

CHAPTER VII

THE MODERN SENATE

1964-2002

May 8, 1964

Harry Truman Visits the Senate

May 8 marks the birth anniversary of an American president who never tired of saying that the “happiest ten years” of his life were those he spent in the United States Senate. Born on May 8, 1884, Missouri’s Harry S. Truman came to the Senate at the age of 50 in January 1935.

Truman quickly became popular among his Senate colleagues who appreciated his folksy personality, his modesty, and his diligence. In 1941, he took up the assignment that made his political career. Convinced that waste and corruption were strangling the nation’s efforts to mobilize for the war in Europe, Truman chaired the Senate Special Committee to Investigate the National Defense Program. During the three years of his chairmanship, the “Truman Committee” held hundreds of hearings in Washington and around the country. This role erased his earlier image as a Kansas City political hack and gave him working experience with business, labor, agriculture, and executive agencies that would serve him well in later years. In 1944, when party leaders sought a replacement for controversial Vice President Henry Wallace, Truman’s national stature made him an ideal compromise choice.



President Harry S. Truman holds a birthday cake presented to him by the “One More Club,” precursor to the White House News Photographers Association, ca. 1950.

On May 8, 1964, Harry Truman celebrated his 80th birthday with a tumultuous return visit to the Senate Chamber. In the mid-1930s, Senator Truman had proposed that former presidents be allowed the privilege of speaking on the Senate floor, and in committees, to discuss pending legislation. He made this offer as a token of respect for Herbert Hoover, the only living former president at that time. In 1963, the Senate modified its rules to incorporate a more restrictive version of Truman’s earlier proposal. In a gesture that initially applied to Truman, Hoover, and Dwight Eisenhower, the Senate agreed to allow former presidents to address the body “upon proper written notice.”

Truman entered the chamber to a thunderous standing ovation. After being escorted to the front row seat of Majority Leader Mike Mansfield, he listened as 25 senators in turn rose to speak in celebration of his career and birthday. When it was his time to respond, Truman choked with emotion. Referring to the Senate’s newly extended privilege, he said, “I’m so overcome that I can’t take advantage of this rule right now.” Then, as senators pressed in to shake his hand, he exclaimed, “You can wish me many more happy birthdays, but I’ll never have another one like this.”

Further Reading

McCullough, David. *Truman*. New York: Simon & Schuster, 1992.

June 10, 1964

Civil Rights Filibuster Ended

At 9:51 on the morning of June 10, 1964, Senator Robert C. Byrd completed an address that he had begun 14 hours and 13 minutes earlier. The subject was the pending Civil Rights Act of 1964, a measure that occupied the Senate for 57 working days, including six Saturdays. A day earlier, Democratic Whip Hubert Humphrey, the bill's manager, concluded he had the 67 votes required at that time to end the debate.

The Civil Rights Act provided protection of voting rights; banned discrimination in public facilities—including private businesses offering public services—such as lunch counters, hotels, and theaters; and established equal employment opportunity as the law of the land.

As Senator Byrd took his seat, House members, former senators, and others—150 of them—vied for limited standing space at the back of the chamber. With all gallery seats taken, hundreds waited outside in hopelessly extended lines.

Georgia Democrat Richard Russell offered the final arguments in opposition. Minority Leader Everett Dirksen, who had enlisted the Republican votes that made cloture a realistic option, spoke for the proponents with his customary eloquence. Noting that the day marked the 100th anniversary of Abraham

Lincoln's nomination to a second term, the Illinois Republican proclaimed, in the words of Victor Hugo, "Stronger than all the armies is an idea whose time has come." He continued, "The time has come for equality of opportunity in sharing in government, in education, and in employment. It will not be stayed or denied. It is here!"

Never in history had the Senate been able to muster enough votes to cut off a filibuster on a civil rights bill. And only once in the 37 years since 1927 had it agreed to cloture for any measure.

The clerk proceeded to call the roll. When he reached "Mr. Engle," there was no response. A brain tumor had robbed California's mortally ill Clair Engle of his ability to speak. Slowly lifting a crippled arm, he pointed to his eye, thereby signaling his affirmative vote. Few of those who witnessed this heroic gesture ever forgot it. When Delaware's John Williams provided the decisive 67th vote, Majority Leader Mike Mansfield exclaimed, "That's it!"; Richard Russell slumped; and Hubert Humphrey beamed. With six wavering senators providing a four-vote victory margin, the final tally stood at 71 to 29. Nine days later the Senate approved the act itself—producing one of the 20th century's towering legislative achievements.



Senators Everett Dirksen and Hubert Humphrey and Speaker of the House John McCormick watch as President Lyndon Johnson signs the 1964 Civil Rights Act, July 2, 1964.

Further Reading

Graham, Hugh Davis. *The Civil Rights Era: Origins and Development of National Policy*. New York: Oxford University Press, 1990.

Mann, Robert. *The Walls of Jericho: Lyndon Johnson, Hubert Humphrey, Richard Russell and the Struggle for Civil Rights*. New York: Harcourt Brace, 1996.

June 25, 1964

The Senate's "Taj Mahal"

The practice of naming Capitol rooms to honor distinguished Americans who served in the Senate began very quietly on June 25, 1964. On that day, workmen affixed a 10-by-14-inch bronze plaque to the south wall of a sumptuously appointed second-floor room known as "S-211."

No press coverage; no fanfare. The honoree was the former Senate majority leader, and current president of the United States, Lyndon Johnson.

When Johnson became the Senate majority leader in 1955, he appropriated from the Joint Economic Committee a third-floor room that today serves as the inner office of the assistant Democratic leader. Offering a working fireplace and a spectacular view of the mall, that room presented one drawback. Its location, one floor above the Senate Chamber, proved increasingly inconvenient for a leader who needed to move quickly and frequently between both places.

