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Mike Mansfield 1903-2001
tained by the Senate in such a ruling. When a Presiding Officer tried to over-turn that precedent, the Senate over-rulled the Presiding Officer.

In 1959 we changed that rule, to provide that debate could be closed off by a two-thirds majority. I understand that the rule could not be changed through the use of orderly process. Should it not be incumbent upon those who wish to change the rules to try to do it by orderly process, under the rule that they themselves voted to make a rule of the Senate, before they try to use a disorderly process, or have the Vice President try to tell us that the rules are unconstitutional? He might as well tell us the Senate has no rules whatever, except such rules as he wishes to dispense from time to time.

There was considerable discussion, also, of matters which happened in 1917, when the Senate had no rule for closing debate. Also, a statement was made that it would never be possible to proceed to a change of the rules if it was necessary to get 67 votes to shut off debate. How do we know we would ever get to the point of requiring 67 votes? How do we know we would have a filibuster against a change of the rules? There might be a filibuster, how do we know it would not be possible to get 67 votes? The Senate has not even tried.

Then he would like to destroy the fundamental liberties Senators have enjoyed to make their case and present their views to the Nation when they believe something exceedingly harmful to the Nation is sought to be done, and, by the measure here proposed, simply be denied their rights. What is proposed to be done is to have the Chair decide that the rules of the Senate are unconstitutional, rules which protect small minorities. Then someone will move the previous question. I submit that if Senators wish to change the rules, they can be changed without resort to that kind of procedure.

I recall that when I first came to the Senate in 1949, the Senate had a debate over changing its rules. A point was reached when the Presiding Officer, the Vice President of the United States, Alben Barkley, undertook to rule that a motion to proceed was subject to a closure petition. I suppose many Senators had never had a greater amount of political courage to overrule that ruling of the Chair, but they did so.

A former President pro tempore of the Senate, a great Member of this body, a former chairman of the Committee on Foreign Relations, the late Arthur Vandenberg, made a speech that perhaps did not help him with political problems in his home State, but it was one of the greatest speeches I ever heard. He said that the Vice President was wrong and that the ruling should be overruled by the Senate on an appeal from the ruling of the Chair.

Mr. Talmadge of Georgia, undertook to rule that a change of the rules whatever, except such rules as he has in mind. I believe I know what the rules might be, what the law may be, or what justice may be under the circumstances.

I am not true that the advocates of the resolution are trying to create a steamroller in the U.S. Senate, with which they can run roughshod over the wishes of all other Senators. They may represent 80 percent of the population of the United States; yet they would run roughshod over the remainder of the population.

Mr. Long of Louisiana. In my judgment, to do the greatest dis-service they could do to themselves as well as to the Nation, because the Senator from Georgia knows that while today one group may be driving the steam roller, looking down the road, there may be a new driver on the steam roller tomorrow. Someone else will be in charge of it. One never can be certain what the final result will be. I would certainly protect their rights today if I had the power and the privilege to do so. But I must say that over a period of time, with the shifting of parliamentary majorities, and the results which go with politics, the chickens have a way of coming home to roost.

Mr. Talmadge. Is it not true that all of us at some time or another are in the minority?

Mr. Long of Louisiana. That is true.

Mr. Talmadge. When we are in the minority and the other side is operating the steam roller, they can run roughshod over us at will.

Mr. Long of Louisiana. That is entirely correct.
insure that we will take no action in haste that we will repent in leisure.

Freedom of debate in the Senate has served the Nation of ours well over the years. Well it may be that it was subject to a few abuses, but the benefits which derive from the harm that would be done if this great principle was not preserved.

I know of no major legislation, and this civil rights bill in the last 4 years, which has ever been prevented from consideration or passage by reason of extended debate. Why, then, is there a necessity for further relaxation of this rule?

The only reason that comes to my mind is the fact that there are moments when individuals motivated by passion or zealous, and misled by misrepresentations of interested groups, call for the expediency of considererion of various measures which may be found not to have the attraction which they appear to have at the moment.

I note That in such tampering with this right, we should assure ourselves that what is lost will not be greater than what is gained.

Note the careful admonition of Jefferson:

That in such tampering with this right, we should assure ourselves that what is lost will not be greater than what is gained.

This is sage advice. It cannot and should not be taken lightly. It is the foundation upon which the great Republic has endured and continues to endure.

Free and unfettered debate is what gained for this great body the well-deserved reputation of being the world's greatest deliberative assembly.

Section 1, of article I of the Constitution of the United States provides as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years, and each Senator shall have one vote.

This provision was later changed by the 17th amendment, which provides in pertinent part as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years, and each Senator shall have one vote.

I quote these two provisions of the Constitution of the United States to you, Senator Talmadge, for the purpose of maintaining the equality of power among large and small States insofar as representation is concerned in this body. Each State is equal. It is the design which provides it.

Any further relaxation of Rule XXII would, in my opinion, unduly limit freedom of debate and dangerously destroy the fundamental basic relationship that presently exists consonant with the Constitution of the United States. Wisdom, reason, and justice dictate that only in unlimited debate can we preserve individual and collective rights, and fully protect the rights of the minority. We must not forget that the majorities of today may be the majorities of tomorrow.

Any further relaxation of Rule XXII, in my opinion, would unduly limit the freedom of debate and dangerously destroy the fundamental basic relationship that presently exists consonant with the Constitution of the United States. Wisdom, reason, and justice dictate that only in unlimited debate can we preserve individual and collective rights, and fully protect the rights of the minority. We must not forget that the majorities of today may be the majorities of tomorrow.

Only by preserving this great principle can we insure that reason, truth, and justice shall prevail. Any other course will carry us down the road to tyrannical government.

