

SPEECH OF SENATOR HUBERT H. HUMPHREY
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Election

Campaign { When the returns were in last November, my friends wondered if something were wrong with me because I was such a sober Senator-elect. We had spoken ourselves hoarse in all the counties; we had driven to town after town in a jeep to tell the people what kind of a program we wanted to see in our country. We had worked night after night with little sleep. And we deserved a day of jubilee. But I was sober.

Election a chance for liberal policy { I was sober because I knew that nothing was won except the right of the liberals to move onto the battlefield. I was sober because I knew that the mistakes of the past could push us right back off the field again. And I knew that the people expected enactment of the program they heard so much about from us during the campaign.

Voices came through the emotional uproar of November 3rd, predicting that the liberals were far from strong enough to do what they hoped to do this year. And I began to check lists to try to find out just how much strength we did have. *It was clear that this Congress represented at least 4 pol. Parties Democrats, Moderates, Liberal Rep, & Republicans.*

I had no sooner gone through the ~~awesome~~ ceremony of becoming a United States Senator than I realized the sheer physical strength a Senator had to have to keep from sinking. Mail literally poured into the office. People wanted jobs. They wanted export licenses, they wanted visas. They wanted to sell surplus products of their factories. They wanted me to help them get houses twenty miles from their mothers-in-law! People came in droves. They wanted to see about legislative matters, personal matters, business matters, or maybe they just wanted to visit a few hours. I want to tell you that a Senator's visiting hours are a precious few. Just ask his family.

In the midst of all the adjustments that had to be made, I learned very soon in this session that people were talking in terms of priority legislation. I didn't like priority talk then, and I don't like it now. The job is to pass as much of the President's program as we can this session, and what we can't get through immediately, we'll do later, and if not then, then we'll get it after the next elections! When a law is needed in this land of ours, no combination of Senators, and no combination of

representatives, and no strategy and no tactics are going to keep that law from being passed eventually.

I was assigned to the Committee on Labor and Public Welfare, the only major committee on which I sit. It was the hope of the majority on that committee that we could report out a bill that would have Senate action by the time that new collective bargaining agreements were being negotiated. We wanted to assure the majority of people who had voted overwhelmingly to repeal the Taft Hartley Act that free collective bargaining would prevail this year, and that there would be no repetition of the kind of court supervision, if you please, of labor-management relationships that we have had under the Taft Hartley law. A minority of Republicans on that committee, however, saw fit to use dilatory tactics to keep the Thomas Bill in committee longer than it had to be. I say a minority of Republicans--I am not including Senators Morse and Aiken who showed by their questions that they were interested in establishing a just national labor policy. The minority succeeded in delaying Senate action on the Thomas Bill.

cloture
While the Labor Committee held its hearings, including night sessions, the fight was shaping up on the civil rights issue.

In 1917, the Senate voted a rule of procedure under which a cloture petition signed by 16 Senators and voted by 2/3 of those Senators voting, could stop unlimited debate on a "measure". In the 80th Congress, the President pro tem of the Senate, Senator Vandenberg, interpreted that 1917 rule to mean that a cloture petition could not be applied to a motion to bring a bill before the Senate for debate. Isn't it obvious that if a filibuster is allowed on a motion to bring a bill before the Senate, that bill itself will never see the light of debate?

Yet Senator Vandenberg interpreted the word "measure" in the Senate rule as only one thing: "a specific Act of Congress". I say, perhaps facetiously, that I think American lexicographers would turn over in their graves if they knew that thousands of dollars were spent operating the Senate of the United States while Senators wrangled over the definition of the word "measure", and what the intent was in the minds of the gentlemen in 1917 when the

word was written into the rule. I am willing to accept the opinion of Senator Kefauver, a Southern senator, mind you, who pointed out in his maiden speech the other day that the obvious intent of the gentlemen in 1917 was to pass a rule that would stop filibusters--period!

The 80th Congress dropped the matter there, only too glad to have the hot potato of civil rights placed out of its reach. We, in the 81st Congress, decided to lock horns with the issue. Remember one thing--if we lost the fight on rules, at least so far--we have accomplished a very important thing. We forced the issue to the floor, and forced the people who had pledged themselves for civil rights to face up to the issue. For the first time, the American people could witness a debate on the floor of the Senate involving their civil rights and for the first time they could count heads and know where they stood with their elected representatives!

When the rules fight came to the floor, the Vice President of the United States, in his capacity as President of the Senate, interpreted the 1917 rule on limiting debate to apply to a motion

to bring a bill before the Senate for consideration. Vice-President Barkley's ruling would have limited debate on any motion before the Senate, had not the Senate overruled him by a vote of 46-41. The overruling of the Vice President gave us no chance to test cloture on the motion before the Senate. The vote on the Barkley ruling was a confused vote. Some of those who voted against the Barkley ruling did so out of party loyalty to Senator Vandenberg. Others who voted for the Barkley ruling would have voted against cloture the next day had the ruling been approved. Don't look at a "yea" on the Barkley ruling and think you have discovered a new liberal. It is significant that of the 46 voting against the Barkley ruling, 23 were Republicans, only 5 of whom were elected in 1948. 19 were Southern Democrats, who were expected to vote that way to head off civil rights legislation. Of the 4 Democrats who could be considered non-Southern, only 1 was elected in 1948.

