

February 5, 1963

MONTHLY REPORT OF THE WASHINGTON BUEAU

In this report we mention two matters only. One is the efforts to change Senate Rule XXII. The other is the action of the U.S. Department of Justice in filing suits to desegregate public schools in Alabama, Louisiana and Mississippi We shall attempt to give what we believe are pertinent details on these matters. It is suggested that this report may be useful for reference purposes.

The Effort to Change Rule XXII

On January 6, 7 and 8, 1963, key leaders from all over the country came to Washington on the invitation of the Leadership Conference on Civil Rights. A special effort was made to get individuals known personally by their Senators. A number of these persons had actively participated in the campaigns of newly elected Senators. Others are long time supporters of Senators who have been in office for many years. The persons who came to Washington could be described as working Democrats and Republicans who also give civil rights top priority. There is no doubt that, as a result of the educational work done in the field before the 1962 elections and the follow-up by those who came to Washington more than fifty-one Senators were pledged to vote for a rules change at the beginning of the 88th Congress.

Congress opened on January 9, 1963, and on January 14, 1963, Senator Clinton P.; Anderson (D.-N.M.) offered a resolution, S. Res. 9, calling for limitation of debate by three-fifths of the Senators present and voting. Senator Hubert Humphrey (D.-Minn.) and Senator Thomas Kuchel (R.-Calif.) introduced S. Res. 10 on behalf of themselves and 13 other bi-partisan liberals. This would allow cloture to be invoked by a constitutional majority (51 Senators) 15 days after filing of a cloture petition. Then and there southern Senators began what has been called a filibuster. Those who have seen filibusters from the Senate gallery through the years know that this time there is no real filibuster. It also seems clear that southern Senators are not capable of conducting an effective campaign of delay by talk without the ehlp of (1) the Vice President of the United States, (2) the majority leader of the Democratic Party, and (3) the minority leader of the Republican Party. Up to the time this report is being written (February 5, 1963) they have gotten full and ample cooperation from all of these sources. In addition, the president has completely avoided his responsibility to speak out in favor of a rules change in the Senate.

There is a carefully cultivated fallacy that the Senate is somehow immune to criticism or cooperative suggestions from the House of Representatives, the President and the Supreme Court. The ridiculous extent of this thinking can be seen in this excerpt from a conversation between the Bureau Director and an outstanding Senator who is a lawyer.

Senator: I favor a change in Rule XXII but I believe that we should rely on the rules instead of the Constitution to make this change.

Bureau But Senator, wouldn't you concede that the Constitution is superior to
Director: the Senate Rules?

Senator: Yes, But there may come a time when the rights of small states would be threatened by a lot of new Senators from states with big urban populations. Those Senators could use their right under the constitution to adopt a rule that would make it possible to shut off debate by a simple majority of those present and voting. That is why I believe it is better to rely on the present rules instead of the Constitution.