My very able and distinguished colleague from Georgia [Mr. Talmadge] has, in my opinion, made a great contribution in the present debate. I should like to quote a remark which he made in summarizing the grave responsibility which we have pending before us. On page 32, of Senate Report 1509, relating to proposed amendments to rule XXII, of April 30, 1958, the able Senator stated:

The onslaught to stifle freedom of speech on the floor of the Senate is an attack not only on the Senate itself, but also on the statures, perquisites, and prerogatives of each Senator in national affairs and every other responsibility incident to the seneship. It is an attack which threatens the whole fabric of our form of government and strikes at the very vitals of representative government.

It is an attack which seeks to destroy the constitutional balance of Federal and State power and deal a death blow to the States as political entities.

Again on page 34, he stated:

Our wise Founding Fathers were aware that the excesses of democracy can be as fearful in their consequences as are the excesses of autocracy. To safeguard against both extremes they gave us our republican form of government with its deliberately contrived system of checks and balances of which freedom of debate in the Senate is at least an implied, if not actual, part.

These remarks are consistent with wisdom and foresight. Indeed, he is to be commended for such an invaluable contribution, not only to the Senate of the United States, but to the American people as well.

I should like to conclude my statement in opposition to the pending Humphrey-Koch substitute, which would permit cutting off debate by a mere majority, and the Anderson motion, which would permit cutting off debate by three-fifths of the Senators present and voting, by quoting a remark made by former President Franklin D. Roosevelt, while Governor of New York, when he stated in a radio address, delivered on March 2, 1930, as follows:

The moment a mere numerical superiority by either States or voters in this country proceeds to ignore the needs of the minority, and, for their own selfish purposes or political power, to hamstring or oppress that minority or debars them in any way from equal privileges and equal rights—that moment death is dealt to the very foundation of our constitutional system.

These words of warning, echoed continuously from the days of Thomas Jefferson, are as valid now as they were then related.

The issue before us is as basic as our freedom itself. Destroy the concept of unlimited debate by any further relaxation of Senate rule XXII, and we embark upon a course inexorably leading to the certain corrosion of liberty itself.

Mr. MANSFIELD. Mr. President, the debate on the rules question has now proceeded for several days. I should like to contribute this much to the discussion: The fundamental question which is before us, as Walter Lippmann has put it, is not whether a majority of Senators shall prevail, but what kind of majority? How large a majority on trans nationwide issue?

As the Senator from Georgia has said, the Constitution requires a majoritarian on certain matters beyond the simple majority by which ordinary bills are enacted. It requires a two-thirds majority on treaty ratification. It requires a two-thirds majority on constitutional amendments. It requires a two-thirds majority in the impeachment of the President. It requires a three-thirds vote to override a Presidential veto.

The question, as to whether, with these larger-than-simple majority provisions? We do not desire to prevent us from being carried away by the passions of the moment and to make certain that merely one Senator over a simple majority will not move this body into ill-advised action or this Nation into new paths which are not likely to be trod successfully unless a preponderance of the States are in accord.

I would not propose to put the rules of the Senate on the same level as the Constitution. Nevertheless, in those rules, various procedural matters call for varying majorities. These range all the way from unanimous consent to simple majorities. And, again, the purpose of these variances is essentially the same as that of the various types of majorities embodied in the Constitution—that this body shall proceed in an orderly fashion, with appropriate deliberation.

So let us then, each of us, divest ourselves once and for all of any superior virtue in which we may be constrained to clothe ourselves merely because we advocate that debate be determined on the basis of a simple majority, a three-fifths majority, a two-thirds majority, or whatever.

I should like to conclude by reiterating the question: What kind of a majority to prevent abuses under rule XXII while still retaining that measure of extra caution for the Senate’s capacity for full and complete debate? Let no one make light of this capacity. It is a procedure which is intrinsic and related to the great and unique contribution of the Senate to this Gov-
I am not blind to past abuses of this right of full debate. I am not blind to the fact that the exercise of this responsibility has bordered many times on the irresponsible that does not change the fundamental question which is involved in the consideration of rule XXII. I repeat: It is not the question of civil rights except in the most temporal sense. It is, rather, the nature of the institution itself. In this connection, I would address myself to all of the Members of the Senate and ask them to consider rule XXII in terms of the stature of a continuing Senate of which we are but momentary custodians.

And to the Members on this side of the aisle alone, I would address this additional question: When shall we act to change this rule, if indeed, change is warranted? A new situation now prevails in this Government. Members of this party have the responsibilities now not only in the Congress but also in the administration of the Government.

Speaking as one Senator, I am persuaded that further change in rule XXII is needed. The spectacle of Senators sleeping on cots in their offices, night after night, for weeks on end, in an effort to reach the point of a vote on a question the outcome of which had been committed to the 86th Congress, was not an edifying one. It added not at all to the stature of the Senate as a responsible and effective instrument of government.

I should not like to see that spectacle repeated while I remain a Member of the Senate. And I hope that it will not be repeated—ever. I favor a change in the rule to make it less likely that it will be repeated. But the question, "When to change?" remains. It remains, may I say particularly for my colleagues on this side of the aisle.

I ask each Democratic Senator to weigh most carefully the situation as it now exists, and I would want to have only a partial-party responsibility for the leadership of the Government. We have the whole responsibility. The President calls that leadership. These are pent-up needs for action—legislative and executive—in the field of distressed areas, education, minimum wages, medical care, and so forth. These needs can be met, and they must be met. It is the responsibility of this party to meet those needs—to meet them adequately, to meet them promptly.

During the next 4 years there will be no blaming the failure to meet these needs no Presidential veto. The mandate is ours; the authority is ours; the responsibility is ours. In the executive branch and in the legislative branch. I do not see that we shall adequately discharge that responsibility, that we shall effectively lead the country, if the people of the United States have conferred upon us, if we now, at this moment in the time of this Congress, engage ourselves within this party in a time-consuming, emotion-filled, disunifying, disrupting struggle over rule XXII.

