

Television Interview
of
Senator Hubert H. Humphrey
June 25, 1958

I. THE COMMITTEE SYSTEM

QUESTION: 1. It is sometimes alleged that the committee system leads to a situation in which the real decisions of Congress are made by a majority of a particular committee, and hence by a small minority of either the House or the Senate. Is this true?

ANSWER: There is no question about the tremendous importance of committees in the work of the Congress. This is inevitable in view of the great numbers and great complexity of the issues that come before us for decision every year. Last session alone, for example, we enacted 657 laws. Now, an individual Senator could not possibly vote intelligently on all these measures without assistance. The primary way we can get around this handicap is by division of labor. The Committee system permits each of us to have one or two or three specialties -- hopefully fields suited to our background and greatest interests -- and permits us to devote much more time to studying the proposals that are put forward in those fields. Speaking of myself, as an example, I serve on the Senate Foreign Relations Committee, the Agriculture Committee, the Government Operations Committee, and the Select Committee on Small Business.

After particular committee members have studied the bills, held public hearings, and read the bill section by section for

amendments, the Committee reports the bill to the full Senate for action. Our printed report explains the bill in detail in readily readable form, shows our conclusions about it, and points out what changes the bill would make in existing law if passed. Thus, before other Senators are called upon to act on any measure, they have the opportunity to study the report of their colleagues who did the spadework on the measure. In a short time then, the crucial issues are made clear, and the evidence on the question is marshalled before them.

Your question expressed the view that because of this committee system a small group of Senators makes the real decisions on the bills. I think that we must make several qualifications about that statement.

First, the Senate does not have to go along with its committees in acting on a bill. Each Senator can make up his own mind on the basis of other information he receives from his constituents or

interested groups. The committee has great prestige, but it has no power over the other members other than the power of reason expressed in its report.

Second, although a majority of the committee may report out a bill, it is unusual that only a bare majority of the committee is in favor of the measures recommended. By the time all the witnesses have been heard and the committee members have discussed the bill themselves, usually most of them agree on the language of the measure they send to the floor. And when you consider that each committee includes members of both parties, and that the members from each party come from a wide range of states and political views, you can see that a committee pretty well mirrors the sentiment of the whole Senate. Any committee members who do not agree can always file their minority views as a part of the report for the study of the full membership.

Of course, when the bill comes to the floor, any Senator can suggest an amendment, and if he can muster a majority to support

his opinion, the law will read the way he wants it.

In the House of Representatives, the large number of members make necessary much stricter rules on amendments and debate, but again, the major divergent views are put to the full membership.

I must conclude that the Senate acts by real majorities, and not by little groups of men. Of course committees are extremely important -- the power of facts and information is a weighty one.

QUESTION: 2. Is there any other way in which decisions can be made?

ANSWER: Yes, the Senate can bypass its committees under certain conditions. The best example happened last year. The House of Representatives had passed a civil rights bill, but similar legislation was bottled up in our own Committee on Judiciary. In order to get action, we invoked a section of Rule XXIV that provides that a House bill upon objection can be placed directly on the Senate Calendar instead of going to the Senate committee.

QUESTION: 3. How are conference committees chosen?

ANSWER: Conference committees are set up when the House and

Senate have both passed a bill but disagree on the exact provisions. As the name implies, they are ^ameeting of Senators and Representatives to work out a compromise on the differing language. In practice, the Speaker of the House and the President of the Senate -- that is, the Vice President or the President pro tem -- select the conferees from their respective Houses. In the Senate, the manager of the bill on the floor -- usually the Committee or subcommittee chairman, submits a list of suggested members to the presiding officer, who automatically names them as conferees. The list usually contains the ranking members from both parties of the committee that presented the bill to the Senate. Other members of the Senate could be selected, but it only makes sense to send

to the conference the Senators most familiar with the bill.

Of course, the full Senate can always work its will if

someone is dissatisfied with the list of conferees and wants

to make a fight over it.

QUESTION: 4. Does this not lead frequently to a situation in which senior members of Congress decide what will be done in Congress?

ANSWER: Well, obviously the conferees have a lot of power, because

they are given authority to make the compromises necessary

to come to agreement with the House conferees, and when the

conference report comes back to the Senate, it must be

accepted or rejected as a whole -- in practice it is always

accepted. But the Rules provide that the conferees are not

supposed to change anything outside of the language on which

the two bodies have disagreed. This restricts their power

somewhat from the older days. Individual Senators may not

be too happy with the results, but in a two-house Congress, you

have to work out your differences or there will be no legislation

at all.

