1-27-1966

15th Annual Silver Quill Dinner

Mike Mansfield 1903-2001

Let us know how access to this document benefits you.
Follow this and additional works at: https://scholarworks.umt.edu/mansfield_speeches

Recommended Citation
https://scholarworks.umt.edu/mansfield_speeches/611

This Speech is brought to you for free and open access by the Mike Mansfield Papers at ScholarWorks at University of Montana. It has been accepted for inclusion in Mike Mansfield Speeches by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Mr. Mansfield. Mr. President, I suggest the absence of a quorum. With the concurrence of the minority leader, I ask unanimous consent that the time for the quorum call be charged equally to both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Mansfield. Mr. President, I am so pleased that I feel I must ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. Mansfield. I ask unanimous consent that I may proceed on my own time as long as necessary.

The PRESIDENT pro tempore. The Senator has that right.

Mr. Mansfield. Mr. President, in a few moments, the Senate will vote on cloture. In all frankness, the leadership does not expect to sway many—anyone—with its eloquence at the 11th hour. Nevertheless, a decent respect for the opinion of the Senate suggests that there should be set forth for the record the course of events which led to this attempt to close the debate.

It so happens that, as one Senator, I favor passage of H.R. 77. My position in this respect has been made clear not once but many times. As one Senator, I prepared to vote for H.R. 77 now. I prepared to vote for H.R. 77 tomorrow, the next day, or whenever a vote can be had. However, the Senate knows me well enough to know, too, that the efforts to bring H.R. 77 to a vote last year and again this year have had nothing to do with my personal position on 14(b). I would like the efforts also have had nothing to do with any pressure from any source.

I wish to emphasize that point, Mr. President. There has been no pressure of any kind or any sort on me, from any source. On the contrary, this measure was pursued last year by the leadership, on its own initiative, because H.R. 77 is an item in the President's program and the leadership feels that any matter which the President—any President—is constrained to recommend for the consideration of the Congress deserves the decent and respectful attention of the Congress. Furthermore, H.R. 77 is a matter of considerable importance to many millions of Americans who, whether as union members or not, labor for a living. Most important, H.R. 77 is a properly passed resolution of the House of Representatives, and, in the Senate, H.R. 77 has been considered by the responsible committee and properly and favorably referred to the Senate. Finally, H.R. 77 was considered by the majority policy committee and cleared for floor action after it had lodged upon the Senate Calendar for a considerable period of time.

On October 1, 1965, therefore, the leadership moved to lay down H.R. 77. In the circumstances just outlined, this action was the simplest and most routine of procedural motions.

Then the roof fell in. The leadership motion, which should have carried without debate, became instead the catchall for an attack, not only on a perfectly proper bill of the House of Representatives, but on the Senate committee which had had the temerity to report it; on the whole of organized labor which had had the effrontery to advocate it; and on the President who had had the gall to recommend its passage. Indeed, it was as though the heavens were accidentally opened by this simple procedural motion.

Hastened the day when the millennial hope of universal peace will prevail throughout the world with justice and freedom for all people. Amen.

ATTENDANCE OF A SENATOR

GEORGE A. SMATHERS, a Senator from the State of Florida, attended the session of the Senate today.

PROPOSED REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. Mansfield] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first provisions of section 8(a)(3) of the National Labor Relations Act, as amended.

CLOSURE MOTION

The PRESIDENT pro tempore. Is it the sense of the Senate that the debate shall be brought to a close?

Mr. Mansfield. Mr. President, I suggest the absence of a quorum. With the concurrence of the minority leader, I ask unanimous consent that the time
the previous session on one simple procedural question.

Now, the Senate has proceeded, in this 2d session, to spend the first 2 weeks on the same procedural question. That is a total of 1 month, out of perhaps the 20 or so months of session which are normally available per Congress.

We have spent, to repeat, 1 month out of 20, not on an issue, but on one single procedural question of the Senate, to wit, a measure on the question of 14(b), an investment of 1 month's time might be understandable. The issue is difficult; it is controversial. But we are not on H.R. 77. We are on, I repeat, the procedural question of going onto H.R. 77. Indeed, in the normal course of Senate civility in these matters, the leadership motion would be accepted automatically and unanimously.

At most, the question which might be raised would be whether or not the Senate would proceed to some other urgent or weighty matter on the calendar rather than to the item recommended by the leadership.