Some will say that there is a great need in this Nation not only for action on distressed areas, on medical care, and on minimum wages, but also on a more fundamental question—the constitutional right of every citizen of the United States to equal treatment under the Constitution and the laws of the United States, regardless of who he may be. To those colleagues, I reply that I am fully in accord. But I say, further, that there are many paths to progress in the field of civil rights, paths dependent not at the outset of this new administration on new legislation, as is action on distressed areas, medical care, minimum wage, and similar matters.

We will have a President during the next 4 years who will lead vigorously in this fundamental field of equality of all citizens under law, a President equipped by conscience and by personal conviction to so lead, a President who will use the moral sanction of the office of the Presidency to so lead, a President armed with the inherent powers of the office, a President equipped with legislation previously passed to so lead.

As we must look first to the Congress for the legislation to move the Nation forward in the realm of socioeconomics, I believe we must look first to the new President for the actions which he is so well equipped to take in bringing the ideal of the equality of all citizens closer to the reality in this Nation.

It goes without saying that Members are free on this issue of rule XXII, as on all others, to vote as they deem proper. For myself, I believe the issue is not only in terms of personal convictions but also in terms of my responsibilities to my Democratic colleagues and to the incoming administration. I must act in a fashion which, I am persuaded, in the end will move the Nation forward most rapidly, most soundly, not only in matters of civil rights but also in all the new frontiers to which the new administration will address itself.

And I must act, too, without regard for party politics. The Senate, in a fashion which I believe will best gird the dignity and preserve the vitality of the Senate as an institution, as a citadel of this Government and in it, as far as I am concerned, and this, so far as I am concerned, in my relations with every Member of this body. I will do all I can to reasonably expeditious hearings on the matter, and if others, if they are referred to the Committee on Rules and Administration,
If a measure is reported, then I intend to
do all I can to see that it is approved
by the policy committee and reported
to the Senate.

Insofar as a filibuster is concerned, I
am not at all certain that there will be
a filibuster; because I am not at all cer-
tain exactly what the term “filibuster”
means. Sometimes it depends upon
who is wearing the shoe, as to whether it
is called a filibuster, an extended edu-
cational debate, or some sort of device
or other.

It is my belief that if we do not operate
in the manner suggested, we shall not
proceed expeditiously to the considera-
tion of the legislation which is very im-
portant to many of senators who are in-
terested in this particular proposal at
this time. If it is going to take a great
deal of time now, I think the program is
dangerous. If it is going to take a great
deal of time later, what have we lost?
We have acted expeditiously. We will
have presented our arguments to the
Senate.

Mr. MANSFIELD. No; I could not agree
because I do not believe we have the
authority to bind the Senate at this
date. The Senate in operation at that
time, perhaps some months hence,
will have to lay down its own rules.

Mr. CASE of New Jersey. The Sena-
tor now understands what I am say-
ing. I am not asking that he bind
Senators as to how they shall vote on a
subject of that kind, either by refer-
ting to the Chair or to the rules from
the ruling of a Presiding Officer.

What the Senator from New Jersey
asks is that the Senator from Montana
join me in asking the Senate by unam-
ionous consent to agree that the situation
in that regard shall not be different,
insofar as the power of a majority to
close debate is concerned, than it is if we
consider the matter and conclude it now?

Mr. MANSFIELD. No; I could not agree
because I do not believe we have the
authority to bind the Senate at this
date. The Senate in operation at that
time, perhaps some months hence,
will have to lay down its own rules.

Mr. CASE of New Jersey. If the Sena-
tor from Montana will indulge me once
more, I understand that the Senator
from Montana disagrees with the ruling
of the Vice President, and, of course, I
believe the Vice President is correct.

It appears to me that the President
agreed that whatever the correct
situation is, we may consider the
question, when it comes back to us from
the Vice President’s committee, on the
same basis and with no prejudice because of
the fact of its having been sent there, as if we
had considered the question and concluded
it as the first business of this Congress?

Mr. MANSFIELD. I do not agree with
the Senator from Montana, and I
would advise my colleagues on both sides
of the issue to examine the facts, and on
that basis I could not agree.

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quest—then the Senator from New Jersey is not prepared to follow the request of the majority leader. He believes that the business of the Senate—the President-elect’s program, and all the rest—can be furthered better by concluding that the Senate, and the exercise of the power of the Senate to close debate after a reasonable debate is had before the business of inauguration occurs than by following the course the Senator recommends.

Mr. MANSFIELD. May I say to the Senator from New Jersey, for whom I have great respect and admiration, as I have for the Senator from New York, that he is entitled to his point of view, as are the 99 other Senators; and if at any time a single Senator, whether he be Democrat or Republican, does not express in the open the views which he honestly believes, I do not think he should be a Senator.

Mr. CASE of New Jersey. I appreciate that statement. Of course, everything we say is with the utmost respect, and I do not consider or, each other’s point of view in this regard.

Mr. MANSFIELD. I thank the Senator.

Mr. DOUGLAS. Mr. President.

Mr. DIRKSEN. Mr. President.

Mr. MANSFIELD. Mr. President, before I- may say that the proposal is introduced by the junior Senator from Illinois (Mr. Dirkson) and myself.

Mr. DOUGLAS. Mr. President, it is never pleasant to disagree with one’s leader. It is particularly unpleasant in the present case. I feel compelled to do so, however.

I should like to begin by quoting the pledge which our party took last summer on this very issue, which has not been often mentioned in this debate, but of which we should be aware. I can certainly assure the Senators that the voters in the country are aware of this pledge. Let me read it. It is on page 47 of the Democratic platform.

In order that the will of the American people may be expressed upon all legislative proposals, base action is taken at the beginning of the 87th Congress to improve congressional proceedings so that majority rule prevails and a change may be made after reasonable debate without being blocked by a minority in either House.

Members of the Senate, and particularly those voting on this side of this issue, let me call attention again to the fact that this pledge stated that action should be taken at the beginning of the 87th Congress.