Yes, the senior members have the most influence. But if we get re-elected and continue to serve on a certain committee for awhile, we will develop seniority, and it is hoped, wisdom and experience in the subject, and will soon find ourselves in on the conferences.

II. SENATE RULES

QUESTION: 1. The House adopts new rules every two years while the Senate is said to be a continuing body and only rarely changes its rules. Why is this so?

ANSWER: Well, I am afraid I must disagree with you in saying the Senate is a continuing body. We had a big scrap over this just last year.

What happened is this: You see, since only one-third of the Senators' terms expire each two years, the other two-thirds are still members when a new Congress begins in January after the general election every two years. In the past, the Senate has usually merely proceeded to get down to business, acquiescing in continuing under the rules

it followed in the preceding Congress. Many Senators, therefore, claim that the rules just go on and on.

But since new members have been elected who couldn't possibly be bound by rules without their consent, and since the Constitution says that a majority of each body of Congress can adopt its own rules, I have always maintained that if a majority of the Senate wishes to do so, it can, at the beginning of each Congress, adopt new rules if it sees fit. In January 1957, at the beginning of this Congress, a number of us raised this issue, and the Vice President ruled in our favor -- saying that there was no question but that the majority of the new existing membership of the Senate, under the Constitution, has the power to determine the rules under which the Senate will proceed.

The rest of your question -- that the Senate only rarely changes its rules -- is true. After all, many years of

practice have demonstrated that the rules pretty well serve their purpose of fair consideration, adequate debate, and sensitivity to minority viewpoints. Thus there is no desire on the part of most Senators for radical change. What we were after last year was to change Rule XXII, which makes possible unending filibusters against what is clearly overwhelming sentiment. I think that this rule as it now stands is a gross violation of true democracy, and should be changed. During the session, rules can be changed only by a two-thirds vote, and the motion to change them is itself subject to filibuster.

Unless a rule change is voted during the present session, there will undoubtedly be an effort to change Rule XXII next January at the beginning of a new Congress.

QUESTION: 2. What effect does this fact have on the character of the Senate -- is the Senate more tradition bound than the House?

ANSWER: Well, the Senate is ruled more by tradition than the

House, I suppose, because it is essentially a different kind of body. The Senate, with its unlimited debate, its freedom on what Senators can discuss, its relatively powerless presiding officer must rely on customs and practices much more than written rules if members are to get along and business to get done. Usually there is no difficulty and no conflict about the manner of doing business. The Senate has been described as a gentlemen's club, and we recognize that we have to accommodate to each other in order to handle the country's business. Most of the business of the Senate is taken up under unanimous consent -- the members recognize the responsibility of the majority party through its leaders to schedule legislation and are prone to go along with the arrangements as long as nobody's rights are violated. I think the Senate, while it has a long history of tradition that guides its action, is

very flexible about meeting different situations. Really controversial legislation is extremely difficult to get passed, but after all, we did get a civil rights bill last session.

QUESTION: 3. Under Senate rules as they have occasionally been interpreted certain changes can be made only by a constitutional two-thirds rather than by a simple majority. Is this not undemocratic?

ANSWER: We discussed this issue earlier when talking about the

Senate as a continuing body. At that time I stated that under

a present ruling from the Chair, a majority of the Senate

can adopt new rules at the beginning of a Congress. There-

after, rules can be changed by a two-thirds majority. This

last, if actually possible, is standard parliamentary

practice -- once the operation is underway, the members of

any body should be protected from changes in the rules of

the game by a temporary majority anxious to work its will.

I do not think this is undemocratic, except that Sec. 3 of

Rule XXII allows a filibuster to develop against a move to change the rules. This is not one-third holding up change, but one member. This, I believe, is undemocratic in the extreme. I think that two-thirds of the Senate should be able present and voting/to close debate on a matter after full discussion has been conducted.

QUESTION: 4. Under Senate rules how can a filibuster be stopped?

ANSWER: A filibuster can be stopped by invoking cloture, which means moving to close off debate. According to the rule, if 16 Senators can sign a cloture motion, two days later the Senate votes on the matter. Then if two-thirds of the whole membership of the Senate -- now 64 -- agree, each Senator has one hour more to debate before the vote must be taken.

In practice, it is impossible to get 64 members to vote a cloture. As I have said, I think it is undemocratic to allow

a minority to delay action forever. I think that a two-thirds majority of those present and voting should be allowed to close off debate. In the first place, such motion would not be made until all points of view had been exhaustively expressed. In the second place, after cloture was voted, each Senator would still have an hour of debate if anything remained to be said.



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