The truth is that the leadership examined the calendar with that thought in mind before proposing that H.R. 77 be laid on, on January 24, 1966. And the leadership found such urgent and weighty matters as the following: "An act for the relief of certain retired officers of the Army, Navy, and Air Force"; "A Concurrent Resolution recognizing the 50th anniversary of the chartering by the act of Congress of the Boy Scouts of America"; "A joint resolution enabling the United States to extend an invitation to the World Health Organization to hold the 22d World Health Assembly in Boston, Mass., in 1969."

So far as I am aware, about the only charge that has not been made to date in this discussion is that the leadership has passed over more urgent pieces of business, such as these calendar items in order to appease labor or to cater to the President, or to commit some other breach of Senate trust.

To be sure, there has been some reference to the more urgent matter of Vietnam in the last few days. Vietnam, Indochina—very urgent business, as the Senator from Montana is only too well aware, and as, I am sure, most of my colleagues on both sides of the aisle are also fully aware.

But the leadership would hope, especially because Vietnam is grave and grievous as well as urgent that not too many legislative sins of omission and commission shall be obscured in the name of Vietnam before the days of this year have run their course.

The fact is that there is not and has not been any resolution on the calendar pertaining to Vietnam which competes with H.R. 77 for the Senate floor. It is true, it is true, it is true, that the leadership has urged not once but many times that committees be permitted to meet while the Senate is in session. And, if I may say so, it is not the objection of the leadership which has prevented committee meetings on Vietnam or any other matter of importance.

No, Mr. President, the leadership has not used Vietnam as an excuse for a holiday from the responsibilities which are posed by this issue. Rather, the leadership has tried to discover the wishes of the Senate by the course of orderly procedure.

Certain tendencies in this connection, may I say, now appear to be obvious. When a month is spent on a question, which routinely takes 5 seconds, reason and mutual restraint have lost their sway in the Senate. When the Senate spends, for 2 successive years, 2 weeks per month on the same simple procedural question without reaching a conclusion of a vote one way or the other, reason and mutual restraint do not prevail. And when reason and restraint lose their grip here, the Senate invariably reaches an impasse of futility.

To be sure, all meaning of expedients are suggested as the way around the impasse. Of these, none is more lacking in validity than the suggestion of a trial by physical endurance, as though the whole experience of freedom shall be advanced by catapulting it backward to the practices of the Middle Ages. Overlooked in this proposal, of course, is the health of the Members—and especially our older Members. Overlooked, of course, is the demeanor of a pajama-clad session of Congress.

Most important, what is overlooked is the uselessness of the round-the-clock session. In the history of the Senate, this device has been tried many times. Does anyone know when last it succeeded in the face of a substantial minority?

I pause. I repeat the question: Does anyone know when last it succeeded in the face of a substantial minority?

I rather the answer is no. Does anyone know if it ever succeeded? Again I pause. Again I assume that the answer is no.

Within my memory and, I am sure, in the memory of every other Member, it has been tried but it has never been effective in the sense of breaking a filibuster.

In the end, the round-the-clock session invariably has exhausted those who have sought to move in an orderly course and without unconscionable delay. In the end, the round-the-clock sessions have served to break not the minority but the majority position—to compel a compromise on it or to bring about its defeat.

Is there not room for compromise in the present situation? I do not know if there is room for compromise on the issue of H.R. 77 itself. Whether there is or not, the Senate will never know until it comes to grips with the issue of H.R. 77, and it cannot do that until H.R. 77 becomes the pending business. Until it is pending, we cannot offer to amend this bill as a way to compromise. Indeed, we cannot even refer it back to committee for further work.

In short, there is no way to compromise the question which is now before the Senate. The Senate can either take up H.R. 77 now or not take it up now. That is the sole question. And if it cannot decide a matter which is that elementary, how much less likely is it to come to grips with the substance of H.R. 77 and the possibilities of compromise?

That, then, is where we stand. That, then, is why we are about to vote on cloture. The only question at stake in this vote is whether the Senate shall proceed to consider H.R. 77 or leave this measure to languish on the calendar. I know, only too well, that we need the same vote to prevail as we would require for a constitutional amendment or to ratify a treaty; but if ever there was a situation which cries out, not for a simple majority, or a two-thirds majority, but for an overwhelming vote of the Senate, this is that situation.

I welcome now, in earnest, the concurrence of those who last year playfully voted with the leadership to make it unanimous against tabling the motion to take up H.R. 77.

The Senate will not gag itself by voting to adopt cloture after 1 month of this futility. On the contrary, if the Senate does adopt cloture, it will free itself from the passion and perversity which, since the end of the last session, have held this institution in a deadly stranglehold.

The PRESIDING OFFICER (Mr. Harris in the chair). Who yields time?

Mike Mansfield Papers, Series 21, Box 43, Folder 29, Mansfield Library, University of Montana