It is upon that platform that our national candidates campaigned. It was to that platform that our candidates for President and Vice President declared their support. It was upon the basis of that platform that hundreds of thousands of members of the party in the North and, yes, the West, supported our candidates. There were indeed some in the South who voted Democratic for that very reason.

It was upon that platform that many of us who ran for the Senate gave our pledge of allegiance, and received an overwhelming majority from the voters. We Democrats, in my judgment, are also bound morally as well as by the mere letter of the platform to follow that declaration.

There is altogether too much of a tendency in these days to treat party platforms as something with which to ballyhoo the election, something to which we pledge our true support and allegiance.

The time is coming, at least for those of us on this side of the aisle, as to whether those were empty words or whether they were something which we meant. If the majority of the Senate is agreed to, in my judgment it will be a black day for the Senate, if we carry out the pledges that our candidates for the President and Vice President, and consequently the Democratic Party in the country.

I wish to credit the Senator from Montana with full sincerity when he says that he feels the Senate rule should be changed, but he is saying, now is not the time to do so.

We have 10 days before the new President will be inaugurated. During that time we can find out whether the Senate is or is not in favor of a change in the rules so as to permit a majority to bring a measure to a vote is indeed the only period in the life of this Congress when by a majority vote we can pass upon this question.

Under the present rulings of the Vice President, under the mandate of the Constitution, under the precedents of Jefferson’s Manual and under the precedents of the House and of the Senate, we can move the previous question. The previous question is subject to debate and is decided by a majority and we can terminate debate upon the main issue and proceed directly to the issue of changing the rules.

We can do it during this preliminary period in the new Congress by majority vote, and we can only do it now. As the Senator from New York has pointed out, once the rules of the Senate in their totality are adopted either directly or indirectly by acquiescence, then thereafter we can only limit debate by a two-thirds vote of the Senators present and voting.

We know this, Mr. President. The overwhelming majority of the people in the country want a change in the Senate rules so that after full debate the majority may have the chance to vote. We also know that a small minority would deprive the people of that chance. A majority of the people want the change. Even a majority of the Senate wants it, although representation in the Senate is somewhat lopsided.

The point is that while we have a majority in favor of a change, we do not have two-thirds. We do not have two-thirds because when the question of civil rights is involved, our southern friends—and I do not question their sincerity—do not want to have the changes because they do not want to have the full implications of the 14th and 15th amendments to the Constitution as carried out by Congress. That is 22 votes right there.

A majority of the Senate want to do that, but not two-thirds. Some Senators from other regions will support the practice of the filibuster in order to help their friends from the South. We know this.

However, once we pass this point. In the life of the Senate of a new Congress, then the two-thirds rule comes into effect and it is good to effective civil rights legislation for the American people. If it is in fact good to civil rights legislation for the next 4 years. In the next 4 years, we may not in the same position of being able to move the previous question that we are in during this interregnum before the new administration takes office.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, will the Senator from Illinois yield to me?

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Mr. DOUGLAS. I yield.

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Mr. JAVITS. Mr. President, will the Senator from Illinois yield to me?
A vote in favor of it is a vote against the Democratic platform, because the Democratic platform states that such a motion should not be taken at the beginning of the 87th Congress. Those who drafted that plank in the platform knew what they were doing. We know that if the matter were referred to a committee, the committee would then have to act in the 87th Congress, and there was some reluctance to apply the previous question on that basis.

So far as motions to table motions were concerned, it was rather difficult for those who opposed majority rule in this body, such as is proposed in the resolution offered by a number of Senators, to move to table our own motion. Therefore, the motion before us—while I intend to vote against it—surely, at least, poses a decision for us to make.

I might add, since I am attempting to make the position on this question quite clear, that for those who want to see a change in the rules, in the light of our platform committee, a vote for the motion would merely delay any such change in the rules, while a vote against it would at least indicate that we do not want to make our platform commitment to majority rule. That is quite obviously taken care of by the wording. It reads:

We urge that action be taken at the beginning of the 87th Congress to improve congressional procedures, so that majority rule prevail and decisions can be made after reasonable debate without being blocked by a minority in either House.

In this instance, the majority leader's motion is a positive motion in the sense that it is not a motion to table. To have moved to table would have killed the proposal. If a motion to table were to carry, I would be less than honest if I did not say that on the majority rule proposition, we do not have the votes which would be needed to carry it, although I think we would be considerably stronger than we were 2 years ago.

On the proposal for a three-fifths majority, it appears to me that the private declarations of a number of Senators indicate that there is a disposition for a proposal for the proposal of three-fifths of the Senators present and voting.

I have said previously, and publicly, that if the three-fifths majority proposal was of serious consequence—in other words, three-fifths after a cloture provision was filed, and then waiting 2 days—waiting 5 days or 10 days was relatively unimportant. The main point was to arrive at a point for making a decision.

So, while I regret to see this situation develop at this time, I know that the majority leader's motion is, at least, one in which there is an affirmative statement of supporting the motion of a three-fifths majority. However, at least from my point of view, I do not believe we should indicate that we will get the prompt action in the Committee on Rules and Administration that we would get by taking up the motion at this particular time. The danger, which has been cited here, is the danger of carrying over beyond January 20. I might add that that danger could have been alleviated had some Senator moved to table; but I repeat, no Senator on the side which favors the motions was willing to take the risk for no other reason than the time factor.

Also, the previous question opens up a new experience, at least within the past 100 years, and there was some reluctance to apply the previous question on that basis.

So far as motions to table motions were concerned, it was rather difficult for those who favor majority rule in this body, such as is proposed in the resolution offered by a number of Senators, to move to table our own motion. Therefore, the motion before us—while I intend to vote against it—surely, at least, poses a decision for us to make.

