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Face the Nation

Mike Mansfield 1903-2001

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May 26, 1969

CONGRESSIONAL RECORD - SENATE

SENATOR MANSFIELD'S COMMENTS ON THE CBS PROGRAM "FACE THE NATION"

Mr. KENNEDY. Mr. President, yesterday, appearing on the CBS nationwide television program, "Face the Nation," the distinguished majority leader, the Senator from Montana (Mr. Mansfield), responded to a number of questions concerning this Nation's policies in foreign and domestic affairs.

Once again, his understanding, and perceptions add great insight into difficult problems, and his remarks are worthy of the attention of all Members of this body. I therefore ask unanimous consent to have a transcript of the program printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

FACE THE NATION


Guest: Senator Mike Mansfield, Democrat, of Montana.

Reporters: George Herman, CBS News; Frank Manikiewicz, syndicated columnist; Daniel Schorr, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

Mr. HERMAN. Senator Mansfield, you have heard that the Senate has been delirious in not subjecting Supreme Court nominees to more searching scrutiny. That was before Judge Burger was nominated as Chief Justice. Do you feel that his nomination should be subject to some kind of new and more intensive kind of examination?

Senator MANSFIELD. Oh, yes, not only Judge Burger but all other nominees from now on in all departments, as well as the Judiciary.

ANNOUNCER. From CBS Washington, in color, "Face the Nation," a spontaneous and unscripted news interview with Senate Majority Leader Mike Mansfield, of Montana, Senator Mansfield will be questioned by CBS News Correspondent Daniel Schorr, Syndicated Columnist Frank Manikiewicz, and CBS News Correspondent George Herman. We shall continue the interview with Senator Mansfield in a moment.

Mr. HERMAN. Senator Mansfield, what can the Senate do in way of more searching scrutiny? Does it have to enlist the help of the administration, for example the Justice Department? How do you go about it?

Senator MANSFIELD. No, I wouldn't think so. I would expect the Executive Branch to be more thorough in its size-up of nominees from now on, and I would expect the Senate committees, the committees concerned, to use their own staffs to follow up on what is given to them by the Executive Department to the end that they can be as absolutely sure as possible before they report a name to the Senate for confirmation.

Mr. MANIKIEWICZ. Senator Mansfield, turning to foreign policy for a moment, are you satisfied with the progress the administration is making in moving toward strategic arms talks with the Soviet Union? There has been some thought that we may be waiting until we have the more advanced weapons, the multiple warheads on our missiles and so forth.

Senator MANSFIELD. No, I am not satisfied at all, because we initiated the proposals for talks in 1963. Since that time there have been a number of unilateral steps from the Soviet Union. I am sure that in reply unofficially we have given them encouragement. Secretary Rogers said that talks would begin in late spring or early summer; so far nothing has been done, no date has been set, and I think the way to handle this matter and to bring an arms limitation and an arms freeze, covering ABMs, MIRVs and other vehicles and missiles, is to set a date certain, in the next month perhaps, to get down and get to business.

Mr. SCHORR. Senator, I would like to come back for a moment to the Supreme Court problem, the issues that have arisen from the nomination of Justice Abe Fortas. You are quoted in support of bills, at least the ideas of bills introduced by Senator Griffin and Senator Hart that would provide generally for greater financial disclosure by members of the Federal Judiciary.

Yesterday a committee of the U.S. Judiciary Conference, acting with rather unseemly haste, got to work on a code providing for self-policing by the Judiciary itself. I believe it provides for financial—fairly full financial disclosure, but secretly, within the Judiciary. Would you be willing to be headed off at the pass, so to speak, and accept self-policing by the Judiciary?

Senator MANSFIELD. No, I think they are late and we are late in facing up to this problem. When I say we are late, I mean the Congress itself. I am interested and do intend to join with Senators Hart and Case of New Jersey in sponsoring a bill which will be intended to include not only the Executive and the Legislative Branches but also the Judicial Branch as well. Senator Griffin, I believe, covers just the Judiciary.

