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Statement by Senator Mansfield

Mike Mansfield 1903-2001

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January 31, 1973

STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA)

Gentlemen:

We meet this morning following on the eve of a very tragic event. What happened to John Stennis, what happened to George Wallace, what has happened to so many of our great leaders in the past decade, and what happens to the ordinary American as he walks the streets, as he lives his life, is something that the Senate and the Nation must face again and again until we rid ourselves, once and for all, of this terrible, festering blight of crime. As a first order of business I ask today that the Senate take all steps to provide effective crime control legislation. I ask John McClellan to move immediately on the Omnibus Victims of Crime bill, the bill that would compensate the innocent victim of violent crime, the bill that would provide added benefits to policemen and their survivors who are killed or maimed in the line of duty, the bill that would provide incentives to all law enforcement officers who are especially exposed to crime.

And finally I ask Senator Eastland, Senator McClellan and all others on the Committee on the Judiciary to move with utmost dispatch on all proposals under their jurisdiction covering the question of crime, on all measures designed to inhibit the criminal and to inhibit his access to deadly weapons used against innocent victims.
The Senate ought to take a fresh look, I think, at all proposals on this subject, past and present. The criminal and his indiscriminate use of weapons, his indiscriminate access to weapons, the number of law enforcement officers required, the training they need are all matters which must be looked at. They are all a part of the war on crime.

Finally I would say that an event such as the one that occurred last night and all of the tragedy in the past merely bring home the fact of what is happening and what has happened all along. It is not a time to overreact; it is a time to respond reasonably, with restraint and with effective action.
tighten the links of the Atlantic alliance and sort out the trade disputes that threaten to carve up the industrial world into three regional blocs. Now Mr. Nixon has clawed away, at least for the moment, the last vestige of his opposition. He seems to try to persuade the isolationists and protectionists in Congress, and above all the trade blocs that the United States, in a fortress America palisaded behind tariff barriers and import quotas.

But the arguments provide some of the reasons that Mr. Nixon needs. The British Government held itself aloof from the emotional uproar that echoed around Europe during the bombing of Hanoi last month. Part of the reason for that calculated silence was the understanding that when Europeans describe America's commitments outside Europe as silly or wicked or simply irrelevant, they sound like Americans talking about European conflicts before 1941. It is not for an increasingly inward-looking Europe to tell the Americans not to bother about Asia. Any attempt to do so is liable to hasten a process of American withdrawal that could be understood by undermining Europe's own defences.

Mr. Heath now has some title to speak for the European community, which could be interested in Europe during the bombing of Hanoi last month. Although President Pompidou and Herr Brandt, edging closer together (see page 15), would have their part to play, but the old complaint if Britain seems to be noting a common position with the Americans rather than to be carrying punch for the EE! as a whole. But the time has passed when Britain needed to make French reactions the only test of its positions. Mr. Heath has gone to some pains in consulting his European colleagues—and notably President Pompido­du—on how to talk to Mr. Nixon. But he no longer has to work under the shadow of a threatened French veto.

Mr. Heath's mission in Washington is not just to reaffirm the Atlantic connection, but to redefine it in the light of British entry into the community. Those in America who have supported the idea of a united Europe have always hoped for an effective political partner across the Atlantic that would help to disentangle international disputes and to shoulder the burden of power. That idea ought to encourage Mr. Nixon to visit Europe later this year. It should help to carry the case for more self-confident European role in the world, and a more generous approach to trade policy.