In effect, however, if the motion of the Senator from Montana is referred to a committee—and I do not believe the debate on it should be prolonged—it is a motion to kill. We know perfectly well that if the resolution goes to the Committee on Rules and Administration and is reported back to the Senate, it will then be confronted on the floor with a fill-in measure, and we will be in a no-win situation. Two-thirds of the Senators present and voting will be needed to limit debate.

We all know, from our experience, that that two-thirds will not be forthcoming. Our southern friends, who feel very sincerely on this subject—I do not wish to question their sincerity—will oppose it. They have allies in border States. They have a number of crypto allies north of the Rio Grande who will help them out. We will not get two-thirds, even though a vast majority of the people in the country want to move forward in the field of civil rights, and even though a majority of the Senate, I believe, want to move forward.

We can test all this now, however, by motions to table and motions of the previous question which will be decided by a majority vote. We should do it now, and this is the one period in which we can do this. If the Senate agrees to the motion to refer, then the matter is dead for 2 years. In my judgment, it is dead for 4 years. I do not wish to dwell on why I believe it is dead for 4 years. The facts are obvious. We will have no meaningful civil rights legislation.

Our platform not only pledges itself to a change in the rules at the beginning of this session; it pledges itself to an advance in the field of civil rights. We have hitherto kept the question of civil rights out of this discussion. We have discussed the matter in terms of parliamentary procedure. We have tended to lose sight of the questions and issues behind this proceeding.

We all know that about 20 million Americans suffer under various forms of legal and, in the North and in the South, suffering because of legal and constitutional restrictions. I believe that the time is fast approaching when this country must face the fact that we have a moral obligation to those people.
It is due to the attitudes of human beings. We believe that statutes, ordinances and governmental acts which are in violation of the 14th and 15th amendments should not prevail. Many of us believe very strongly in the basic principles behind the 14th and 15th amendments—the equality of all citizens under the law. We believe there should be no first-class citizens and no second-class citizens, but that all citizens should be on a plane of equality and be judged on their merits. That is the essence of the first sentence of the 14th amendment which states: 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.'

There are many of us who believe very intensely in the last pledge of the 14th amendment that no person shall be deprived of any State of his right to the equal protection of the law. We believe also in the 15th amendment that no person shall be deprived of the right to vote because of race, color, or previous condition of servitude. We should also remember that the 14th and 15th amendments both explicitly give to Congress the power to make them effective by appropriate legislation. We have that power. We have power to make them effective through the power of an amendment.

I do not want to make too emotional a speech, but we are now engaged in a great struggle with communism throughout the world. The results of that struggle will, in large part, depend on what the people of Asia, Africa, and Latin America decide. Their judgment of us will depend, in large part, upon what we do in the field of civil rights.

I know our friends from the South are particularly anxious that I have the privilege to serve in the military forces of that country. One could not ask for better comrades in arms. They are more courageous or more patriotic. But we are helping here also to decide the future of this Nation.

If we kill the resolution by what seems to be a purely parliamentary procedure, if we send this resolution to the Committee on Rules and Administration, we shall be saying, "No civil rights legislation in the next 2 years, and probably not in the next 4 years."

It is not merely that we shall be dishonoring our platform, to which many of us are bound in honor. We shall be setting the cause of human freedom, not only in this Nation, but throughout the world.

I close with just two lines which have come to mind from a poem by Arthur Clough. About a century ago he wrote a poem which he called a modern Decalogue, in which he gave the Ten Commandments for the present time, which he phrased by a Victorian Pharisee. When he came to the commandment "Thou shalt not kill," he wrote:

"Thou shalt not kill, but needs no strife
Officially to keep alive."

If we send these resolutions to the Committee on Rules and Administration, we shall in effect, be voting to kill them by not trying to keep them alive and not trying to adopt them. We will allow "King Filibuster" to defeat the basic desires of the American people for a further forward step in race relations and in the dignity of man.

That the proposal of the minority leader, to have an opportunity to consult with me in trying to preserve the rules of the Senate to defeat the civil rights bill, would not have been a Civil Rights Act of 1957 and there would not have been a Civil Rights Act of 1960. This is only a straw man set up here in an attempt to deal with a question much broader than the question of civil rights.

To do not know that I want this sword of Damocles hanging over my head for the next 2 years, under the statement made by the distinguished Senator from Montana. So I will object to any request that the vote be taken tomorrow, in order to have an opportunity to consult with some of those who have been associated with me in trying to preserve the rules of the Senate.

It seems to me—to judge from what the Senator from Montana has said—that it is proposed that we proceed to kill this cat by cutting off its tail by degrees.

Mr. JAVITS. Will the granting of the unanimous consent request constitute business within the terms of the advisory opinion of the Vice President, so that any Senator will be precluded from moving to close debate on any other motion now pending, namely, either the Anderson motion or the Kuchel-Humphrey Constitution, rather than under the rules of the Senate?

The PRESIDING OFFICER. The Chair could not give a decision at this time.

Mr. HOLLAND. Mr. President, we could not hear the ruling of the Chair.

The PRESIDING OFFICER. The Chair replied that he could not give a decision at this time, because he would like to make a further study of the question.

Mr. DOUGLAS. Mr. President, may I address an inquiry to the distinguished majority leader?

Mr. DIRKSEN. I yield.

Mr. DOUGLAS. The distinguished majority leader says he wishes to postpose this vote to Friday.

Mr. MANSFIELD. Not necessarily. I thought many Members wanted to speak, and I thought they should have that privilege.

Mr. DOUGLAS. Let me say that so far as I am concerned, I shall be ready to vote on this matter tomorrow, so we may save more time prior to January 20; and it might even be that a Senator will lay on the table the motion of the Senator from Montana would be in order.

Mr. MANSFIELD. I think it would be in order, and in either way we would then face the issue.

Mr. DOUGLAS. Certainly there is no disposition to delay.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to vote on the pending motion at 4 o'clock tomorrow afternoon.