In 1958, the Senate opened a new office building designed especially to house committees, including those that had been occupying prime space in the Capitol. Johnson seized his opportunity to acquire office space that was both conveniently located and suitably appropriate to his leadership post—S-211. But the room—

originally designed as the Senate Library, but never used for that purpose—had grown shabby during its three-quarter-century occupancy by the Senate District of Columbia Committee.

Johnson arranged for its restoration, with a color scheme vibrant in royal greens and golds, and the ultimate status symbol of that day—a private bathroom. Some dared label the majority leader's refurbished quarters the "Taj Mahal."

When Johnson moved to the vice-presidency in 1961, he kept S-211, causing his successor, Mike Mansfield, to relocate the leader's office across the hall. When the vice-presidency fell vacant with Johnson's move to the White House in November 1963, control of S-211 reverted to the Senate's leadership.

Several days after the 1964 installation of the Johnson plaque, at the initiative of Majority Leader Mansfield, workers attached a similar marker to Room S-210, across the hall. The plaque honors Senator John F. Kennedy's 1960 presidential campaign occupancy of that space, conveniently adjacent to his running mate's office.

In 1987, S-211 underwent a second redecoration to return it to the ornate Victorian appearance intended by its 19th-century architect. Yet, one central feature of the 1958 restoration remained untouched until its removal in 2006—Lyndon Johnson's bathroom.



Vice President Lyndon B. Johnson presiding at the rostrum of the Senate Chamber in 1961.

Further Reading

U.S. Congress. Senate. *Constantino Brumidi: Artist of the Capitol*, by Barbara A. Wolanin. 103rd Congress, 2d sess., 1998. S. Doc. 103-27.

July 9, 1964

Senators Wrestle to Settle Nomination

Soon after he signed the Civil Rights Act of 1964, President Lyndon Johnson sent the Senate a particularly significant nomination. Sensitive to southern concerns about the scope and implementation of that landmark statute, Johnson considered carefully whom he would name to the newly established Community Relations Service, designed to mediate local racial disputes. He selected a white southerner, former Florida Governor LeRoy Collins.

The Senate referred the Collins nomination to its Commerce Committee, whose most senior southern member was South Carolina Senator Strom Thurmond. Collins had angered Thurmond with a speech in the senator's home state in which he charged that southern leaders' "harsh and intemperate" language unnecessarily provoked racial unrest. Thurmond, an opponent of the Civil Rights Act when it was before the Senate, pointed out that Collins had openly supported segregation in the 1950s. Collins responded, "We all adjust to new circumstances."

Commerce Committee Chairman Warren Magnuson of Washington State knew he had the votes to favorably report the Collins nomination to the full Senate. For two days, however, he had tried unsuccessfully to obtain a quorum so that the committee could act. Knowing of the chairman's difficulty, Thurmond stationed himself outside the committee's room in the Dirksen Senate Office Building on July 9, 1964, hoping to block action by turning away late-arriving senators.

At that moment, Texas Senator Ralph Yarborough appeared. Yarborough had been the only southern senator to vote for the Civil Rights Act. The Texan laughingly said, "Come on in, Strom, and help us get a quorum." In a similarly light-hearted manner, Thurmond responded, "If I can keep you out, you won't go in, and if you can drag me in, I'll stay there." Both men were 61 years old, but Thurmond was 30 pounds lighter and in better physical condition.

After a few moments of light scuffling, each senator removed his suit jacket. Thurmond then wrestled the increasingly out-of-breath Yarborough to the floor. "Tell me to release you, Ralph, and I will," said Thurmond. Yarborough refused. Another senator approached and suggested that both men stop before one of them suffered a heart attack. Finally, Chairman Magnuson appeared and growled, "Come on, you fellows, let's break this up."

Recognizing a great exit line, Yarborough grunted, "I have to yield to the order of my chairman." The combatants did their best to compose themselves and entered the committee room.

Although Thurmond had won the match, he lost that day's vote: 16 to 1.



Senator Strom Thurmond of South Carolina (1954-2003), left, and Senator Ralph Yarborough of Texas (1957-1971) after an impromptu wrestling match.

Further Reading

Cohodas, Nadine. *Strom Thurmond & the Politics of Southern Change*. Macon, Ga.: Mercer University Press, 1993.

October 1, 1968

Filibuster Derails Supreme Court Nominee

In June 1968, Chief Justice Earl Warren informed President Lyndon Johnson that he planned to retire from the Supreme Court. Concern that Richard Nixon might win the presidency later that year and get to choose his successor dictated Warren's timing.

In the final months of his presidency, Johnson shared Warren's concerns about Nixon and welcomed the opportunity to add his third appointee to the Court. To replace Warren, he nominated Associate Justice Abe Fortas, his longtime confidant. Anticipating Senate concerns about the prospective chief justice's liberal opinions, Johnson simultaneously declared his intention to fill the vacancy created by Fortas' elevation with Appeals Court Judge Homer Thornberry. The president believed that Thornberry, a Texan, would mollify skeptical southern senators.

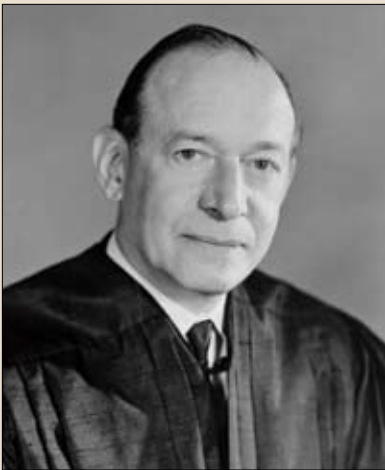
A seasoned Senate vote-counter, Johnson concluded that despite filibuster warnings, he just barely had the support to confirm Fortas. The president took encouragement from indications that his former Senate mentor, Richard Russell, and Republican Minority Leader Everett Dirksen would support Fortas, whose legal brilliance both men respected.

