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House and Senate Chaplains: An Overview

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Introduction and Functions

Both the Senate and House of Representatives elect chaplains. The chaplains perform ceremonial, symbolic, and pastoral duties. Pursuant to Senate Rule IV and House Rule II, the Senate and House chaplains open the daily sessions in their respective chambers with a prayer. In addition to these official duties, they also serve as spiritual counselors to Members, their families, and staff; coordinate religious studies, discussion sessions, and prayer meetings for Members and staff; and may officiate at the weddings and funerals of Members.

At the beginning of each Congress, the House chaplain is elected to a two-year term.¹ The Senate chaplain, like other officers of the Senate, does not have to be reelected at the beginning of a new Congress. The House and Senate elect the chaplains as individuals and not as representatives of any religious body or denominational entity.

The elected chaplains also coordinate the “guest chaplains,” who are invited by Members of the House and Senate to offer an opening prayer. These guest chaplains, who have represented numerous faiths, have been invited for many decades.² In 1948, for example, the House welcomed its first female guest chaplain.³

History

The custom of opening legislative sessions with a prayer began in the Continental Congress, which elected Jacob Duché, rector of Christ Episcopal Church in Philadelphia, to serve as its chaplain from 1774 to 1776.⁴

For most of their history, the House and the Senate have each elected a chaplain. The Senate elected as its first chaplain Samuel Provoost, an Episcopal bishop from New York, on April 25, 1789. The House then elected William Linn, a Presbyterian minister from Philadelphia, on May 1, 1789. Pursuant to an act of September 22, 1789, each chaplain received an annual salary of \$500.⁵

When Congress moved to Washington in 1800, houses of worship were so few that the chaplains took turns conducting Sunday services in the House chamber—now Statuary Hall. Visiting clergy also participated in these services, which were open to the public.⁶

In the 1850s, numerous petitions were received requesting the abolishment of the chaplain offices. Some of these petitioners objected to the employment of chaplains in Congress and the military as a breach of the separation of church and state. Some critics also alleged that the appointments of chaplains had become too politicized. The House Judiciary Committee received these petitions,⁷ issued a report on March 27, 1854, and proposed a resolution discharging the

¹ For additional information on the House Chaplain, see *Deschler's Precedents of the House*, Ch. 6, §21 *et seq.* 94th Cong., 2nd sess., H.Doc. 94-661 (Washington: GPO, 1965).

² For example, see *Cong. Rec.*, January 21, 1955, p. 528; and *Cong. Rec.*, February 9, 1961, p. 2029.

³ *Cong. Rec.*, June 9, 1948, pp. 7597-7599; and *Deschler's Precedents*, ch. 6 §21.9.

⁴ *Journals of the Continental Congress*, September 6, 1774 ; July 9, 1776; and, October 17, 1776.

⁵ 1 Stat. 71.

⁶ For an early description, see *The first forty years of Washington society in the family letters of Margaret Bayard Smith*, edited by Gaillard Hunt (New York: C. Scribner's sons, 1906), pp. 13-17.

⁷ Some petitions referred to the House Committee on the Judiciary from the 31st-33rd Congresses (1849-1855) are preserved in the National Archives (Records of the U.S. House of Representatives, Record Group 233, National Archives, Washington, DC.)

committee from further consideration.⁸ For a short period in the late 1850s, the House and Senate did not elect chaplains. Instead, local clergy were invited to serve voluntarily as chaplains.⁹ However, the difficulty in obtaining volunteer chaplains resulted in Congress returning to the practice of selecting official House and Senate chaplains.¹⁰

There have been 62 Senate chaplains and 60 House chaplains.¹¹ Two House chaplains also had other House service. Oliver Cromwell Comstock, a Member of the House of Representatives from March 4, 1813, to March 3, 1819, later served as chaplain from December 20, 1836, until March 3, 1837. William Henry Hammett served as chaplain from December 12, 1832, until December 10, 1833, and was later elected to one term in the House (March 4, 1843 to March 3, 1845).

Elections

The process for electing the House and Senate chaplains has changed over time. Prior to the period without chaplains, for example, they were elected for a single session of Congress, and while each house elected a chaplain, they alternated chambers weekly.¹²

House

Since returning to the practice of having an official chaplain, the House chaplain has been elected to a two-year term at the beginning of each Congress. The House usually elects its officers by resolution. Since 1953, the Speaker has also had the authority to make a temporary appointment to fill a House officer vacancy,¹³ although the House may at any time elect a replacement officer. In late 1994, prior to the convening of the 104th Congress, some thought was reportedly given to having volunteers of rotating denominations fill the post of House chaplain.¹⁴ However, the House decided to maintain the system of a full-time paid chaplain.

Frequent transitions in the office, as well as multiple candidates and votes on the House floor during each election, were not unusual during the 19th century.¹⁵ Since then, however, the position has been marked by the long tenure of its occupants: only six chaplains served in this position from December 1895 through April 2011.