Mr. RUSSELL. Mr. President, reserving the right to object, let me say that I have heard these perfunctory statements made in efforts to arouse emotion to such an extent as to influence the Senate to vote let the Senate destroy itself—efforts made by waving the banner of civil rights. But anyone who has served in the Senate knows that if it had been possible to use the rules of the Senate to defeat the civil rights bill, there would not have been a Civil Rights Act of 1957 and there would not have been a Civil Rights Act of 1960.

This is only a straw man set up here in an attempt to deal with a question much broader than the question of civil rights.

Mr. CLARK. It is the understanding of the Chair that if it is agreed that the vote be taken on Friday, at 4 p.m., that will preclude the taking of any vote before that time.

Mr. CLARK. Then let the Senator from Illinois proceed. But do not I have a right to object?

Mr. CLARK. If the Senator from Pennsylvania is going to object, very well.

Mr. MANSFIELD. No, he is objecting to my proposal.

The PRESIDING OFFICER. It is the understanding of the Chair that if it is agreed that the vote be taken on Friday, at 4 p.m., that will preclude the taking of any vote before that time.
But I wish to have an opportunity to discuss this question before we vote.

So I shall object to any request for the taking of the vote at 2 o'clock. I wish to have full opportunity to consult with some of those who have been associated with me in the attempt to preserve the Senate as a deliberative body.

Mr. DIRKSEN. Mr. President, I should like to make a further suggestion to the majority leader. As he so well knows, and as the Senate knows, I have always had an almost congenital disinclination to have the Senate meet on Saturday unless that is absolutely necessary. Tomorrow is Wednesday; then comes Thursday; and then comes Friday. In the interest of giving ample time to all Senators, I think perhaps the discussions could be completed by Friday, and we could agree to vote on Monday. There will be Members who will be out of the city; some of our Members may be away. Frankly, I should like to protect them.

I do not believe that for a period of 2 or 3 days, at least, this matter is one of thorough urgency that we have to peg the vote on it for Thursday or for Friday. I like to be mindful of the convenience of all Members of the Senate and of the country.

So I respectfully suggest that matter to the attention of the majority leader, because then no Senator can quarrel on the ground that he has been shut off and has not had an opportunity to discuss this matter.

Mr. MANSFIELD. Let me say to my friend that his distinguished colleague, the senior Senator from Illinois [Mr. Douglas], suggested the possibility of taking this matter up as an amendment. It has also been proposed that the vote be taken on Thursday; and now we have a proposal that the vote be taken on next Monday. In this job one is in the middle, as the Senator from Illinois well knows.

Mr. DIRKSEN. That is so true.

[Laughter.]

Mr. HUMPHREY. It is quite obvious.

Mr. MANSFIELD. So, Mr. President, in an attempt to extricate ourselves from the middle in which we find ourselves, I will suggest that the question of the previous question be disposed of, if it is agreed to, at 2 o'clock on next Friday.

Mr. JAVITS. Mr. President, reserving the right to object, at this time I should like to propound the parliamentary inquiry when he rises here, I propound the parliamentary inquiry. Rather than under the rules of the Senate, I raise this point with the Chair.

Mr. DIRKSEN. Mr. President, will the distinguished occupant of the chair clarify his ruling a little, because, I say in all deference, it was not quite responsive to the question raised by the Senator from New York. I should like to know specifically whether a motion to table would be in order at any time prior to 2 o'clock on Friday. I think that was the question of my esteemed colleague from New York.

Mr. JAVITS. That was my question.

Mr. RUSSELL. Mr. President, it has always been the precedent in the Senate that, if we agree to a unanimous-consent request, that cuts off anything except something else done by unanimous consent. That has always been so under the rulings of the Senate, heretofore, under the Constitution, and under the rules of the Senate.

Mr. DIRKSEN. Yes, but I wanted the ruling to be responsive to the question. Obviously, if there is an unanimous-consent request, that cuts off anything except something else done by unanimous consent. That has always been so under the rulings of the Senate, heretofore, under the Constitution, and under the rules of the Senate.

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Mr. HUMPHREY. Mr. President, may I raise this point with the Senator?

Mr. DIRKSEN. Yes.

Mr. HUMPHREY. If we give unanimous consent to the request, it is the opinion of this Senator that no action can take place disposing of this particular motion until that hour arrives, but when that hour arrives, we may dispose of it in a number of ways. In other words, the toolkit making possible the end of this motion would be wide open. It could be by moving the previous question. It could be by strict majority vote on the issue itself. It could be by motion to table. It seems to me we could not lose or preclude Senators of our rights, once that hour arrived, to defeat the motion or to agree to the motion, whichever we would be directed.

Mr. DIRKSEN. But it was quite clear that the motion to table, under the unanimous consent, would not be in order until 2 o'clock Friday.

Mr. HUMPHREY. But it would be in order on any other previous question or the previous question motion.

Mr. RUSSELL. No, Mr. President. I cannot let that statement go unchallenged. I have not heard any motion in the Senate that provides for any previous question. The motion to table in the Senate, as the previous question is used in the House, cuts off all debate. It slices it off then and there. It is a sudden-death motion in the Senate. So we have no motion in the Senate known as the previous question, and I do not propose to let any statement go unchallenged to the effect that there is a previous question rule in the Senate.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HUMPHREY. I recognize the Senator’s view on this issue. Let me put it this way: The Vice President has given an advisory opinion to the effect that the motion to table would be in order. I know that holding would be challenged by the Senator from Georgia, and there would have to be an appeal from the ruling of the Chair if that were done.

Mr. RUSSELL. He did not limit it to the previous question. He said any procedure. He left the door wide open for all Senators who advocate summary gag of the Senate to put forward any motion. He did not specify particularly the previous question. He said any other procedure. That was the Vice President talking; that was not a rule of the Senate.

Mr. HUMPHREY. The request of the Senator from Montana does not preclude the Senate from having a wrangle to dispose of a motion when the hour arrives. In other words, we can proceed to work on this motion with whatever tools seem to be at hand, even though some of them may seem to be of a questionable character or questionable value according to the Senator from Georgia.

