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

Mr. STENNIS. I am glad to yield to the Senator from Massachusetts, who is the senior member of the committee from the other side of the aisle. The Senator from Massachusetts renders most valuable service on our committee year after year and on bill after bill. For that I wish publicly to thank him.

Mr. SALTONSTALL. I appreciate what the Senator has said, because what I do I do under his guidance and with his help. As acting chairman, he is certainly a conscientious and a hard working Senator.

While we thought it would be unwise to retain section 608 for the reasons that the Senator has stated, we should make clear that we included in the report some very strong language as to the notice that the Congress should have. I should like to quote one sentence.

Mr. STENNIS. I should be glad to have the Senator read the language in the report to which he has referred, for it is pertinent to his remarks.

Mr. SALTONSTALL. The language is as follows:

The committee restates with emphasis its view that these changes should be scheduled and announced as far in advance as it is possible to predict such changes and that adequate notice should be given to the Members of Congress and to the Communities affected.

So while we took out the section, in our report we tried to emphasize that decent notice should be given to the Members of Congress involved and to the communities which they represent and which would be affected.

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

Mr. STENNIS. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. I am delighted with the explanation which has been read into the Record showing the committee's stand on the question, which I believe was referred to as section 608(b) in the bill passed by the House.

Mr. STENNIS. The Senator is correct.

Mr. MANSFIELD. I should like to ask a question at this time concerning the section as passed by the House. Did that section refer to bases of any kind or nature which already had been ordered closed?

Mr. STENNIS. In the opinion of the Senator from Mississippi—and I have given the question a great deal of thought—the section is directed toward orders or closures or acts that happen in the future. There is no doubt about that in my mind.

Mr. MANSFIELD. The Senator, as chairman of the committee and the Senator in charge of the bill, and with the approval, I am certain, of the committee which joined with him in the examination, has made a statement. I would have to assume that on the basis of the explanation made by the distinguished Senator from Mississippi, section 608(b), as it passed the House, did not apply to an order previously put into force and effect so far as announcements concerning the closures of various defense installations were concerned.

Mr. STENNIS. That is correct. As a further part of my answer, when we entertain any other view or reach any other conclusion on that question, we run directly into the possibility of an ex post facto law on top of the principle of conflict between the division of powers under our Constitution; the executive and the legislative. I believe the court would give the interpretation that I have given to the section in order to avoid declaring the section invalid, because after the executive branch of the Government has acted on a function of this kind, I do not believe that we have any authority to come along then and pass an ex post facto law, after the fact, so to speak, and govern the executive power to that extent. Otherwise, when the President issued an order, Congress could nullify his order and thereby encroach upon his power.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. As I understand, it is the recommendation of the committee that in the future before the closing of any Defense installations may take place, adequate notice must be given to Members of Congress and the towns and communities concerned.

Mr. STENNIS. Yes; to Members of Congress—not only to the committees, but to Congress as a whole and to the communities, which means to the public. This is a serious matter. It is not being taken lightly in any way by the committee; it is of the deepest concern. For our part, we expect to exercise our surveillance rigidly and insist upon following the law.

As to the point the Senator from Montana has raised, to let this section have an interpretation that would permit a rescinding of orders, declarations, or positions taken by the executive branch of the Government would declare the whole section invalid, for the reasons I have given. My mind is clear about that. There are some who argue the other way.

Mr. MANSFIELD. I raised the question on behalf of my distinguished colleague from Montana (Mr. METCALF) and myself, because in January of this year the newest Air Force base in the country was closed. Since the House passed its military construction bill, Senator METCALF and I have received a number of inquiries from Glasgow and vicinity urging our support of section 608(b).

Would I be correct—and this is merely for emphasis—that on the basis of the explanation given by the distinguished Senator from Mississippi (Mr. STENNIS), the acting chairman of the committee and manager of the bill, even had section 608(b) been in the bill it would not have affected the closing order that had been issued previously?

Mr. STENNIS. The Senator is absolutely correct.

Mr. SALTONSTALL. Mr. President, will the Senator yield on the same point?

Mr. STENNIS. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. The language of section 608 states clearly that the Secretary of Defense or the military department concerned may not close, substantially reduce, or consolidate any military camp, base, or station.

Mr. MANSFIELD. In the future.

Mr. SALTONSTALL. In the future. It does not say "in the future," but obviously the interpretation is the future, if one reads into it also the language—

If during such period a resolution is reported by either of these subcommittees stating that the proposed action with respect to the closure, substantial reduction, or consolidation should be rejected by the resolving House because if carried out it would in the judgment of the said resolving House tend to impair the defense of the United States.

If one takes those words into account, I would agree 100 percent with the interpretation of the acting chairman of the committee. I read from page 49 of the report:

The Congress must provide the necessary authorization and appropriations before bases can be established and improved, and it has a profound interest in judgments that result in termination of activities established pursuant to its approval. With reasonable and adequate notice the Congress will have an opportunity to express a judgment on base reduction proposals that it disapproves.

Obviously, that is an interpretation for future and clears up any doubt about the interpretation of section 608.

Mr. MANSFIELD. In other words, to emphasize the point, even under section 608(b) as passed by the House there would be no application, to be specific, to the Glasgow Air Force Base in Montana?

Mr. SALTONSTALL. That would be my interpretation.