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STATEMENT OF SENATOR MANSFIELD BEFORE SENATE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my statement before the Senate Democratic Conference today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR MIKE MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

Let me begin with a brief reference to the situation in the Middle East. The fourth war in a quarter of a century in that region has posed complex diplomatic questions for this nation. There ought to be and there will be from the Senate, understanding and restraint as regards the Administration's handling of that situation. Speaking for myself, I have no hesitancy in expressing a high regard for the manner in which a lid has been kept on developments there.

In making that comment, I reject any inference that the effort of the Congress, the Courts and the former Special Prosecutor to face up to Watergate and related matters in the workings of this government may have in any way, shape or form precipitated the difficulties in the Middle East. This is the fourth Arab-Israeli war, not the first. These conflicts have occurred during both Democratic and Republic Administrations. They have occurred both in the presence and in the absence of Watergates. The fact is that, over the years, the outbreaks of war in the Middle East have shown a supreme indifference to the political situation inside this nation.

So I am hopeful we will hear no more about how we must bury Watergate and all it implies in other areas because of this crisis or that abroad. The conduct of foreign relations, whether in the Middle East or elsewhere, is always difficult. It is made more or less difficult not by the appearances at home but by the realities. We would do well, therefore, to avoid in the name of foreign policy a pretense of national well-being when the people are profoundly disturbed by what they see and hear in Washington. The pretense would fool no one but ourselves. It would serve no useful purpose abroad. It would serve only to dig deeper the mistrust and division at home. The need is to not to beat the drums of self-deceit any louder in the name of foreign policy. The need is to restore the people's trust in government by restoring the government's integrity. Then, hopefully, the conduct of foreign policy may be eased. In the interim, it may be that senior officials of the Executive Branch are discommoded by a public cleansing of the nation's politics. Nevertheless, these officials will have to function within the parameters of a deep national concern over the state

of the Federal government until there is no longer a need for that concern. I have every expectation that they will be able to deal effectively with events abroad so long as the situation at home is also confronted.

The primary responsibility of the Congress and the Presidency is to safeguard the people's right to a government—legislative, executive, judicial—that serves them with integrity and candor, with responsiveness and justice. If we do not act at home, in this city, to reaffirm that right when it has been jeopardized, what we do or do not do abroad will not much matter. Indeed, if we do not affirm and strengthen that right, in my judgment, whatever this Administration or any other may think it is achieving in foreign relations will have little of lasting value in terms of the Nation's well-being or world peace.

Against that backdrop, I would like to review events of the past ten days or so and their implications for the Senate and the Congress. In the first place, it seems to me that these events illuminate the essentiality of the Ervin Committee on the Watergate affair and the good sense of the Senate in establishing that Committee at the beginning of the year. A debt of gratitude is owed to the members of the Committee—Republicans and Democrats alike—for what they have already done in requiring a confrontation with the truth of Watergate and related matters. They proceeded in an orderly and impartial fashion and without any suggestion whatsoever of partisan policies. They moved deliberately but relentlessly to bring out the facts of illegality. They uncovered these facts in great numbers and in sordid detail. They laid them bare for the Nation to see and for the Congress to act upon in order that what transpired in the name of a free election does not happen again.

So thorough and effective had been the work of the Ervin Committee in pursuit of its Senate mandate that, except for the affair of the tapes, it was possible to begin to think in terms of a final report and recommendations. That was before the Justice Department was torn asunder on direct orders of the White House on the night of October 20. Now it is no longer possible, in my judgment, to contemplate the shut-down of the Ervin Committee. On the contrary, I would hope and expect that the Senate would consider forthwith the extension of the Committee, with a mandate enlarged to include all the matters which were under consideration by the Special Prosecutor's office in the Justice Department at the time of the summary dismissal of Mr. Achibald Cox.

In so suggesting, I ask you to bear in mind that, as of now, if the Ervin Committee does not pursue these matters, who will? The Executive Branch? The Courts? There are many proposals for action, but who is in a position, now, to act? As of now, the Ervin Committee is the only body in the Federal government that is duly-constituted and

equipped to continue an independent, impartial inquiry into the Watergate affair and related matters.