⁸ U.S. Congress, House, *Chaplains in Congress and in the Army and Navy*, March 27, 1854, H.Rept. 124, 33rd Cong., 1st sess.

⁹ *Senate Journal*, December 9, 1857, pp. 34-35; *House Journal*, December 16, 1857, p. 78.

¹⁰ See, for example, discussion of “Chaplains to the Senate,” in *Cong. Globe*, December 12, 1859, pp. 97-98. The Senate then proceeded to elect a chaplain a few days later (*Cong. Globe*, December 15, 1859, p. 162).

¹¹ For a list of House chaplains, see <http://chaplain.house.gov/chaplaincy/history.html>. For a list of Senate chaplains, see http://www.senate.gov/artandhistory/history/common/briefing/Senate_Chaplain.htm.

¹² See entries, for example, in the *House Journal* on December 4, 1799, and December 6, 1853, and in the *Senate Journal* on November 5, 1792 and December 4, 1855.

¹³ P.L. 197, August 5, 1953, 67 Stat. 387, 2 U.S.C. §75a-1.

¹⁴ “Hill chaplain jobs may not be sacred amid frugal mood,” by Larry Witham, *The Washington Times*, January 6, 1995, p. A2; and, “Permanent, Paid House Chaplain Could Be Another GOP Casualty,” *Roll Call*, by Alice A. Love, December 8, 1994.

¹⁵ For example, on December 14, 1847, three roll call votes were necessary before the election of a chaplain (*House Journal*, December 14, 1847, pp. 70-75).

Electing an Officer at the Beginning of a Congress

When the House convenes at the beginning of a new Congress, the chair of the majority party caucus or conference typically offers an omnibus resolution for the election of House officers (currently, the Clerk of the House, Sergeant at Arms, Chief Administrative Officer, and the Chaplain). The chair of the minority caucus or conference is then customarily recognized. For many years, the minority caucus or conference chairman has then (1) asked for a division of the question so that a separate (and non-contested) vote occurs on the election of the chaplain, and (2) offered an amendment to the remainder of the resolution, replacing the names of the majority candidates for the three other officer positions with the names of minority party nominees. The portion of the resolution providing for the election of the chaplain is then adopted. With little or no debate, the amendment is generally defeated and the remainder of the resolution agreed to.¹⁶

Electing an Officer During a Congress

The procedure for filling a vacancy that occurs during a Congress differs in some respects from the procedure used to elect officers at the start of a Congress. When a House officer resigns, dies, or is removed from office during a Congress, the vacancy may be filled by House action on a resolution or temporarily by the Speaker by appointment. A resolution to fill a vacant position is privileged for consideration.¹⁷

Senate

The Senate chaplain, like other officers of the Senate, does not have to be reelected at the beginning of a new Congress. When a vacancy does occur, the Senate chooses a new chaplain through the adoption of a resolution.

The three most recent Senate candidates for chaplain have been nominated by a bipartisan search committee that examined possible applicants.¹⁸ This method has not always been Senate practice and may differ from any future nomination.

As in the House, multiple candidates, and even multiple votes on the Senate floor, were not unusual during the 19th century. For example, on December 10, 1833, six roll call votes were necessary before the election of one of the four candidates for chaplain.¹⁹ In the 20th century,

¹⁶ For example, see “Election of Clerk of the House, Sergeant at Arms, Chief Administrative Officer and Chaplain,” H.Res. 1, *Cong. Rec.*, January 5, 2011, p. H6; and, “Election of Clerk of the House, Sergeant at Arms, Chief Administrative Officer and Chaplain,” H.Res. 1, *Cong. Rec.*, January 6, 2009, p. H6.

¹⁷ For additional information in privileged resolutions, see U.S. Congress, House, *Constitution, Jefferson’s Manual, and Rules of the House of Representatives of the United States*, One Hundred Eleventh Congress, H. Doc. 110-162, 111th Cong., 2nd sess., [compiled by] John Sullivan, *Parliamentarian* (Washington: GPO, 2009), Sec. 698 *et seq.* For additional information, see CRS Report 98-411, *Questions of Privilege in the House*, by James V. Saturno.

¹⁸ The official record provides little information on these selections. See *Roll Call*, “Kyl Leading Senate Chaplain Search; Finalists Will Get Chance to Lead Opening Prayer for a Day,” January 20, 2003, by Ben Pershing; *Tributes Delivered in Congress to Chaplain Lloyd John Ogilvie To Commemorate His Service in the United States Senate*, S. Doc. 108-4 (Washington: GPO, 2003), p. 28. Available at <http://www.gpo.gov/fdsys/pkg/CDOC-108sdoc4/pdf/CDOC-108sdoc4.pdf>; and, *Richard C. Halverson, U.S. Senate Chaplain, Memorial Tributes in the Congress of the United States*, S. Doc. 104-15 (Washington: GPO, 1996). Available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104_cong_documents&docid=f:sd015.104.pdf.