DESIGNATION OF PERIOD ON TUESDAY NEXT FOR EULOGIES TO THE LATER FORMER PRESIDENT HARRY S TRUMAN

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished senior Senator from Missouri (Mr. SYMINGTON), and with the approval of the distinguished majority leader, I ask unanimous consent that a statement of Senator SYMINGTON, be printed in the RECORD at this point. It is noted that all three resolutions were approved by the majority without objection. There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD

Gentlemen: We meet this morning following the eve of a very tragic event. What happened to John Stennis, what happened to George Wallace, and what happened to so many of our great leaders in the past decade, and what happens to what might happen to every American as he walks the streets, as he lives his life, is something that the Senate and the Nation must face again and again until we rid ourselves, once and for all, of this terrible, for­tering stench of crime. As a first step, I ask today that the Senate take all steps to provide effective crime control legislation. I ask today that we have a bill that adds the Omnibus Victims of Crime bill, the bill that would compensate the innocent victim of violent crime, the bill that would provide incentives to all law enforcement officers who are especially exposed to crime.

As I ask that Senator Eastland, Senator McClellan and all others on the Commi­tee on the Judiciary move with utmost dispatch on all proposals under their jurisdic­tion covering the question of crime, on all measures designed to inhibit the criminal and to inhibit his access to deadly weapons used against innocent victims.

The Senate ought to take a fresh look, I think, at all proposals on this subject, past and present. The criminal and his indiscriminate use of weapons, his indiscriminate access to weapons, the number of law en­forcement officers required, the training they need, all matters which are not yet settled. They are all a part of the war on crime.

Finally I would say that an event such as the one that occurred last night, an event of the tragedy in the past merely bring home again the fact of what is happening and what has happened all along. It is not a time to overreact; it is a time to respond reason­ably, with restraint and with effective action.

STATEMENT OF SENATOR MIKE MANSFIELD BE­FAR THE DEMOCRATIC CONFERENCE

We have been meeting, as Senate demo­crats, very regularly both in the Policy Com­mittee and in these Conferences since the beginning of the year. The one purpose of giving substance to our unity as democrats and to give form and direction to a Demo­cratic program for the Senate.

In addition, the Senate Leadership has met several times with the House Leadership. To­gether with the Speaker and with the House Democrats, we are seeking ways to promote effective unity among the democrats in the two Houses of Congress. In turn the Demo­cratic leadership is establishing regular contacts with the Democratic governors of the nation and with the Chairman of the Demo­cratic National Committee. All of these ini­tia­tives represent follow-through on the key­note statement which was delivered to this Conference on January 3 and adopted unan­imously as the guide for the Senate Leadership in the 93rd Congress.

We have been making our way carefully in
January 31, 1973

CONGRESSIONAL RECORD—SENATE

S 1527

THE VISIT OF PRIME MINISTER HEATH

Mr. JAVITS. Mr. President, British Prime Minister Heath will be in Washington tomorrow and Friday to consult with President Nixon. The timing of this visit, the first official meeting between President Nixon and a Western European leader since President Nixon’s reelection, is most fortunately a key building block leading to a successful “Year of Europe.”

I see no unanimous consent that a fine article entitled “And Now, Speaking for Europe: Mr. Heath Can Demonstrate in Washington Next Week That a Britain in Europe Has Things To Say That Americans Need To Hear,” which appeared in the January 27 issue of The Economist, of London, be printed in the Record at this point.

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

AND NOW, SPEAKING FOR EUROPE: MR. HEATH CAN DEMONSTRATE IN WASHINGTON NEXT WEEK THAT A BRITAIN IN EUROPE HAS THINGS TO SAY THAT AMERICANS NEED TO HEAR

It is a good time for the Prime Minister to go to Washington. Mr. Heath has just been re-elected Prime Minister at the polls in Britain. He is the son of the Prime Minister who was Prime Minister last week, and Mr. Heath has just been re-elected as Prime Minister of the United Kingdom. The Prime Minister is the leader of the Conservative Party, the leader of the Labour Party, and the leader of the Liberal Party, and he is the leader of the National Liberal Party.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum be discharged.

THE PRESIDENT OFFICER. Without objection, it is so ordered.

Mike Mansfield Papers, Series 21, Box 48, Folder 57, Mansfield Library, University of Montana
January 31, 1973

CONGRESSIONAL RECORD — SENATE

S 1529

an effort to rediscover the territory of democratic unity. It is not easy to discern the route. The problems of coordination and adjunction and reconciliation of viewpoints are very great.