Mr. MUNDT. However, it does not take place until the conclusion of the time specified in the unanimous-consent agreement.

Mr. HUMPHREY. That is correct.

Mr. DIRKSEN. The pending question is the motion of the majority leader, in which I concur as a cosponsor, to commit these measures to the Committee on Rules and Administration. That is the pending business at the present time.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. And the first vote of the Senate would obviously recur on that motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Which is a debatable motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I renew my unanimous-consent request that the Senate agree to vote on the pending motion at 3 o’clock Friday next.

We have split the difference between 2 o’clock and 4 o’clock.
Mr. KUCHEL. Mr. President, considering the right to object, I am informed that if we do not act today, there will be no opportunity to object on Thursday. This is a relatively important issue. Some of us believe it is supremely important. I wonder whether we can discuss this question with some of my colleagues, it would be in order to have it come up some time in the course of Thursday.

Mr. MANSFIELD. The same difficulty in that respect holds here. If we cannot make it Thursday or Friday—Mr. KUCHEL. Would Thursday be agreeable?

Mr. MANSFIELD. Tomorrow or Friday. I do not think tomorrow would give Members of the Senate time enough. On Thursday there are complications on this side of the aisle. On Friday there are difficulties on that side. Saturday is the day next to the day of rest.

How about Monday at 2 o'clock?

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I do not think we have to play games here. I think the issue is clearly stated. I may state to the Senate that I am not sure everyone can understand what we can or cannot agree upon. If we are to agree to a very short time, if we can see no objection, but if we are to go beyond that, then we are depriving the Senate of the opportunity to end debate under the Constitution, and it is that question, as the Senator from Rhode Island has properly said, which could be decided tonight or tomorrow morning. If we delay beyond that, we are getting closer to the time when the Vice President, who has stated what his ruling would be on this question, will no longer be in the Chair. This is the perfectly frank situation we face. Hence, no one is going to seek to take advantage of anyone else. If the majority leader wants consent to end the debate at a time certain, when Members of the Senate can come in and vote, I see no objection; but I see grave objections to Mondays and Fridays, with the argument going on, and going beyond the time when we, and those who have the same interest in this question, may then think, the question should be decided. I would be constrained to object to any request that will allow the debate to continue for a period of days more than that day.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, a parliamentary inquiry.

Mr. DIRKSEN. Mr. President, with respect to the observations of the distinguished Senator from New York, I have tried to protect a Senator who is absent this evening so there would be no voting. I am trying to protect a Senator who is absent on Wednesday and Thursday. I am trying to protect a Senator who will be absent on Friday. I make no bones about it. If I think they are going to vote the right way, I am going to try to protect them all the more. It is just that simple.

When I made the suggestion that I thought we ought to vote on Monday, it was in the hope that the faithful who have seen the light, and have seen it properly, will be back here and be recorded when the clerk intones the roll.

This is "for keeps." I know that. I am not kidding myself about it. I am not going to make any speech tonight. I am going to save a long-winded speech for later, when the Chamber is full of Members, because I have something to say. But I do have to say, I am simply going to say this much, in a substantive vein: Out of the 26 years, I have been in the minority for 22 years.

I have become a congenial "minorityite." I guess, and I think that way. As I think back to House days and some of the folded—like the Bituminous Coal Act; Henry Wallace's Potato Act; the National Industrial Recovery Act, with the "blue eagle"; and the Agricultural Adjustment Act, under which we "plowed under" 15 million pigs—I am glad I was born before Henry Wallace's time. Since I am a member of a large family, I might have been plowed under after 1933 myself. (Laughter.)

I have seen these things unfold, and I like to have some weapons with which to fight, as a minority Member, as I look down the road. It is that simple.

I find great comfort in the fact that even on the other good side, so far as the House of Representatives is concerned, one of the first things which the House Committee on Rules did in January 1935, almost exactly 26 years ago—the day—to modify a rule. The chairman of the Committee on Rules was called in, and he presented a rule for modification.

What was it? Up to that time a House committee could be discharged and a bill could be brought to the floor with 145 signatures. When good old John O'Connor, of New York, the chairman of the Committee on Rules, finished, the number was pushed up to 218. What was the reason? It was to make sure that all sorts of miscellaneous legislation did not get through the House of Representatives. It was a protection. Lyman Hill knows it. He was there. John McClellan knows it. He was there. Many Senators were Members of the House at that time. So I think in terms of a minority Member and the desire to be protected; but, more than that, a desire to have a weapon with which to protect a minority position.

Mr. DIRKSEN. Mr. President, with respect to the observations of the distinguished Senator from New York, I have tried to protect a Senator who is absent this evening so there would be no voting. I am trying to protect a Senator who is absent on Wednesday and Thursday. I am trying to protect a Senator who will be absent on Friday. I make no bones about it. If I think they are going to vote the right way, I am going to try to protect them all the more. It is just that simple.

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I have become a congenial "minorityite." I guess, and I think that way. As I think back to House days and some of the folded—like the Bituminous Coal Act; Henry Wallace's Potato Act; the National Industrial Recovery Act, with the "blue eagle"; and the Agricultural Adjustment Act, under which we "plowed under" 15 million pigs—I am glad I was born before Henry Wallace's time. Since I am a member of a large family, I might have been plowed under after 1933 myself. (Laughter.)

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I am fluid in one sense. I am against the majority proposal. I was always against what Mr. Mansfield was against yesterday. Then the various deals and deals of politics put me in difficulty. I cosponsored, with the distinguished former majority leader, Lyndon Johnson, the two-thirds rule. I think the Senate has never approved an amendment of rule XXXII. Then I discovered, when all the faithful gathered here in Chicago and I was not a member of the Resolutions Committee—in the platform which was written a statement that there ought to be a modification of rule XXII. What kind of modification was not stated. I am against the majority provision. What shall I be in favor of, to be in conformity with the platform?