The president soon lost Russell's support, however, because of administration delays in nominating his candidate to a federal judgeship. Johnson urged Senate leaders to waste no time in

convening Fortas' confirmation hearings. Responding to staff assurances of Dirksen's continued support, Johnson told an aide, "Just take my word for it. I know [Dirksen]. I know the Senate. If they get this thing drug out very long, we're going to get beat. Dirksen will leave us."

Fortas became the first sitting associate justice, nominated for chief justice, to testify at his own confirmation hearing. Those hearings reinforced what some senators already knew about the nominee. As a sitting justice, he regularly attended White House staff meetings; he briefed the president on secret Court deliberations; and, on behalf of the president, he pressured senators who opposed the war in Vietnam. When the Judiciary Committee revealed that Fortas received a privately funded stipend, equivalent to 40 percent of his Court salary, to teach a college course, Dirksen and others withdrew their support. Although the committee recommended confirmation, floor consideration sparked the first filibuster in Senate history on a Supreme Court nomination.

On October 1, 1968, the Senate failed to invoke cloture. Johnson then withdrew the nomination, privately observing that if he had another term, "the Fortas appointment would have been different."



Associate Justice of the Supreme Court Abe Fortas, whose nomination as chief justice was filibustered by the Senate.

Further Reading

Abraham, Henry J. *Justices, Presidents and Senators: A History of U.S. Supreme Court Appointments from Washington to Clinton*. 4th ed. Lanham, MD: Rowman & Littlefield, 1999.

Kalman, Laura. *Abe Fortas: A Biography*. New Haven: Yale University Press, 1990.

September 7, 1969

Senate Everett McKinley Dirksen Dies

During the 11 years as his party's Senate floor leader, Illinois Republican Everett McKinley Dirksen became more closely identified in the public mind with the U.S. Senate than any other senator of his time. His physical appearance, his dramatic flair, his cathedral-organ voice—all these attributes made him the personification of radio entertainer Fred Allen's fictional 1940s "Senator Claghorn."

He was the grand marshal of the Tournament of Roses parade; he pioneered a televised weekly press conference with his House counterpart; and, with a narrative album entitled *Gallant Men*, he became a recording star. The hordes of admiring tourists who flocked to his leader's office in the Capitol forced him to remove his name from its door. Today, because a Senate office building honors him, his is one of the best-known names on Capitol Hill from his generation.

Everett Dirksen first came to Congress in 1933 as a House member. During World War II, he lobbied successfully for an expansion of congressional staff resources to eliminate the practice under which House and Senate committees borrowed executive branch personnel to accomplish legislative work. He gained national attention in 1950 when he unseated the Senate Democratic majority leader in a bitter Illinois contest. Enjoying the confidence of his party's conservative and moderate factions, he became assistant Republican leader in 1957 and minority leader two years later.

During 10 of his 11 years as party floor leader, the number of Senate Republicans never exceeded 36. Yet, as a supremely creative and resourceful legislator, Dirksen routinely influenced the agenda of the majority-party Democrats. His willingness to change position on issues earned him designations ranging from "statesman" to "Grand Old Chameleon."

On the subject of Senate leadership, it was Dirksen who said, "There are 100 diverse personalities in the U.S. Senate. Oh Great God. What an amazing and dissonant 100 personalities they are! What an amazing thing it is to harmonize them."

Researchers have been unable to track down the quotation most commonly associated with Dirksen. Perhaps he never said it, but the comment would have been entirely in character. Cautioning that federal spending had a way of getting out of control, Dirksen is said to have observed, "A billion here and a billion there, and pretty soon you're talking real money."

This singularly colorful Senate leader died at the age of 73 on September 7, 1969.



Everett McKinley Dirksen,
senator from Illinois (1951-1969).

Further Reading

Dirksen, Everett McKinley. *The Education of a Senator*. Urbana: University of Illinois Press, 1998.
MacNeil, Neil. *Dirksen: Portrait of a Public Man*. New York: World Publishing Company, 1970.

May 14, 1971

First Female Pages Appointed

On May 14, 1971, Paulette Desell and Ellen McConnell made history. Thanks to the appointments of Senators Jacob Javits and Charles Percy, these two 16-year-olds became the first females to serve as Senate pages.

Senator Daniel Webster had selected the first male page nearly a century and a half earlier. Proving that personal connections

counted in those days, he chose Grafton Hanson, the nine-year-old grandson of the Senate sergeant at arms. In 1831, the Senate added a second page—12-year-old Isaac Bassett. As the son of a Senate messenger, Bassett also benefited from family connections.

Beginning a tradition in which service as a page sometimes became the first step on a Senate career path, Hanson held a variety of increasingly responsible Senate jobs over the next ten years. Bassett, who is well known to students of 19th-century Senate folklore, remained in the Senate's employ for the rest of his long life. In 1861, he became assistant Senate doorkeeper—a post in which he earned the legendary distinction of being the official who stopped a Massachusetts soldier from bayoneting the Senate desk previously occupied by Mississippi Senator Jefferson Davis. In late-19th-century engrav-

ings showing the Senate struggling to wrap up end-of-session legislation, former page Bassett appears as the elderly man in the long white beard moving the chamber clock's minute hand backwards from the twelve o'clock adjournment time to gain a few precious minutes to complete the Senate's work.

