the contemporary Republican Party which did not emerge until the 1850s.

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