I want to report to you today, however, the early judgment, we are on the right road. We are headed towards an effective and constructive session of the 93rd Congress and, I believe, we will also make a major contribution to the Democratic Party in the political life of the nation.

It is not yet a month since we set out on this path but we have already established the basis for better coordination between the House and Senate Democratic Majorities. We are also in good rapport with the Democratic governors' caucuses under the chairmanship of Dale Bumpers and we have every expectation of developing an active relationship which can lead to a contribution to the work of the government and the Senate from this source.

Here in the Senate, we have already established by resolution or other action a number of identifiable and widely supported democratic positions with regard to the following:

1. The establishment of the initial legislative session of the 93rd Congress;
2. The termination of the participation of the United States in the war, a position which we have established by the recently negotiated settlement in Paris;
3. The acceptance of the Constitutional responsibility and assurance for taxes and other executive officials to appear and testify before Congressional Committees as a condition of Senate participation in their appointment, or their confirmation;
4. The limiting of the use of the doctrine of Executive Privilege by officials of the Executive Branch for avoiding their Constitutional accountability to the Congress;
5. The establishment of the principle of "Open Hearings" as regards the procedures of all Senate Committees;
6. The curtailment of the tendencies of the Executive Branch to interfere in media programming, planning and news reporting;
7. The Senate's responsibility to inquire into the Watergate affair and other insidious tamperings with the integrity of the electoral process.

I want to note, too, that, under the new doctrine of "juniory," the Policy Committee has had the participation at each of the last two meetings, of new Senators, in reverse order of seniority, beginning with Senator Muskie.

This practice will be continued until all members have had an opportunity to participate in a meeting of the Committee and to give the Committee the benefit of their insights and observations.

Finally, two ad hoc committees of the Conference are now functioning, the first on the improvement of the procedures and practices which is under Senator Stevenson's Chairmanship and the other on Executive Privilege, chaired by Senator Ervin.

Before proceeding to the regular items of business for today's meeting, I want to express my deep gratitude to the members of the Policy Committee and to those Senators who have made exceptional contributions to the articulation of unified democratic positions on certain potentially divisive issues.

In particular, I want to thank Senator Stevenson for his excellent and eloquent presentation on the question of Executive Privilege and Senator Ervin for his work on that issue and others as well, which is carrying in his name a great deal of the load of investigatory work for this session.

I would like to repeat that we are off on the right track. Whether or not we stay on it depends on every Democratic Senator, on their restraint of their inclinations sufficiently to permit common meaningful action. In this respect, the leadership has had the help, the forebearance and the understanding of the entire Conference in this first month of the new session. That progress which has been recorded. If we can continue in this fashion throughout the 93rd, I believe we shall make a substantial contribution to the vitality of the Senate's role in the government and to the strengthening of the democratic party in the political life of the nation.

Mr. MANSFIELD. Mr. President, yesterday the Democratic policy committee met and adopted three resolutions, two of which specified that they be brought to the caucus for consideration and hopefully for approval. The third resolution dealing with the fuel oil shortage simply stated that a report be made to the Democratic conference on the policy committee action.

The first item of consideration by the caucus will be resolution No. 1, dealing with freedom of the press. The resolution has been distributed to the caucus and the secretary will read the resolution.

The second resolution adopted by the policy committee was a recommendation originally made by Senator Tunney and considered by the conference. It deals with the establishment of procedures—and I emphasize the word "pro­ ceedures"—and I emphasize a more significant role for the Congress in the total budgetary process. The resolution has been distributed. The secretary will also read that resolution.

As a final matter on the agenda, the resolution on fuel oil shortage will be distrib­uted and read by the secretary. The policy committee did not direct that this matter also be voted on by the caucus, but that notification be given to the caucus of its action by the policy committee in this regard.