By the 1870s, the Senate required pages to be at least 12 and no older than 16, although those limits were occasionally ignored. Until the early 1900s, pages were responsible for arranging their formal schooling during Senate recesses. In various page memoirs, there runs a common theme that no classroom could offer the educational experience available on the floor of the Senate. At Vice President Thomas Marshall's 1919 Christmas dinner for pages, 17-year-old Mark Trice explained, "a Senate page studying history and shorthand has a better opportunity than a schoolboy of learning the same subjects, because we are constantly in touch with both. We boys have an opportunity to watch the official reporters write shorthand and they will always answer questions that we do not understand, thereby making a teacher almost useless." By May 1971, long after the Senate had established a professionally staffed page school, "we boys," had finally become, "we boys *and* girls."



Left to right, Senators Charles Percy of Illinois (1967-1985) and Jacob Javits of New York (1957-1981), with pages Paulette Desell and Ellen McConnell.

Further Reading

U.S. Congress. Senate. *The Senate, 1789-1989*, Vol. 2, by Robert C. Byrd. 100th Congress, 1st sess., 1991. S. Doc.100-20. Chapter 17.

October 11, 1972

Senate Office Buildings Named

Long before e-mail guaranteed citizens instantaneous communication with their representatives in Washington, Senator Harry Truman jokingly informed his Missouri constituents that they could easily reach him by using the following simple address: “Truman, S.O.B., Washington.” And, he was right. Even as an obscure first-year senator in 1935, Truman knew the post office would direct any envelope marked S.O.B. to a member of the United States Senate.

That abbreviation for “Senate Office Building” served nicely until 1958, when a second office building opened. After that, senators had to specify in their addresses whether they resided in the “Old S.O.B.” or “New S.O.B.”

In October 1972, the Senate passed legislation providing for a third office building. Although that structure would not open for another 10 years, its authorization doomed the practice of referring simply to the old and the new S.O.B.s. Recognizing this, West Virginia Senator Robert C. Byrd offered a resolution, which the Senate adopted on October 11, 1972, naming the old and new buildings, respectively, in honor of two recently deceased Senate leaders—Georgia Democrat Richard Russell and Illinois Republican Everett Dirksen. In 1976, shortly after groundbreaking for the third building, the Senate named that structure in honor of Michigan’s then terminally ill senior senator, Philip Hart.

The practice of honoring illustrious members on the Senate side of Capitol Hill had begun two decades earlier with the 1955 authorization for a Capitol Hill bell tower in memory of former Republican Majority Leader Robert Taft. That same year, the Senate set up a committee, chaired by Massachusetts Senator John F. Kennedy, to select five outstanding former members, whose portraits would be permanently displayed in the Senate Reception Room. In 1964, the Senate provided for the placement of plaques in the Capitol rooms assigned to the two senators who formed the 1960 Democratic presidential ticket—John F. Kennedy and Lyndon B. Johnson.

Since then, other Capitol spaces have acquired names associated with former Senate leaders. They include Arthur Vandenberg, Styles Bridges, Hugh Scott, Mike Mansfield, Robert C. Byrd, Strom Thurmond, Howard Baker, and Bob Dole. In 1998, workers affixed a small plaque outside a second-floor office in the original S.O.B. that is currently assigned to Missouri Senator Christopher Bond. It reads, simply, “The Senate Office once occupied by Harry S. Truman.”



Aerial view of the three Senate office buildings. In the foreground is the Hart Senate Office Building, the Dirksen Senate Office Building sits in the middle, and the Russell Senate Office Building is closest to the Capitol.

Further Reading

U.S. Congress. Senate. *History of the United States Capitol: A Chronicle of Design, Construction, and Politics*, by William C. Allen. 106th Congress, 2d sess., 2001. S. Doc. 106-29.

U.S. Congress. Senate. *Historical Almanac of the United States Senate*, by Bob Dole. 100th Congress, 2d sess., 1989. S. Doc. 100-35.

March 28, 1973

Watergate Leaks

A crowd of reporters strained against a barrier on the first floor of the Capitol hoping to question the six senators arriving for a politically charged closed-door committee hearing. That hearing had been called at the request of a single witness—a convicted burglar.

On March 28, 1973, the Senate held its first hearing on the



Senator Howard Baker of Tennessee (1967-1985), left, with Senator Sam Ervin of North Carolina (1954-1974), center, during the Watergate hearings in 1973.

Watergate break-in. That nearly five-hour meeting generated so many leaks to the media that committee leaders decided to conduct all future hearings in public session.

Nine months earlier, five burglars and two accomplices had been arrested in the Democratic National Committee's Watergate offices. Their eventual connection to President Richard Nixon's 1972 reelection campaign, and their conviction in January 1973, led the Senate

in February to create the Select Committee on Presidential Campaign Activities—the Watergate committee.

Working under committee chairman Sam Ervin of North Carolina, Democratic chief counsel Sam Dash assured concerned Republicans that the panel would probe wrongdoing by members of both political parties. Its goal, he said, would be to make recommendations for the reform of election laws.

The committee's single closed-door witness, James McCord, had been security coordinator for the Committee to Re-elect the President. Preparing to sentence McCord for his crime, Federal District Judge John Sirica advised him to cooperate fully with the Senate inquiry.

In a private meeting with committee counsel Dash, McCord confirmed rumors that Nixon aides John Dean and Jeb Magruder knew about the plot before it took place and he promised to name others. When Dash reported this to the media, the resulting furor led McCord to request the opportunity to address members of the committee in secret session.

In that session, McCord testified that his boss, G. Gordon Liddy, had told him that Attorney General John Mitchell had approved the specific burglary plans. McCord also revealed the involvement of Dean, Magruder, and former presidential counsel Charles Colson. McCord promised to provide documents that would substantiate his allegations.