¹⁹ *Cong. Globe*, December 10, 1833, p. 27.

minutes of the Senate Republican and Democratic Conferences through the 1960s also reveal discussion of multiple candidates.²⁰

The post of chaplain to the Senate has generally not been subject to party considerations. When the Republicans gained the majority in the Senate in the 80th Congress (1947-1948), they replaced the incumbent with a new chaplain, but his nomination occasioned a debate on the floor.²¹ When the Democrats regained the majority in the 81st Congress (1949-1950), they restored the previous incumbent,²² who remained in office in the subsequent transitions in the 83rd Congress (1953-1954) and the 84th Congress (1955-1956).

Current Chaplains

Father Patrick J. Conroy was elected as the new House chaplain on May 25, 2011.²³ His election followed the retirement of Father Daniel P. Coughlin. Father Coughlin, who was the first Roman Catholic House chaplain, was appointed by the Speaker of the House on March 23, 2000, and was elected at the beginning of each subsequent Congress. His appointment followed the resignation of Reverend James Ford, who had served as House chaplain since January 1979.²⁴

On June 27, 2003, the Senate elected its first black and first Seventh-day Adventist chaplain.²⁵ Dr. Barry C. Black was previously a rear admiral and former chief of chaplains for the Navy. His name was among those recommended by a bipartisan search committee of five Senators led by Senator John Kyl. Dr. Black replaced Dr. Lloyd Ogilvie, a Presbyterian minister, who had resigned in March 2003.

The House chaplain earns \$172,500, and the Senate chaplain's salary is equivalent to level IV of the Executive Schedule,²⁶ which is equivalent to \$155,500 in 2011.²⁷ The budgets for the chaplains' office operations and staff are included in the annual legislative branch appropriations acts.

Constitutionality

At least three court cases have examined the presence of chaplains in the House and Senate. The constitutionality of legislative chaplains was upheld in 1983 by the Supreme Court (*Marsh v.*

²⁰ U.S. Senate, *Minutes of the U.S. Senate Republican Conference, 1911-1964*, S.Doc. 105-19 (Washington: GPO, 1999); and, U.S. Senate, *Minutes of the Senate Democratic Conference (1903-1964)*, S. Doc. 105-20 (Washington: GPO, 1998).

²¹ *Cong. Rec.*, v. 93, January 4, 1947, pp. 111-113.

²² *Cong. Rec.*, v. 95, February 3, 1949, p. 799.

²³ H.Res. 278, *Cong. Rec.*, May 25, 2011, pp. H3430- H3432.

²⁴ In May 1999, after Reverend Ford announced his intention to retire, the then-House Speaker Dennis Hastert and the then-House Democratic Leader Richard Gephardt appointed an 18-member bipartisan search committee, chaired by Representatives Tom Bliley (R-VA) and Earl Pomeroy (D-ND), to recommend three finalists for House chaplain. In November 1999, Reverend Charles Wright, a Presbyterian minister, was chosen by the House leadership (the Speaker, and majority and minority leaders). However, he withdrew his name from consideration. Reverend Ford's resignation was accepted in the House on March 23, 2000. Speaker Hastert appointed Father Coughlin under his authority to appoint a temporary replacement officer in the middle of a Congress. See *Cong. Rec.*, June 18, 1999, p. E1330; and, *Cong. Rec.*, March 23, 2000, pp. H1326-H1327.

²⁵ S.Res. 189, *Cong. Rec.*, June 27, 2003, p. S8845.

²⁶ 2 U.S.C. 61d, P.L. 100-202, December 22, 1987, 101 Stat. 1329-290, 1329-294.

²⁷ 2 U.S.C. 60a-2a note containing the Order of the Speaker of the House.

Chambers, 463 U.S. 783, related to chaplains in the Nebraska Legislature) on the grounds of precedent and tradition. The Court cited the practice going back to the Continental Congress in 1774 and noted that the custom “is deeply embedded in the history and tradition of this country” from colonial times and the founding of the republic. Further, the Court held that the use of prayer “has become part of the fabric of our society,” coexisting with “the principles of disestablishment and religious freedom.” This decision was cited in *Murray v. Buchanan*, which challenged the House chaplaincy, the next year. On appeal, the U.S. Court of Appeals for the District of Columbia dismissed the complaint “for want of a substantial constitutional question.”²⁸ Subsequently, on March 25, 2004, the U.S. District Court for the District of Columbia, citing *Marsh v. Chambers*, dismissed a suit that challenged the congressional practice of paid chaplains as well as the practice of opening legislative sessions with prayer.²⁹

Useful Links

Senate Chaplains: http://www.senate.gov/artandhistory/history/common/briefing/Senate_Chaplain.htm

House Chaplains: <http://chaplain.house.gov/>

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²⁸ *Murray v. Buchanan*, 729 F. 2d 689 (D.C. Cir. 1983).

²⁹ *Newdow v. Eagen*, 309 F. Supp. 2d 29 (D.D.C. 2004).