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October 8, 1965

STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA)

Mr. President:

The Senate was advised last Tuesday that a vote would be had today. Since last Wednesday, the Senate has been on notice that the vote would occur, by unanimous consent, at 1:00 P.M. In a few moments, the Senate will vote on a tabling motion.

Each Member should be clear as to the significance of the impending vote. It will not be, in any sense, a cure-all for the present predicament. It will be, at best, indicative of the Senate's will on this single procedural question:

Does the Senate wish the Leadership, at this time, to pursue the effort to bring the question of repeal of 14(b) before the Senate?

The vote cannot be expected to express the sentiment of the Senate, one way or the other, on the merits of repeal of 14(b). Certainly, I would anticipate that Senators who desire the repeal of 14(b) in this session will vote against the motion to table. It is also possible that those who are against repeal of 14(b) but who desire the issue to be disposed of one way or the other in this session will also vote against the motion to table. There may be other reasons for so voting but, in all frankness, I can conceive of no other which would be of any great relevance to the resolution of this matter.

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So, I repeat, the Leadership will interpret the vote as indicative only of the Senate's will on this single procedural question:

Does the Senate wish the Leadership, at this time, to pursue the effort to bring the question of repeal of 14(b) before the Senate?

To underscore the interpretation, I serve notice now that if the outcome of the vote on tabling warrants it, I shall offer for signature, at once, a petition for cloture on the single question of proceeding to consider H.R. 77. I would urge Members, therefore, who vote against the tabling motion to bear in mind this subsequent intention of the Leadership. It is the judgment of the Leadership that these two interrelated votes provide about the only practicable and orderly way out of the predicament in which the Senate finds itself.

Make no mistake, the Leadership appreciates fully that each Senator decides for himself for what reasons he casts his vote and obviously one vote does not bind for a second. But if the Leadership has a responsibility for recommending a course to the Senate in a predicament of this kind, the Leadership also has a responsibility to make clear the direction in which it hopes the course will lead.

If the Leadership seeks a test of the sentiment of the Senate, the Leadership must also form a judgment of the results of the test. So the Senate is on notice: if the vote on the tabling motion warrants it, I shall ask the Senate, promptly, to join the Leadership in a vote

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for cloture on the single question of the motion to proceed to the consideration of H.R. 77. I stress that the cloture petition which may be filed will not apply on the issue of H.R. 77 itself. It will apply only to the single procedural question of whether or not H.R. 77 should be taken up by the Senate at this time.

For those who would protest that we have not had enough time to consider this question, I can only reply that the Senate has already been a week in trying to make up its mind on a simple procedural question which is normally disposed of in a matter of seconds. In fact, while strictly speaking, the Senate has not been out of order under the Rules, it has been out of logic. It has spent virtually no time at all in discussing the pending question which is to proceed to consideration. Rather, in discussion, it has jumped over that question and is, in fact, almost wholly engaged in a debate on H.R. 77 even though the matter is not even pending. That is sheer delay. The delay, indeed, has been such that this is the first time that this Leadership has been confronted with the necessity of contemplating cloture in an effort to assist the Senate over a simple procedural question. If I may be forgiven a colloquialism, I think that the Senate has reached the point of put up or shut up.

Speaking as a Senator from Montana, I should like, once again, to state my individual position. I shall vote to reject the motion to table. If the vote on that motion warrants it, I shall sponsor a

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petition of cloture which will bring a vote on the sole question of taking up H.R. 77. If the Senate decides to invoke cloture and H.R. 77 becomes the pending business and can then be brought to the point of final resolution, I shall vote for repeal of 14(b).

Speaking as the Majority Leader, however, I am constrained to point out that the impending vote is but the first limited step in the course which the Senator from Montana would like to see pursued to the end. But I am under no illusions and the Senate ought not to be under any illusions as to the significance of this vote. A rejection of the motion to table, even by a substantial majority, will not insure that the Senate will proceed forthwith to the consideration of 14(b), much less will it insure that the issue of 14(b) will be resolved. Insofar as the Leadership is concerned, a vote against tabling will be taken to mean and I would hope that it means that the Senate desires the Leadership to try to bring the question before the Senate at this time. Furthermore, in the context of the many currents which are running in the Senate, and, as the Leadership sees the problem, this indicated desire must be confirmed promptly by cloture on the question of taking up H.R. 77. Only in that fashion, in my judgment, is there any prospect at all of a resolution of this issue during the current session.

I want to say in closing that the Majority Leader alone is responsible for the motion which is to be offered and the effort to

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invoke cloture which may follow it. I have consulted no other Member; there are no understandings, agreements or "deals" with anyone involved. The responsibility for the procedure which is being recommended attaches to the Majority Leader, and the Majority Leader alone. All that the Majority Leader asks at this point is the Senate's help and best guidance in the vote which is about to be taken.