Within minutes of the closed session's conclusion, details of McCord's disclosures reached the media. That evening, vice-chairman Howard Baker of Tennessee, in an address to the Washington Press Club, confirmed what the committee had learned about Dean and Magruder.

McCord's performance at that closed session initiated one of the most important investigations in Senate history and began the unraveling of the White House cover-up. As one journalist later observed, McCord "opened the road to havoc."

Further Reading

Olson, Keith W. *Watergate: The Presidential Scandal That Shook America*. Lawrence, Kans.: University Press of Kansas, 2003.

January 27, 1975

Church Committee Created

In 1973, CIA Director James Schlesinger told Senate Armed Services Chairman John Stennis that he wished to brief him on a major upcoming operation. “No, no my boy,” responded Senator Stennis. “Don’t tell me. Just go ahead and do it, but I don’t want to know.” Similarly, when Senate Foreign Relations Committee Chairman J.W. Fulbright was told of the CIA subversion of the Allende government in Chile, he responded, “I don’t approve of intervention in other people’s elections, but it has been a long-continued practice.”

Late in 1974, investigative reporter Seymour Hersh revealed that the CIA was not only destabilizing foreign governments, but was also conducting illegal intelligence operations against thousands of American citizens.

On January 27, 1975, an aroused Senate voted overwhelmingly to establish a special 11-member investigating body along the lines of the recently concluded Watergate Committee. Under the chairmanship of Idaho Senator Frank Church, with Texas Senator John Tower as vice-chairman, the select committee was given nine months and 150 staffers to complete its work.

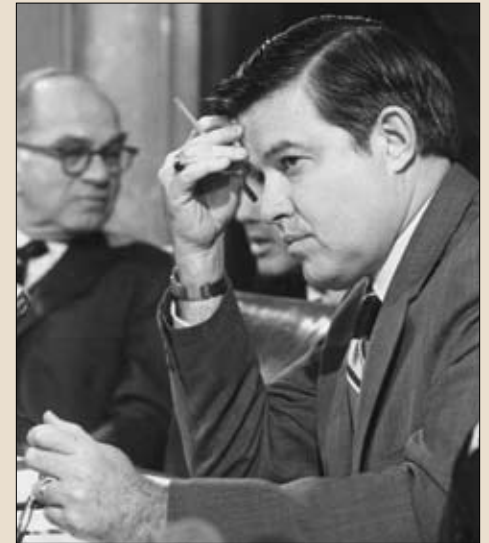
The so-called Church Committee ran into immediate resistance from the administration of President Gerald Ford, concerned about exposing American intelligence operations and suspicious of Church’s budding presidential ambitions.

The committee interviewed 800 individuals, and conducted 250 executive and 21 public hearings. At the first televised hearing, staged in the Senate Caucus Room, Chairman Church dramatically displayed a CIA poison dart gun to highlight the committee’s discovery that the CIA directly violated a presidential order by maintaining stocks of shellfish toxin sufficient to kill thousands.

Lacking focus and necessarily conducting much of its work behind closed doors, the panel soon lost any hope of becoming a second Watergate Committee. Critics, from singer-actor Bing Crosby to radio commentator Paul Harvey, accused it of treasonous activity. The December 1975 assassination of a CIA station chief in Greece intensified the public backlash against its mission.

The panel issued its two-foot-thick final report in May 1976 without the support of influential Republican members John Tower and Barry Goldwater. Despite its shortcomings, the inquiry demonstrated the need for perpetual surveillance of the intelligence community and resulted in the creation of the permanent Select Committee on Intelligence.

Historian Henry Steele Commager assessed the Committee’s legacy. Referring to executive branch officials who seemed to consider themselves above the law, he said, “It is this indifference to constitutional restraints that is perhaps the most threatening of all the evidence that emerges from the findings of the Church Committee.”



Frank Church, senator from Idaho (1957-1981).

Further Reading

Ashby, LeRoy and Rod Gramer. *Fighting the Odds: The Life of Senator Frank Church*. Pullman: Washington State University Press, 1994.
Johnson, Loch K. *A Season of Inquiry: The Senate Intelligence Investigation*. Lexington: University Press of Kentucky, 1985.

July 29, 1975

Senate Reform Commission



John Culver,
senator from Iowa
(1975-1981).



Harold Hughes,
senator from Iowa
(1969-1975).

Soon after he entered the Senate early in 1975, Iowa Democrat John Culver concluded that the upper house was in danger of becoming dysfunctional. Describing the Senate as a “sick patient,” the former five-term House member said what was needed was not just a “quick physical examination,” but “a careful and probing study of the whole central nervous system of the Senate and its institutional well-being.”

On July 29, 1975, in response to Senator Culver’s widely shared concerns, the Senate authorized the first-ever review of its administrative and legislative operations by an outside panel. The

11 members of the Commission on the Operation of the Senate included university administrators, former state governors, and long-time Senate observers.

Majority Leader Mike Mansfield explained that the panel would “look into conflicts in the programming of business, problems of office layouts and facilities, information resources and the internal management and supporting staff structures of the Senate.” It would also examine “workload, lobbying, pay and increments, office allowances, possible conflicts of interest and whatever other matters are pertinent to the effective operation of the Senate.”

With only a year to conduct its review, the Commission relied heavily on a 20-member staff, the Library of Congress, and outside experts. Chairman Harold Hughes, a former Iowa Democratic senator, acknowledged, “Much of the Commission’s work has consisted of sifting through studies that we instructed the staff to prepare.”