The resolutions follow:

POLICY COMMITTEE RESOLUTION ON FREEDOM OF THE PRESS

Whereas, the First Amendment of the Constitution of the United States safeguards the freedom of the press;

Whereas, reporters have been imprisoned for carrying out what they deem to be their professional obligations under the First Amendment;

Whereas, judicial interpretations of the rights and press appear to cast the shadow of encroachment on practices basic to a free press;

Whereas, the Senate Democratic Conference on January 3, 1973, endorsed the principle that the Congress shares with the President and the Courts a Constitutional responsibility to protect the freedom of the press to operate as a free press;

The Majority Policy Committee of the Senate resolves:

1. That the Senate Committee on the Judiciary undertake during the 93rd Congress, an inquiry into the adequacy of the legal privileges and immunities related to news gathering;

2. That such investigation include but not be limited to pertinent recent judicial interpretations which relate to the rights and responsibilities of a free press;

3. That the Senate Judiciary report its findings and conclusions, together with whatever recommendations it deems appropriate to protect the freedom of the press to operate as a free press.

The Majority Leader is directed to place this resolution before the National Political Conference and, if concurred in, to communicate a copy to the Chairman of the Committee on the Judiciary. He is directed, further, to discuss the resolution with the Minority Leader of the Senate with a view to obtaining bipartisan endorsement of the proposed inquiry.

RESOLUTION BY SENATOR JOHN TUNNEY

Whereas, The Constitution grants two great fiscal powers to Congress: the power to levy taxes and the power to regulate commerce.

Whereas, The President has seized by means of impoundment, unilateral budget amendments, and other fiscal maneuvering, the knowledge or control of Congress the power over the determination of priorities and expendi­ ture levels; and

Whereas, Congress must reassert its rightful constitutional place in the fiscal process; and

Whereas, The Congress in the past four years has cut $20 billion from the President's appropriation requests in an effort significantly to limit federal expenditures; and

Whereas, In spite of these cuts the Democratic Congress more than $100 billion has been added to the national debt by this present Administration over the past four years; and

Whereas, The Congress is deeply concerned about the impact of runaway inflation; 6 million people remain on the American people and the plight of 5 mil­ lion unemployed; and

Whereas, The Democratic Caucus has unan­ mously adopted the remarks of Senator Mansfield, the distinguished Majority Leader, that the Congress, with some guidance on how an over-all expenditures ceiling may be set as a goal for the first session of the 93rd Con­ gress.

Therefore, Be it resolved that it is the sense of Congress that the Senate members of the Joint Committee to Review the Oper­ ation of the Budget be urged to conduct studies and investigations for the purpose of recommending to the Congress by February 15, 1973, (1) procedures for establishing a ceiling on budget outlays and new obliga­ tional authority, (2) procedures for relating individual appropriations and other spending actions to the expenditures ceiling, (3) revisions in the Federal budget and appro­ priations process to assure the proper relation­ ship between expenditures and revenues.

RESOLUTION ON THE OIL SHORTAGE

Whereas, The legislation pending for this purpose has reached a critical stage in many parts of this country; and

Whereas, We fully share the expressed grave concern that the fuel oil shortage for industry, agriculture and home heating has reached a critical stage; and

Whereas, An Intergovernmental Task Force appointed by President Nixon recommended last week the phasing out of the import quotas for oil;

The Majority Policy Committee of the Senate recommends:

1. That the President set in motion all necessary emergency procedures, including the release of military stockpile supplies, to meet the essential requirements for oil and other fuels in regions of critical shortage;

2. That the President of the United States be appropriated by Congress under S. Res. 45, review the matter of the crude oil shortage and home heating oil supplies and the adequacy of the American consumer an adequate supply at reasonable prices and also protection to the domestic oil industry and national security;

3. That the appropriate Senate Committees examine further into the critical situation and if appropriate, be required to provide assurances of a continuing supply of crude oil and other essential petroleum products from all and any sources.
COUNSEL TO THE PRESIDENT REPLIES ON QUESTION OF OFFICIALS' REFUSAL TO TESTIFY

Mr. MANSFIELD. Mr. President, on January 22, 1973, I wrote the President of the United States informing him of the action of the majority conference of the Senate in adopting a resolution containing the refusal of Cabinet and other officials to testify before Senate committees.

