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Statement of Senator Mansfield - Assessment of 91st Congress by Leadership

Mike Mansfield 1903-2001

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STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA)

December 31, 1970

Mr. President:

A number of assessments have already been offered of the 91st Congress--its record, its achievements, its failings and its flaws. I hope that the Senate is of a mind at this time to take one more evaluation from the Leadership. One can readily criticize the pattern of Senate performance these past two or three weeks. That it comes at the end of a long Congress of intense, exhausting and virtually continuous session is easily forgotten. The achievements of two years may well be overlooked in the procedural thickets of adjournment. As in other situations, the legislative good is often interred with the bones of an expiring Congress. Praise should neither be sought nor expected for doing what it is our responsibility to do.

Nevertheless, it ought to be said for the historic record that this Congress has coincided with the beginning of a difficult national decade. I think it was sensed at the outset that we would be meeting at the opening of an era of drastic change at home and abroad. The pressure for change has already become very evident in the nation and the work of the Senate has mirrored it. Almost at the outset of the 91st Congress questions were raised concerning the need to reduce this nation's antiquated commitments and accumulated involvements abroad, notably those of Viet Nam. Heard, too, from the outset were the questions of the neglected needs of the people here at home.

This Congress--the 91st Congress--has played a decisive and fundamental role in setting forth these questions, both domestic and foreign, during the past two years. Moreover, the Senate has provided leadership and active participation in the search for answers to these questions.
If we know a little more clearly the dimensions of what now confronts
the nation, the work of the Senate has helped to induce that clarity. If the
federal government has, at least, begun to move more emphatically against the
backlog of national difficulties, whether they be the war in Viet Nam, the dis-
integration of urban life, the needs of older Americans, pollution, crime or
whatever, it is due in part to the activities of the 91st Congress. I am not
talking about the passage of particular laws. To be sure, many laws have been
passed. We do not, however, nor should we, measure the contribution by the
number of items that have been run through the legislative computer.

The impact of the Senate and the Congress is to be viewed, more
accurately, I believe, in terms of the cumulative impact of this one branch
on the course of the Federal government. The impact is to be seen, for
example, in the many-sided efforts which, in the end, produced nearly a $10
billion reduction in Federal spending in this Congress, largely by cuts in
excessive military and overseas activities. Its impact is to be noted in the
fact that some of those billions have been rechanneled by legislation into
more compelling domestic needs--into education, into health, into the resolution
of urban difficulties, poverty, pollution control and the like. In a very
deliberate and responsible way, the Congress acted to bring about this shift
without contributing further to inflationary pressures. It cut in one place
as it added in another. But the overall appropriations which this Congress votes
are expected to be less than the Administration's requests for funds.

The record of this Congress also includes significant progress in the
Senate in revitalizing the role of Congress with regard to Foreign Relations.
The effort was dramatized during the extended debate on the Cooper-Church
amendment last summer. To be sure, some found this effort unproductive and
time-consuming at best. Some even have labeled it an intrusion on the powers of the Presidency. In my judgment, that is far from the reality. Cooper-Church was a necessary restraint on a pendulum which had swung the control of this nation's affairs abroad too far away from the Constitutional purview of the Congress. In truth, it was a restraint on a pendulum which was moving ever further away even from the control of our elected President. The impact of what was done here, in my judgment, has reinforced the President's desire to withdraw from Indochina. It has been an indispensable initiative, if the spread of our involvement in the war in Indochina was to be halted.

It should be noted that there has been criticism concerning the Senate's treatment of the President's legislative requests. That criticism is hardly that the Senate has failed to consider the President's requests. Few legislative matters to which the President attached personal importance have gone by the board in this Congress. The great bulk of the President's program has had fair hearing and substantial action in the Senate. I suspect, therefore, that the criticism must stem from the fact that in considering the President's program, the Senate has insisted on adding its own judgments. To be sure, these judgments on occasion have deviated from those of the Administration's. To be sure, the Senate insisted, as the Minority Leader suggested a few days ago, that its own stamp be added to legislation.

I find it neither unusual nor undesirable that the legislative powers of the Congress be exercised in that fashion. They have been exercised, moreover, not by Democratic Senators or by Republican Senators, but by the Senate as a whole. They have been exercised by Members of both parties joined, time and again, in substantial numbers to forge the necessary majorities.
I am frank to say that there is one major item of the President's program which did not receive the treatment to which it was entitled. That is the Family Assistance Plan. While the measure was in Committee for a long time and directly before the Senate for a number of days, I regret that it did not get a proper decision. May I say that many Senators felt the same way. They wanted very much to have this program voted upon on the merits. But the Senate was unable to vote. Why it was unable to vote is now a matter of record.

The Leadership apologize to the President for this inability to act in the closing days of the Congress. I can only reiterate the hope that already has been expressed that everything possible will be done to bring the matter to a head early in the next Congress.

As for most legislative items--whether initiated by the Administration or here in the Congress--the record of the Senate, in my judgment, is highly respectable. That is very evident with respect to anti-crime measures. The Senate passed virtually all anti-crime proposals requested by the Administration, and initiated and passed many more on its own.

With respect to the economy, the Congress has responded to whatever initiatives have been taken by the Administration. We have responded with an eagerness to cooperate in coping with the severe decline in business and agriculture. We have sought, too, to alleviate the human hardships which are accumulating in the wake of this economic slide.