In December 1976, the Commission—known variously as the “Culver Commission” after its principal sponsor, or the “Hughes Commission” for its chairman—proposed several dozen reforms. The Senate subsequently adopted several, including greater use of computers for committee scheduling and floor status information. It also voted a pay raise tied to a ban on honoraria and full public financial disclosure by each senator. Ten years would pass, however, before the Senate agreed to the recommendation for televising its floor proceedings. Other commission proposals fared less well. These included creation of central administrator, appointment of a non-senator to preside over routine sessions, and a reduction in the size and visibility of the Capitol Police force.

Today, the Culver/Hughes Commission retains its status as the only outside body ever invited to review the Senate’s internal operations. Its final report, *Toward a Modern Senate*, along with 11 detailed staff studies, offers rich insights about the Senate of the 1970s and reminds us of how significantly advances in computer technology have changed the institution’s operations over the past 30 years.

Further Reading

U.S. Congress. Senate. *Toward a Modern Senate: Final Report of the Commission on the Operation of the Senate*. 94th Congress, 2d sess., 1976. S. Doc. 94-278.

September 16, 1975

Closest Election in Senate History

The closest election in Senate history was decided on September 16, 1975. The 1974 New Hampshire race for an open seat pitted Republican Louis Wyman against Democrat John Durkin.

Although Wyman enjoyed a lead during the campaign, the Watergate scandals and the August 1974 resignation of President Richard Nixon made it a tough year to run as a Republican. On election day, Wyman barely won with a margin of just 355 votes.

Durkin immediately demanded a recount. That recount shifted the victory to Durkin—but by only 10 votes. Reluctantly, the Republican governor awarded Durkin a provisional certificate of election.

Now, it was Wyman's turn to demand a recount. The state ballot commission tabulated the ballots in dispute and ruled that Republican Wyman had won—but by just two votes. The governor cancelled Durkin's certificate and awarded a new credential to Wyman.

As a last option, Durkin petitioned the Senate—with its 60-vote Democratic majority—to review the case. On January 13, 1975, the day before the new Congress convened, the Senate Committee on Rules and Administration tried unsuccessfully to resolve the matter. Composed of five Democrats and three

Republicans, the Rules Committee deadlocked four-to-four on a proposal to seat Wyman pending further review. Alabama Democrat James Allen voted with the Republicans on grounds that Wyman had presented proper credentials.

The full Senate took up the case on January 14, with Wyman and Durkin seated at separate tables at the rear of the chamber. Soon, the matter returned to the Rules Committee, which created a special staff panel to examine 3,500 questionable ballots that had been shipped to Washington.

Following this review, the Rules Committee sent 35 disputed points to the full Senate, which spent the next six weeks debating the issue, and took an unprecedented six cloture votes, but resolved only one of the 35 items in question. Facing this deadlock, Durkin agreed to Wyman's proposal for a new election. The Senate declared the seat vacant and the governor appointed former Senator Norris Cotton to hold the seat for six weeks until the September 16 balloting.

A record-breaking turnout gave the election to Durkin by a 27,000-vote margin. The real winners, however, may have been the Senate's Republicans—since the late 1950s a dispirited and hopeless minority. This contest unified their ranks and, as some believed, gave them invaluable tactical experience in dealing with an overwhelming Democratic majority.



John Durkin, senator from New Hampshire (1975-1980).

Further Reading

Tibbetts, Donn. *The Closest U.S. Senate Race in History, Durkin v. Wyman*. [Manchester ?, N.H.]: J.W. Cummings Enterprises, 1976.

June 16, 1976

A Shrine Restored

The heroes of this story include a Senate subcommittee chairman and a former first lady. The villain—from the Senate’s perspective—was the chairman of the House Appropriations Committee. The object of their attention: the historic room in the Capitol that served as the Senate’s chamber between 1810 and 1859.



The Old Senate Chamber restored to its 1850s appearance.

After the Senate moved to its current chamber in 1859, the Supreme Court took up residence in the old chamber until 1935, when it left the Capitol for its permanent building across the street. The Senate and House then agreed to restore the room to its 1850s elegance.

Despite this agreement, decades passed with no action. In an increasingly crowded Capitol, both houses wanted the room’s convenient space for various meetings and functions. By 1960, countless luncheons and cocktail parties had rendered the old chamber grimy and threadbare. The odor of tobacco and alcohol overwhelmed the aroma of history.

In 1960, construction of a major extension to the east front of the Capitol neared completion. By providing several large meeting spaces, including today’s Mike Mansfield and Sam Rayburn Rooms, the extension would relieve demands on the Old Senate Chamber.

The first hero of this story is Mississippi Senator John Stennis. As chairman of the Subcommittee on Legislative Branch Appropriations, he secured \$400,000 to restore this room and an earlier Supreme Court chamber directly below it.

House appropriators failed to share the Senate’s enthusiasm for this historical project. Although Senator Stennis gained the active support of Majority Leader Mike Mansfield and Senate Appropriations Chairman Carl Hayden, Representative George Mahon, who would soon chair the House Appropriations Committee, had a problem. He made it clear that his problem might be solved if the Senate dropped its opposition to a House-endorsed plan for another Capitol extension project—this one on the west front. No extension; no restored Senate Chamber. This stalemate continued for another 10 years.

Then, in 1972, Chairman Mahon received a phone call from a fellow Texan to whom he could not say “no.” Lady Bird Johnson’s gentle persuasion and Mansfield’s promise to do what he could to ease Senate opposition to the west front project ended the House chairman’s opposition.

The Old Senate Chamber restoration project concluded with a festive dedication ceremony on June 16, 1976. (The West Front extension project was later abandoned.)

Today, this “noble room,” as Henry Clay once called it, serves as a reminder of the Senate’s rich history and, perhaps less obviously, of its historically delicate relations with the House of Representatives.