When the Barkley ruling fell, there were two alternatives. One was to adjourn the Senate, dropping the issue until other pressing legislation was passed, and then introduce the fight again, with the hope of getting majority rule in the Senate. The other

alternative was to make the filibuster a fight of sheer physical endurance, and when it broke, to introduce the Hayden-Wherry resolution, which would have revised the rules and limited debate on any motion by a vote of 2/3 of all Senators voting.

The Hayden Wherry resolution, I submit to you, was the compromise on the issue of rules and civil rights. The President of the United States called for majority rule, not 2/3 rule in the Senate. Majority rule is the only kind of rule that can prevail with the least danger to democracy. I am in sympathy with minorities. I have been in the minority position too many times to overlook the opinions of minorities. And I say to you that there is no other way to conduct the business of the United States Senate than by majority rule.

The Hayden-Wherry resolution, calling for a 2/3 vote of Senators voting rather than a majority vote, was the compromise beyond which I was not willing to go. Nor did I think that there could be something worse foisted upon us and graced with the name "compromise".

For two days there was a Senate filibuster, in spite of the impending end of rent controls, ECA and other appropriations, and the oncoming of spring floods. I heard rumors in the lobbies, and in the cloakrooms, and on the floor of the Senate that the dissidents were meeting, and that they would arrive at an "honorable" compromise that would allow the business of the Senate to go on. Let me make it clear that I did not participate in those meetings; I knew nothing of what the "compromise" was until after the people of the United States had been clearly compromised.

No, the Senate was not adjourned, and the filibuster didn't end from lack of endurance. Instead, out of the clear blue, we got a new compromise. 52 Senators got together--Southerners, Republicans, and a handful of mountain and border state Democrats--to sign a pledge which was presumptuously labeled a compromise. That pledge called for the passing of the Wherry substitute, by which cloture could be applied on all motions except a rule change, but---the votes of 64 Senators would be needed to limit debate. 64 Senators! That means that 33 Senators can stop me from voting

on an issue. That means that if 33 Senators want to filibuster an issue to death, 63 Senators have to abide by their decision. I submit to you that that is not the majority rule envisioned by the signers of the Constitution of the United States. And further, we are not now allowed to change the rules of the Senate unless we can break a filibuster. The Senate rules are to be frozen till kingdom come because the men who occupy Senate seats in the year 1949 chose to fit the rules to the unknown future!

Yes, the Wherry substitute was passed. And along with it came talk of a "deal" to pass some kind of anti-lynching law and some kind of anti-poll tax law so that we would be shown that we got more with the Wherry substitute than we would have had without it. Yes, we'll get an anti-lynching law perhaps, and maybe we'll get some kind of anti-poll tax law, but I want to see the Republicans go back to their constituents of the North country and tell them why they didn't get the Fair Employment Practices Commission that they thought they were getting when the Republicans waved their platform.

There has been a good deal of talk about a reincarnation of the old Republican-Dixiecrat coalition, how far they could go, what devastation they could do. There have been Cassandra-like warnings about the end of the Fair Deal. A few days ago, I saw little encouragement that the coalition would not indeed perpetuate itself. Today, I sincerely believe that the Republicans themselves don't see any end to the Fair Deal. Events of the last few days indicate that the coalition was an informal, temporary arrangement--but it can be useful to both parties, remember, if it is necessary to them in the future. I think that a large number of the Southerners are quite willing to go along with the liberals on almost all but civil rights legislation. Certainly the Southerners are vitally interested in the Rural Electrification Administration and in the TVA steam plant and in cotton support prices and housing. There have already been indications that the Southerners will meet the rest of the Democratic Party on a good part of the Fair Deal. The Republicans have been urged by members of their own party to avoid a morganatic marriage--as they would

put it--with the Dixiecrats.

The Senate is today considering rent control. And after rent control, other parts of the President's program will be taken up. But believe me, we're not forgetting about civil rights! The one possibility of getting civil rights, and I mean more than token civil rights, is to stay in session throughout the year, keep the Senate in Washington and let the debate get as hot as the weather! I have already begun to circulate a petition announcing that the signers are ready and willing to stay in session until civil rights legislation is considered and voted upon by the Senate,--and the signers so far are encouraging. They are men who are willing to stand up and be counted for civil rights. And we'll force every Senator to stand up and be counted because the people have a right to know who they have elected.

I am willing to go further than that. I am willing to go to the people and tell them what has happened in the Congress. I stand firmly with the President of the United States in his belief that the people will demand enactment of the program for which they voted. I have faith that the job that was begun in 1948 will be

continued. Our citizens have come close to their government. They feel it! They want to know what they can do to make it reflect majority opinion. The issues involve each person directly. They will press for majority rule, given the story. And under majority rule, let me tell you, the tireddest issue in the 81st Congress, but the issue which will not be allowed to sleep-- and I mean civil rights--civil rights are going to become part of the American tradition. There is no other issue which can take precedence over the right of an American to the American democratic heritage.



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