That will remain the case unless and until there is at least designated a new Special Prosecutor whose powers are as broad and whose integrity and courage are as great as that which surrounded Archibald Cox. I want to say for myself—and I think I am also expressing the preponderant sentiment of the Senate in this connection—that Mr. Cox is an outstanding American who is to be commended for the distinguished service he performed in placing the law, as he sees it, above himself, above the Justice Department, and above any incumbent in any office of the federal government.

I wish to commend, too, Mr. Elliot Richardson. He gave his word to the Senate, in connection with his confirmation as Attorney General. He gave his word, as an honorable man, that he would permit the Special Prosecutor full independence to deal judicially with the corrosive corruption which has been spread through the political processes of the nation. Mr. Richardson kept his word to the Senate, and when he was no longer permitted to keep his word, as an honorable man, Mr. Richardson resigned from the office in which he had been confirmed by the Senate. So, too, did the deputy Attorney-General, William Ruckelshaus. The Administration and the government will suffer greatly the loss of the services of these men, but the Nation has gained from their decency, courage, and integrity.

Their departure confronts us with the reality that the principal law enforcement agency in the country—the Justice Department—is in shambles. The vast documentation gathered by the Special Prosecutor's office is under protective custody by order of Judge Sirica, and its future usage has not yet been determined. I hope it will remain safeguarded in that fashion until the question of its disposition is resolved. At this nadir of public trust in government, the last straw would be the scattering or dissipation of the documentation which was gathered by Mr. Cox and his staff.

In the end, those records must form the take-off point for the continuance of the investigation which was proceeding deliberately and diligently in Judge Sirica's Court.

It will not be easy for any replacement of Mr. Cox to pick up the threads. In my judgment, they cannot be picked up adequately by the naming of a new Special Prosecutor subject solely to the control of the President. I do not see, after the recent chain of events, how that would be acceptable. Who would serve? Under what conditions? Who and what would assure independence of action? Who would accept the results?

Whatever arrangements are made, in the end, they can hardly be acceptable arrangements to the people of the Nation unless they are also acceptable to the Congress. The recent chain of events has been too shocking, too devastating of the public trust. The Nation has suffered a trauma which, in my

judgment, can be assuaged only by an arrangement that is underwritten by the Congress and the Courts.

For the present, I am personally inclined, therefore, towards the solution offered by Senators Hart, Bayh, and 52 other Senators which would establish the Special Prosecutor by act of Congress, with the appointment of the individual left to the Courts. There are, I am sure, other possibilities. In any event, this matter will be examined with Mr. Cox and Mr. Richardson and others in the hearings before the Judiciary Committee, and I would urge the President, most respectfully, in the highest interests of the Nation, to cooperate with the Congress in this matter.

I want to close by commending all the Members of the Senate—Republicans and Democrats alike—for their steadfastness in those critical times. There has been manifested in the Senate, far beyond partisanship, a responsibility to the Nation and a dedication to Constitutional principles and the stability of the Republic which I find unmatched in my memory. This has been an incredibly troubled year in the life of the Nation, an incredible month, incredible weeks and days. That the Nation is coming through this period and, in my judgment, will emerge from it healthier and sounder in its political life has a great deal to do with the validity and vitality of its Constitutional structure. It has a great deal to do with the fact that we are a government, not of one part but of three, and that, at the outset of this session, this Conference, the Senate and the Congress set out on a path of reminding the Nation of that Constitutional fact. It has a great deal to do with the First Amendment, under which the press and other media are alive and well and doing their job with competence and persistence. Finally, it has a lot to do with the capacity of the people of this Nation—beset and beguiled, harried and harassed though they may be—still to express a thunderous indignation when their fundamental decency is outraged. In the end, this government exists to serve those people. It is not the other way around. They deserve a government that can be trusted with their freedom, with their lives, and with their heritage. What has happened to cast a shadow on that unalienable right of the people of the United States must not be allowed to happen again.