With regard to the inflation, every measure which the President has requested has received prompt action. We have cut over-all expenditures in some areas so that in all likelihood, the final Congressional appropriations will be, as I have noted, lower in total than what was requested by the Administration. Congress is willing to do more to try to keep a lid on prices. In this connection, it has already given the President wage and price authority and selective-credit control authority.
To reduce unemployment, moreover, the Congress offered the President a manpower program that was designed to keep 300,000 Americans off the welfare rolls. The measure regrettably was vetoed. As a result, thousands of Americans indefinitely are already or will soon be consigned to welfare, burdening even more the hard-pressed resources of the cities and states.

There is room for legitimate criticism of this Congress--this Senate. It is obviously not helpful to effective legislation, to say the least--when complex, controversial and far-reaching measures of national import reach the floor of the Senate in the dying days of a Congress. To be sure, there are extenuating circumstances at this time. Nevertheless, the problem of the log-jam is occurring with ever-increasing frequency. It must be faced. A confrontation with legislative avalanches at the end of a Congress leads in the end to more than a procedural mess. It leads also to serious substantive unreasonableness.

It is not accurate to saddle the blame for these circumstances on the Administration alone; or on the House alone; or on the Senate alone. During this Congress, all parties in the Government bear part of the responsibility. In so saying, I do not seek to minimize the Senate's shortcomings. In the future, it seems to me the Administration and Congress--and within Congress, the Senate and the House--must take further steps to avoid a worsening impasse. The Administration must get its legislative program to the Congress early in the year and then refrain from introducing last minute changes or sweeping additions. It seems to me, too, that the House which acts first must move appropriations and revenue bills to the Senate without prolonged delay. It seems to me, finally, that the Senate committees must redouble their efforts to bring to the calendar early in the session authorizing legislation and all other legislation that is obviously complex and controversial.
As for procedural problems of this kind, fresh approaches may be expected next year. I would not anticipate the Senate but there are indications that a serious examination of the cloture rule is in the offering. There may be further innovations designed, hopefully, to expedite the business of the Senate. The Joint Leadership, for example, has listened with great interest to several of the newer Members--Senators Cranston, Hughes, Saxbe and Schweiker, in particular, who have advanced a number of helpful procedural suggestions.

We must look to our procedures because it has become quite apparent that Congressional business has expanded immensely. During this session, the Senate has met in session more days and more hours than has any other Senate in at least a score of years. The fact is that we were faced with a very substantial legislative chore and the fact is underscored by the substantial legislative record which has emerged.

This record has been compiled in the Senate because Democrats and Republicans have joined to make it possible. To the Members on both sides of the aisle, therefore, I wish to express my deep appreciation for their contributions as well as their patience and understanding. The distinguished Minority Leader (Mr. Scott) has been a great strength. His consideration, his courtesy and his cooperation have been as welcome as they have been essential to the responsible operation of the Senate.

Mr. President, I ask unanimous consent to insert in the Record at this point a summary of Senate activity during the second session. I reiterate, this is the product of both parties. It is the product of a Senate which in the year 1970 has taken over 400 roll call votes, more than ever before in the nation's history. It is the legislative product of a Senate, which, notwithstanding the events of the past few weeks, has worked with great dedication and discernment to serve the interests of the people of the nation.
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OUTSTANDING LEGISLATIVE ACHIEVEMENTS

✓ Legislative Reorganization Act of 1970
✓ Comprehensive Drug Abuse Prevention and Control Act
✓ Omnibus Crime Control Act
✓ Organized Crime Control Act
✓ Military Construction Authorization
✓ Military Procurement Authorization
✓ District of Columbia Court Reform and Criminal Procedure Act
✓ District of Columbia Delegate to House
✓ Bank Holding Companies
✓ Defense Production Act Extension; Standby Wage, Price and Rent Controls
✓ Foreign Bank Secrecy; Unsolicited Credit Cards; Consumer Credit Reporting
✓ Elementary and Secondary Education Amendments
✓ Alaska Native Claims Settlement Act (No House action)
✓ Pornographic Mail (No House action)
✓ Rejection of Findings and Recommendations of Commission on Obscenity and Pornography (Senate resolution)
✓ Postal Reorganization Act
✓ Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act
✓ Developmental Disabilities Services and Facilities Construction Amendments
✓ Medical Facilities Construction and Modernization Amendments (Passed over Presidential veto)
✓ National Air Quality Standards Act
✓ Regional Medical Programs and Comprehensive Health Planning and Services Act
✓ Emergency Home Finance Act
✓ Housing and Urban Development Act
✓ Gulf of Tonkin Resolution - Termination (Senate resolution) (also contained in Military Sales bill)
✓ Military Sales - Limitations on United States Involvement in Cambodia (in conference)
✓ Voting Rights Act Extension (lowered voting age to 18)
✓ Employment and Manpower Act (vetoed by the President)
✓ Equal Employment Opportunities Enforcement Act (No House action)
✓ Confirmation of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States (also rejection of Carswell nomination)
✓ Resource Recovery Act
✓ Wilderness Areas
✓ Employment Security Amendments
OUTSTANDING LEGISLATIVE ACHIEVEMENTS

- Airport and Airways Development Act
- Federal-Aid Highway Act (a bill on HOUSE CALENDAR)
- Merchant Marine Act
- Political Broadcasting (vetoed by President)
- Rail Passenger Service Act
- Urban Mass Transportation Assistance Act
- Occupational Safety and Health Act
- Consumer Protection Organization Act
- Securities Investor Protection Corporation
- Voting Rights Act Extension
- Federal Water Pollution Control Act Amendments
- Social Security Increases
- FAMILY PRACTICE MEDICINE (vetoed by President)