Further Reading

Goodwin, Stephen. “Safeguarding the Senate’s Golden Age,” *Historic Preservation* November/December 1983: 19-23.
Mitchell, Henry. “Lambs and Leopards Played Where Great Men Have Trod,” *Washington Post*, June 17, 1976, C3.

November 22, 1982

Hart Building Opens Under Protest

During the 1970s, the number of Senate staff members working for senators and committees more than doubled. Rising demands for constituency services and the new prerogative that allowed senators to add one staffer to each of their assigned committees contributed to this dramatic increase. By 1979, with the two permanent office buildings densely packed, staff overflowed into nearby former hotels, apartment buildings, and expensive commercial office space.

Recognizing the looming need for more Senate working space, Congress in 1972 authorized construction of a third office building. In 1976, as workers broke ground for that facility, senators agreed to name it after Michigan's Philip A. Hart, a deeply respected colleague who was then in his final struggle with cancer.

To design a flexible, energy-efficient building that would accommodate both the expanded staff and the new technology of the modern Senate, Congress retained the San Francisco architectural firm of John Carl Warnecke & Associates. As construction proceeded in the late 1970s, spiraling inflation tripled the facility's anticipated cost. This caused frustrated lawmakers to impose a \$137 million spending cap. These financial constraints forced elimination of a gymnasium and a rooftop restaurant, and delayed completion of the Central Hearing Facility (SH-216).

The building's starkly modern design and excessive costs prompted New York Senator Daniel Patrick Moynihan to introduce the following "Sense of the Senate" Resolution in May 1981:

Whereas in the fall of 1980 the frame of the new Senate Office Building was covered with plastic sheathing in order that construction might continue during winter months; and Whereas the plastic cover has now been removed revealing, as feared, a building whose banality is exceeded only by its expense; and Whereas even in a democracy there are things it is well the people do not know about their government: Now, therefore, be it resolved, That it is the sense of the Senate that the plastic cover be put back.

When the building's office suites for 50 senators became ready in November 1982, only a bold few senators chose to risk public scorn by moving there. Consequently, in a not-soon-to-be repeated reversal of established seniority tradition, many junior senators were permitted to claim to some of Capitol Hill's most desirable quarters.



Hart Senate Office Building under construction.

Further Reading

Bredemeier, Kenneth. "Offices in Hart Building Rejected by 25 Senators," *Washington Post*, November 23, 1982, A1.

"Senate's New Marble Monument," *Washington Post*, September 30, 1982, A1.

"The Ironies of the Hart Senate Office Building," *Washington Post*, November 27, 1982, D1.

Time, January 17, 1983.

November 7, 1983

Bomb Explodes in the Capitol's Senate Wing

The Senate had planned to work late into the evening of Monday, November 7, 1983. Deliberations proceeded more smoothly than expected, however, so the body adjourned at 7:02 p.m. A crowded reception, held near the Senate Chamber, broke up two hours later. Consequently, at 10:58 p.m., when a thunderous explosion tore through the second floor of

the Capitol's north wing, the adjacent halls were virtually deserted. Many lives had been spared.

Minutes before the blast, a caller claiming to represent the "Armed Resistance Unit" had warned the Capitol switchboard that a bomb had been placed near the Chamber in retaliation for recent U.S. military involvement in Grenada and Lebanon.

The force of the device, hidden under a bench at the eastern end of the corridor outside the Chamber, blew off the door to the office of Democratic Leader Robert C. Byrd. The blast also punched a potentially

lethal hole in a wall partition sending a shower of pulverized brick, plaster, and glass into the Republican cloakroom. Although the explosion caused no structural damage to the Capitol, it shattered mirrors, chandeliers, and furniture. Officials calculated damages of \$250,000.

A stately portrait of Daniel Webster, located across from the concealed bomb, received the explosion's full force. The blast tore away Webster's face and left it scattered across the Minton tiles in one-inch canvas shards. Quick thinking Senate curators rescued the fragments from debris-filled trash bins. Over the coming months, a capable conservator painstakingly restored the painting to a credible, if somewhat diminished, version of the original.

Following a five-year investigation, federal agents arrested six members of the so-called Resistance Conspiracy in May 1988 and charged them with bombings of the Capitol, Ft. McNair, and the Washington Navy Yard. In 1990, a federal judge sentenced Marilyn Buck, Laura Whitehorn, and Linda Evans to lengthy prison terms for conspiracy and malicious destruction of government property. The court dropped charges against three codefendants, already serving extended prison sentences for related crimes.

The 1983 bombing marked the beginning of tightened security measures throughout the Capitol. The area outside the Senate Chamber, previously open to the public, was permanently closed. Congressional officials instituted a system of staff identification cards and added metal detectors to building entrances to supplement those placed at Chamber gallery doors following a 1971 Capitol bombing.



Bomb damage to the second floor of the Capitol, outside the Senate Chamber.

Further Reading

Burkhardt, Rich. "Bomb Blast Damages Senate Side of Capitol," *Roll Call*, November 10, 1983, 1.

Thompson, Tracy, "Two Are Sentenced in 1983 Capitol Bombing," *Washington Post*, December 7, 1990, B10.

"Woman Gets Ten Years In 1983 Bombing of US Capitol," *Roll Call*, November 26, 1990.

June 2, 1986

Live Television from the Senate Chamber

Few households in the United States owned television sets in November 1947 when the Senate, for the first time, allowed the televising of a committee hearing. From the 1950s through the 1970s, televised Senate hearings played a major part in shaping public opinion on topics ranging from organized crime and alleged communist infiltration of federal agencies to the war in Vietnam and the Watergate scandals.

Anticipating an impeachment trial for President Richard Nixon in 1974, the Senate quietly made provisions for the first live television coverage from its chamber. Several months after Nixon's resignation made a trial unnecessary, the Senate took advantage of those preparations to telecast Nelson Rockefeller's December 19 swearing-in as vice president.