Mr. SCHORR. That's correct.

Senator MANSFIELD. And what I would like to see would be a combination, at the very least, of what the Senate has done in making public outside honorariums and what the House has done in making public outside business connections. And I think that the Hart-Case bill is a good way to face up to this problem. If the Judiciary, I intend to support it and I hope we could get action before too long.

Mr. SCHORR. Senator, are you afraid of a constitutional confrontation with the—

Senator MANSFIELD. I think we ought to take that chance and face up to it and make our wishes known, and I think the sooner we do it the better.

Mr. HERMAN. Senator, let me just make sure I understand you. You are saying that the legislature should set ethical standards for both the Executive and the Judiciary, as well as for the legislature itself?

Senator MANSFIELD. Exactly.

Mr. HERMAN. You don't think—

Senator MANSFIELD. Treat them all alike.

Mr. HERMAN. You don't think that there is any danger in making it all come from the Legislative Branch?

Senator MANSFIELD. There may be a problem, but I think it's a problem when we come to it. Let's at least put the imprint of what we think is the right type of legislation into being as soon as possible.

Mr. HERMAN. Would it be satisfactory to you—I am going back a little bit over some of the ground that Dan covered—if the Senate tightened up, for example, on the confirmation procedures and then left policing of the Judiciary problems after confirmation to a Judiciary council of some kind?

Senator MANSFIELD. No, that doesn't go far enough.

Mr. HERMAN. Do you think that the code or whatever system that you envision has to be specific—specific problems, specific limits, and specific action to be taken?

Senator MANSFIELD. Yes, and I think it should apply to all members in the three branches of government who earn in excess of $18,000 a year, and I think it should include outside business connections, honorariums, and maybe even so far as to make income tax available for public purposes.

Mr. HERMAN. I have just one further question on this subject, and that is do you feel strongly enough about this so that if there should be some kind of a legal confronta-
tion, you would push for a constitutional amendment.

Senator Mansfield. Well, you are getting me out of my depth when you ask that question, but I certainly would not be adverse to a test. If need be, Mr. Schorr. Let me understand you correctly. Are you saying that for all officials of any branch of the government, you would deny them more than $18,000 of additional income from any source, including their own invention?

Senator Mansfield. No, no. Those who receive a salary in the government, you would deny them more or less, which is the medium set by the Senate in its application of what ethics we have, would be the applicable cut-off salary.

Mr. Mansfield. Then everybody above that would be required to disclose whatever additional income—

Senator Mansfield. Exactly.

Mr. Schorr. Would you limit sources of income? Would you, for example—the cases are not the same, I understand, but in the case of Abe Fortas and the Wolson Foundation, there has been some discussion of Justice Douglas, the resigned chief of the Fortas Parrin Foundation; and there is the fact that Federal Judge Burger, now Supreme Court Justice, has been getting $2,000 a year from the Mayo Clinic. Would you bar that?

Senator Mansfield. Not necessarily. What I know about Judge Burger's association there is nothing questionable about it. He is a trustee and he has been called the ABS Fortas and the Wolson Foundation; there has been some discussion of Justice Douglas, the resigned chief of the Fortas Parrin Foundation; and there is the fact that Federal Judge Burger, now Supreme Court Justice, has been getting $2,000 a year from the Mayo Clinic. Would you bar that?

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Mr. Schorr. But are you drawing your line on outside income, on the reputability of the source?

Senator Mansfield. In part, yes, because if this thing is not the same, then I think we are facing the same, the ABS Fortas and the Wolson Foundation; there has been some discussion of Justice Douglas, the resigned chief of the Fortas Parrin Foundation; and there is the fact that Federal Judge Burger, now Supreme Court Justice, has been getting $2,000 a year from the Mayo Clinic. Would you bar that?

Senator Mansfield. That is correct. That is better put than I said it.

Mr. Mansfield. Is this a two-way street, Senator? Should the Executive Branch and should the Judiciary Branch have something to say about congressional ethics?

Senator Mansfield. Well, after all, I think the Congress itself has faced up to its responsibility in a limited way. The Senate has not gone far enough, nor has the House, but, if you combine what the House and Senate have done, then I think we are facing the ABS Fortas and the Wolson Foundation; there has been some discussion of Justice Douglas, the resigned chief of the Fortas Parrin Foundation; and there is the fact that Federal Judge Burger, now Supreme Court Justice, has been getting $2,000 a year from the Mayo Clinic. Would you bar that?

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Mr. Schorr. But are you drawing your line on outside income, on the reputability of the source?
that if you don’t try to clear North Viet­nam out of Laos by using aid you get next year’s defense appropriations out of your budget. If you don’t try to clear North Vietnam out of a hill, you will get next year’s appropriations out of any budget that you use. If you don’t try to clear North Vietnam out of the area, you will get the appropriations out of the next year’s budget that you will use. If you don’t try to clear North Vietnam out of the area, you will get the appropriations out of the next year’s budget that you will use.  

Senator MANSFIELD. No, I would say the question is debatable. The administration may be right, I may be wrong, but I have at least tried to express my personal feelings on the matter.  

Mr. HERMAN. Senator, it is very fashionable these days—not to take the fact into consideration that it is also Mr. Stimson in the Senate—who is your feeling about the growth of distrust in the military and the civilian-industrial complex, to use that complicated—  

Senator MANSFIELD. I don’t think it is a growth of distrust in the military. I think it is one more of apprehension and questioning, and there again I think that the Congress has a role to play in helping to settle things that have been happening, and the fact that they have only been settling, and the amount of money which has been expanded, and the tremendous amounts which have been wasted, and the fact that until last year all the Defense Department had to do was to ask and they would receive. Beginning with the ABM question last year a change in attitude developed which has been accelerated this year, and I think this will be good. I think it will be beneficial to the military, and I think this combine which you speak of which is not just military-industrial but includes labor, the academic areas, and the political field, including people in every state, are all at fault and all to blame because we haven’t had the guts to stand up to them and do something about it until events, in effect, have forced us to.  

Mr. MANKIEWICZ. Do you see a parallel, perhaps, with Executive nominations, and do you think maybe the defense appropriation will be subjected to the same kind of close scrutiny that you spoke of with nominations?  

Senator MANSFIELD. Oh, yes, and I would point out just to set the record straight, that Chairman Russell has consistently, over many years past, reduced the defense budget request by in excess of a billion dollars a year. That isn’t usually noticed or appreciated. I would anticipate that his successor Senator Stennis, will do the same thing, and I know that Senator Stennis is appraising a great deal of time on the defense budget, and before him, and has pointed subcommittees to look into it, and that he intends that a very careful scrutiny be held over all requests which come to his committee.  

Mr. HERMAN. Senator, the Democrats are now in a majority in the Senate, and the opposition in parliamentary countries has a unified leadership and, yet, when you look at this Congress, you see the Democratic National Committee with its policy committee, you see the Senate with its Policy Committee of Democrats, and in the House—are you ever all going to get together or is that something you find so important?  

Senator MANSFIELD. Well, I doubt that we will ever will. Democrats aren’t made that way, you know. It is the kind of administration and accommodation and cooperation, which will work out for the best.  

Mr. SCHORE. Senator, you look young and you look well, but, can I ask you, when do you think you will be turning over the reins to?  

Senator MANSFIELD. I certainly do.  

Mr. HERMAN. Senator, I think one question about Senator Kennedy, before we leave that altogether. The one difference that I have noticed is the difference in the way Senator Kennedy as a party official in the Senate and his predecessor, is that he has not been unwilling to take Senator Dirksen head-on. In fact, he sometimes seems to provoke some of those kind of showdowns, but I think that Senator Dirksen and Senator Kennedy, you sometimes look like an amused neutral. Are you?  

Senator MANSFIELD. Well, I like to sit back on occasion and listen and enjoy myself. As far as I am concerned, and his predecessor are concerned, Kennedy is a good assistant majority leader, Senator Long was a good assistant majority leader.  

Mr. HERMAN. Are scraps between the Democratic leadership and the Republican leadership a good idea or do they do no harm?  

Senator MANSFIELD. I think that scraps do a lot of harm and I would rather reach a stage of accommodation of differences.  

Senator MANSFIELD. Well, first, let me say that I think that President Nixon is doing a good job, but a job that he did not come up to. We had a lot of legislation over the past eight years which still needs still needs digestion, of which a lot of which could be rendered more effective through discernible changes through amendments and otherwise. As far as the Congress is concerned—and I can only speak for the Senate, of course, I do believe that the Joint Committee has a policy thesis which we brought before the chairman of the committees of the Appropriations, and the Senate and the House attended Democratic Caucus. We intend to get more and more into the field of policy. We have not yet set the record straight, for the sake of obstruction. When we find that we differ from the administration, then we will try to offer constructive alternatives. And the most important thing is basically not the success of the Republican or the Democratic Party in winning or losing, but the welfare of the country, and the country is in trouble today.  

Mr. MANKIEWICZ. Senator, you are the ranking Democrat, on the Foreign Relations Committee. That committee has now come out—brought out to the floor this national commitments resolution which says in effect that the Executive Branch cannot make significant foreign policy commitment for the United States without the Legislative Branch—without the Senate participating. Do you agree with that?  

Mr. HERMAN. Senator, what about SEATO some months before his candidacy, tending to feel that it was a little obsolete. Do you agree with that?  

Senator MANSFIELD. It is that the kind of showdown that the sort of down-playing, for example, of the SEATO Treaty that seems to be going on—to give Banyan a way out and then treat it rather perfunctorily and I believe some of the other representatives, too, and President Nixon—it is a form that the SEATO some months before his candidacy, tending to feel that it was a little obsolete. Do you agree with that?  

Senator MANSFIELD. Not at the moment.  

The purpose of the amendment is to strengthen the Senate voice, and for the Executive Branch and the Senate to work together so that there will be no compelling reason, it is not applied to any particular President. It is applied to the office of the Presidency. As far as this particular resolution, it has been allowed our constitutional powers to be eroded over the past four or five decades, and all we are asking is to cooperate with the President so that we can develop, if possible, a better foreign policy. This takes no powers of the Presidency away from him. You mentioned SEATO. May I say, as the only remaining living signatory to this treaty, I never thought it was going to be good when it was signed in 1954; I don’t think it is very good today because it is really a treaty with not much in the way of teeth.  

Mr. HERMAN. Didn’t—  

Senator MANSFIELD. And I think it has been used maladroitly.  

Mr. HERMAN. Didn’t Secretary Rogers say, when he was out there, that if SEATO failed to act in an attack on any of the members of SEATO that the United States would be prepared to give assistance unilaterally?  

Senator MANSFIELD. I don’t know whether he said that, but the United States cannot do that because it has to act under its due constitutional processes. Speaking of theSEATO, I think the situation in Europe, Great Britain, France and Pakistan, members of SEATO, have not done a thing to give it any kind of real strength.  

Mr. MANKIEWICZ. Senator, do you expect to bring the commitments resolution to the Senate floor?  

Senator MANSFIELD. Yes, about the 16th of June.  

Mr. HERMAN. In the thirty seconds that we have left, Senator Mansfield, you mentioned the ABM vote, what is your reading? If it goes down last night, will you, in turn, go with perhaps the administration, or guys opposed to the ABM. When it comes up, if the administration applies the pressure which it has at its disposal, it could
win by one, two or three votes, but the result could well be, on that basis, a pyrrhic victory. I hope a compromise can be worked out, because none of us want to embarrass the President. None of us are against the ABM, as far as research and development is concerned, but we would like to have talks.

Mr. HEJUN. Senator, I have to cut in unilaterally and say thank you very much, Senator Mansfield, for being with us on “Face the Nation.”