By letter of January 25, 1973, Mr. John W. Dean III, Counsel to the President, replied to my letter.

I ask unanimous consent that my letter and the reply of Mr. Dean thereto be printed at this point in the Record.

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


The President, The Senate of the United States, Washington, D.C.

Dear Mr. President:

The Majority Conference of the United States Senate has requested that I advise you most respectfully of its action today in adopting the following resolution concerning the refusal of Cabinet and other officials to testify before Senate committees:

Whereas, the Constitution of the United States, Article II, Section 2, vests the President with the power of appointment "by and with the Advice and Consent of the Senate;"

Whereas, on behalf of the Senate, Committee members are authorized to summon witnesses to appear and testify on the business of the Senate;

Whereas, appointed officials, subsequent to Senate confirmation, have refused on occasion to appear and testify before duly constituted Committees of the Senate:

Resolved by the Democratic Majority of the Senate:

(1) That a prerequisite to confirmation is the commitment of Presidential appointees to appear and testify before duly constituted Committees of the Senate in response to Committee requests therefor; and

(2) That all Senate Committees bear a responsibility to determine, prior to confirmation, the commitment of Presidential appointees with requests to appear and testify before Committees;

That the following reports to the Senate on all cabinet designees and such other appointees as deemed appropriate should contain a statement of their commitment to respond to requests to appear and testify before duly constituted Senate Committees.

It will be my intention as Majority Leader to cooperate in every way in carrying out the purposes and intentions of this resolution.

Respectfully,

M. W. MANFIELD

THE WHITE HOUSE

Mr. JOHN W. DEAN III, Counsel to the President.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The President's pro tempore before the Senate the following letters, which were referred as indicated:

REPORTS ON INTERNATIONAL AGREEMENTS, ORTHOMIN

A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on International Agreements, other than Treaties (with accompanying papers); to the Committee on Foreign Relations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the President pro tempore:

A resolution of the House of Representatives of the State of Illinois, to the Committee on Finance:

"HOUSE RESOLUTION 913
"Whereas, The growing fuel, oil and propane gas shortage spreading over the Midwest is posing an immediate threat to Northern Illinois and Rockford and other communities; and

"Whereas, Schools, hospitals, factories and homes face the possibility of no heat unless the timely problem is solved; and

"Whereas, Illinois farmers are faced with crippling financial losses because of insufficient energy to dry crops; and

"Whereas, The resultant crop loss will further increase food costs borne by the consumer; and

"Whereas, This fuel crisis is the result of sizeable cutbacks imposed on many fuel dealers by refineries and increased demands for energy; therefore, be it

Resolved, That the President and Congress take action to increase the supply of petroleum fuels by lifting import restrictions and by facilitating the transportation of fuel to areas facing a fuel crisis; be it further

Resolved, That federal government examine the long term energy needs of the nation and develop appropriate policies to prevent the re-occurrence of such an energy crisis; and

Sincerely,

The President, THE WHITE HOUSE
WASHINGTON, D.C.

R. MICHAEL J. SCOTT,
Assistant to the President.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on Government Operations, without amendment:

S. 361. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for four additional years, and for other purposes (Rept. No. 93-10).

Mr. MUSKIE. Mr. President, from the Committee on Government Operations, I report favorably the bill (S. 261) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for four additional years, and for other purposes, and I submit a report thereon. I ask unanimous consent that the report be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. LONG, from the Committee on Finance, without amendment:

S. Res. 40. Resolution to provide for four additional professional staff members and four additional clerical assistants for the Committee on Finance. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary.