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Congressional Record - Senator Mansfield Retirement

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Senate

S. 1

Mr. MANSFIELD. Mr. President, on yesterday, the distinguished Republican leader and I met with various members of the Senate Committee on the Judiciary and their staffs. The purpose was to follow up on the statement which we issued a few weeks ago, directed to all members of the Committee on the Judiciary, and to seek a way to break an impasse on S. 1, which has generated so much controversy from both the right and the left. This was done in our capacities as the Senate's leaders and, certainly, was intended in no way to infringe upon the responsibilities of the Senate Committee on the Judiciary. Furthermore, I could not speak as one with authority on substance, because I am not a lawyer. But I am interested in legislation and, on the basis of the commitment made that the joint leadership would meet with the various members of the Committee on the Judiciary, that meeting was held in my office on yesterday afternoon.

When the meeting convened, I made the following statement:

S 2965

GENTLEMEN: I asked to meet with you on S. 1 to express my concern about the status of the matter.

First, I agree that there is need to bring revision to the Criminal Code, to provide more uniformity, consistency, and logic to its complex and often confusing applications. In that sense, I am in full accord with the Brown Commission's study and recommendations.

I am interested in S. 1 as well because it contains two features which I consider of paramount importance to the Criminal Code. One would provide a program to provide compensation to crime victims—an endeavor which I have advocated for years, and which, if my memory serves me correctly, the Senate has passed on five different occasions, but the House has taken no action on.

Second, I am interested in those provisions which would stiffen penalties and impose mandatory jail terms against gun criminals, those who not only commit crime but who resort to weapons of violence in perpetrating their offense.

The carrying of a gun in the commission of a crime, under my proposal, would be a separate offense. I repeat, a sentence imposed for this infraction of the law would not run concurrently but would be in addition to the sentence imposed for the crime. That bill, likewise, has passed this body once, at least. It has not been taken up in the House:

I, therefore, support a great deal of what is contained in S. 1—perhaps 90 percent of its contents. But there are provisions I cannot support and because of them I would vote against the measure unless some substantial changes or deletions are made.

It was with that view in mind that I approached Senator Scott the distinguished Republican leader in mid February. Together we delineated some—let me repeat that word, some—of the provisions of the bill that are acutely sensitive, controversial or which we find particularly offensive. There are probably others.

In any case, it has become clear to both of us, I believe, that unless the various and diverse interests come together soon on these issues and on the question of what to do about them, there is little or no hope for any measure of criminal law reform. Moreover, the House has not acted and probably will not act unless there is movement on this side.

So what I suggest—and I think Senator Scott joins me in this—is that this bill be rewritten to extract as much as possible that impairs its present form; that it be rewritten and introduced as a brand new Criminal Code reform bill. If that is possible, then I would hope the job can be done as soon as possible—this week perhaps. If not, then I think we might well consider the issue dead. For the longer these matters linger, then the longer the dissension and disaffection remain and neither frankly reflect well upon this institution.

Gentlemen, I am not a member of the Committee. I have made my suggestions along with Senator Scott but I make no pretenses about what might be done substantively in all respects to achieve this objective. There are times, however, when we can agree on substance and, if no agreement is possible, then we can vote—up or down—on these issues on which there is no accord. If we can go that far—to at least identify and act upon the issues involved in Criminal law reform—it will be a major achievement for the Senate.

The question as to what to do about S. 1—if anything—reposes in the Judiciary Committee.

Mr. HUGH SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed.

Mr. HUGH SCOTT. Mr. President, I simply rise to say that I am in general agreement with what the distinguished majority leader has said. Part of our purpose has been to advance and promote legislation. This bill has many features which are objectionable to many of us, including myself, as I have said before in colloquy on this floor.

I would like to see that part of the bill which consists of a simple recodification of existing law passed.

I would favor the two elements mentioned specifically by the distinguished majority leader, and I would favor other elements in the bill. I would not favor the very strict provisions which, in my opinion, impinge on the freedom of the press. There are other objectionable provisions.

I think the essential point to remember is that the staffs of the various Senators on the Judiciary Committee have been in touch with each other for a period of time in an effort to work out a markup of a bill.

We have suggested to them that they let us know within the next 2 weeks whether such a markup is possible. If it is, we should proceed with it. If it is not, I agree that the bill would have little chance in the other body in view of the delay in this body.

As to the use of my own time, Mr. President, I ask unanimous consent that I may transfer it to the distinguished Senator from Oklahoma (Mr. BARTLETT).

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

The Senator from Oklahoma is recognized.