Frankly, I do not know. Perhaps we can work something out on the basis of three-fifths. Perhaps there are other things to be considered. That is the reason the proposal should go to the Rules and Administration Committee. It will not go back to the Rules and Administration Committee, because had it come from the committee we would be considering a motion to recommit instead of a motion to commit, which we are overpowering the rules committee.

I think we will best serve our own interests and we will best serve the interests of the new administration if we take a second look at this matter.

The pages of history are full of language and sentiment about rules, but now we are dealing with reality. I should like to see the Senate "get off the hook." I do not care for the business of waking up in my office every 2 hours, when it sounds as if the Pennsylvania train is going through with a full head of steam, in a filibuster.

I say to every Senator present in the Chamber that the distinguished majority leader is a man of consummate honor. I have found him to be that, in my House experience. He will be the chairman of the Committee on Rules and Administration. He says to the Senate, "Let me take the measure to the Committee on Rules and Administration. I assure Senators that it will receive due study and it will come to the Senate, without the necessity for putting a time tag or a day certain upon the motion." I do not have that much faith in him. I have unlimited faith in him. I believe he is as good as the words he utters on the floor, and that the measure will be returned to the Senate.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I believe, therefore, that we serve every good purpose best by following that advice, by sending the proposal to the committee. Then, in due course, we can let this bag of confusion return to the Senate.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I will yield, but I wish to add one comment.

It was said by my colleague that we would be operating under Senate rules, which would be the death of this proposal, and this would be the coup d' grace. I do not believe a word of it.
When in good faith the majority leader gives that assurance to the Senate, if for any reason those honorable efforts were to be obstructed I believe it would be like falling off a log to get two-thirds of the Senators to vote for cloture. I would sign a cloture petition, because I think that would be a breach of faith, if, after reasonable debate and all of that honorable effort, we failed to come to grips with the issue which is involved.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. CLARK. Does the Senator really believe that if the measure came to the Senate from the Committee on Rules and Administration, as I am sure it would, for I am sure every Member of this body shares the Senator's high regard for the majority leader—certainly I do—we could get 67 votes in favor of a cloture petition?

The Senator is not that naive, is he?

Mr. DIRKSEN. It has been written, "O ye of little faith." [Laughter.] I have more faith than the Senator from Pennsylvania.

Mr. President, I am ready for the Senate to adjourn. We are not going to vote.

SEVERAL SENATORS. Vote! Vote!

Mr. MANSFIELD. Mr. President, I do not think we should vote tonight, because there are some Members of the Senate who are unaware of what was going to occur. I think their rights should be protected.

Mr. RUSSELL. Mr. President, I certainly do not wish to vote tonight. I should like to have an opportunity to reflect on some of the threats which have been made this afternoon. We may determine to let this go on, or to undertake to deal with it now. We may feel it ought to be committed. I am not prepared to vote this afternoon. I would like to protect myself.

COMMITTEE SERVICE

Mr. MANSFIELD. Mr. President, I would like it if it would be possible at this time to move once again that the committee appointments referred to the Senate by the Democratic steering committee be taken up for approval.

Mr. CLARK. Mr. President, reserving the right to object, with deep regret I do object.

RECESS

Mr. MANSFIELD. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and at 6 o'clock p.m. (2 minutes p.m.) the Senate took a recess until tomorrow Wednesday, January 11, 1961, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 10, 1960:

Rear Adm. Edward C. Kenney, Medical Corps, U.S. Navy, to be Chief of the Bureau of Medicine and Surgery in the Department of the Navy for a term of 4 years.

Rear Adm. Leonidas D. Coates, Jr., U.S. Navy, to be Chief of Naval Research in the Department of the Navy for a term of 4 years.

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

William E. Ellis
William E. Tyres, Jr.
Harry Smith
John B. Colwell
Bernard F. Roeder
Benedict J. Semmes, Jr.
Thomas R. Kurtz, Jr.
Charles T. Booth II
Benedict A. Clarey
Hastie F. Weatherworth
William J. Martin
John L. Chew
John W. Cannon
Forysth Massey
Edward A. Wright
John S. McCa1n, Jr.
Ralph J. Cory
Ralph C. Johnson
Morris A. Hirsch

M EDICAL CORPS

Cecil D. Riggs
Langdon C. Newman
Oscar W. Gregory: "0

Hershell J. Goldberg
Joseph F. Dreth

CIVIL ENGINEER CORPS

William G. Gouge

ENTERT CORPS

Eric G. F. Pollard

S U PPLY CORPS

Leonard B. Bailey
Robert H. Barnum
Harry R. Canady
Ralph G. Coomb, Jr.
Robs W. Conant, Jr.
James D. Hardy
Harry H. Hess
Paul W. Greely
Donald E. Hale

TO A W AR

Edward J. Conlin, Jr.
Edgar W. Reeder
Harold W. Torgeron

DENTAL CORPS

Alton K. Fish
Samuel S. Wald

M EDICAL CORPS

Louis A. Gillies
Wharton E. Larned

M EDICAL CORPS

Levi J. Roberts

LINE

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

August Larson
Frederick L. Wieseman
Richard C. Mangrum
Victor H. Krulak

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

Henry W. Burks, Jr.
William J. Van Bynen

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Railway A. Churchill

Reid Ac. Taylor

The following-named officers for promotion from class 2 to class 1:

Byron E. Blankinship, of Oregon
Samuel D. Boykin, of Maryland
C. Vaughan Ferguson, Jr., of New York
Ernest H. Fisk, of Ohio
Henry H. Ford, of Florida
Richard B. Freeman, of Illinois
Miss Constance R. Harvey, of Maryland
Allen B. Moreland, of Florida
R. Smith Simpson, of Virginia

*Indicates ad interim appointment issued.