In 1977, the Senate took a half-step toward television coverage by authorizing radio broadcasts of the 1978 debates on the Panama Canal Treaties. When the House of Representatives decided in 1979 to offer gavel-to-gavel coverage of its floor proceedings, pressure intensified on the Senate to do the same.

During his first week as majority leader in 1981, Tennessee Republican Howard Baker introduced legislation to permit permanent live gavel-to-gavel coverage of floor proceedings. He was aware, however, that influential senior senators firmly opposed such a move. Rhode Island Democrat Claiborne Pell

feared that “the presence of television will lead to more, longer, and less relevant speeches, to more posturing by Senators and to even less useful debate and efficient legislating than we have today.” Conceding that television in the House seemed to be operating smoothly, he cautioned that “the unique character of the Senate and its very different rules and methods of floor operation make such a venture in the Senate much less likely to be positive.”

By early 1986, Majority Leader Bob Dole and Democratic Leader Robert C. Byrd worried that the lack of television coverage was transforming the Senate into the nation's forgotten legislative body. House members were becoming far more visible than senators to their constituents. The two leaders eventually engineered a vote in which the Senate agreed to a three-month trial period, with live national coverage to begin on June 2, 1986. Within weeks, the Senate voted to make this coverage permanent.

Not since the Senate had first voted nearly two centuries earlier to end its policy of conducting all sessions behind closed doors had the body made such a large stride towards improved public awareness of its procedures and activities.



Footage of Senator Bob Dole of Kansas (1969-1996) during the first live television broadcast from the Senate Chamber.

Further Reading

U.S. Congress. Senate. *The Senate, 1789-1989*, by Robert C. Byrd, Vol. 2. 100th Congress, 1st sess., 1991. S. Doc.100-20

U.S. Congress. Senate. *Television and Radio Coverage of Proceedings in the Senate Chamber*. 97th Congress, 1st sess., August 13, 1981. S. Rept. 97-178.

May 5, 1987

Mountains and Clouds Dedicated

People either love it or hate it. The monumental sculpture, entitled *Mountains and Clouds*, occupies the nine-story atrium of the Hart Senate Office Building. Rising 51 feet, the mountains are formed from 36 tons of sheet steel painted black. Suspended above this stabile is a 75-foot-wide black mobile, representing clouds. Constructed of aircraft aluminum, the mobile is designed to rotate in random patterns set by a computer-controlled motor.

In 1975, months before construction of the Hart Building began, Capitol officials invited five sculptors to submit designs for a work that would harmonize with the atrium's surrounding white marble architecture and yet stand apart from the cluttering distraction of adjacent doors, windows, and balconies. In April 1976, 77-year-old Alexander Calder won the design commission. Forty years earlier, Calder had invented the mobile and stabile as art forms. Although Calder had previously designed a mobile attached to a stabile, this was his first—and only—work to place them as separate units within a single sculptural composition.



Mountains and Clouds by Alexander Calder, located in the Hart Senate Office Building atrium.

On November 10, 1976, Calder presented his scaled model to congressional officials and the building's architect. To accommodate their comments, he made several on-the-spot adjustments with a borrowed pair of pliers and metal shears. Leaving all parties happy with his final design, he returned to New York City, where, later that evening, he died.

In 1979, midway through the building's construction, severe cost overruns led Congress to eliminate funding for Calder's sculpture. When the building opened in 1982, its empty atrium appeared unusually barren. To fill that void, former New Jersey Senator Nicholas Brady organized the Capitol Art Foundation, which raised \$650,000 to pay for Calder's work and its installation. A team of fabricators devoted more than a year to assembling the clouds: painting, sanding, repainting in seemingly endless cycles.

In March 1986, the clouds rose to the heavens and construction of the mountains by another firm proceeded more rapidly. The Senate dedicated *Mountains and Clouds* on May 5, 1987.

Calder failed to anticipate two problems. The apparatus designed to rotate the clouds at 140 different speeds has been out of service for years. And, no one has found an easy way to remove the paper airplanes that passersby enjoy sailing from the upper floors onto the clouds' surface.

Further Reading

Swisher, Kara. "Calder's Capital Creation: Senate Dedicates 'Mountains, Clouds,'" *Washington Post*, May 6, 1987, B11.

U.S. Congress. Senate. *United States Senate Catalogue of Fine Art*, by William Kloss and Diane K. Skvarla. 107th Congress, 2d sess., 2002. S. Doc. 107-11.

April 6, 1989

The Senate Celebrates 200 Years

In the early 1980s, Senate leaders began to think ahead to the body's forthcoming 200th anniversary in 1989. Wishing to maximize this once-in-a-lifetime opportunity to focus national attention on the Senate's history, traditions, and constitutional role, floor leaders Howard Baker and Robert C. Byrd arranged for the establishment of a special 15-member Study Group on the Commemoration of the Senate Bicentenary. Chaired by former Senate Republican Leader Hugh Scott, the panel included current and former senators, the librarian of Congress, the archivist of the United States, and leading congressional scholars. In 1983, it issued detailed recommendations for a coordinated program of exhibits, symposia, ceremonial events, and publications.

Over the next six years, the recommended projects began to materialize. They included Senator Robert C. Byrd's four-volume history of the Senate, Senator Bob Dole's *Historical Almanac of the U.S. Senate*, the *Biographical Directory of the United States Congress*, the *Guide to the Records of the United States Senate at the National Archives*, an exhibition entitled *A Necessary Fence: The Senate's First Century*, a commemorative Senate postage stamp, and a series of gold and silver congressional bicentennial coins issued by the U.S. Mint.

The highlight of the Senate's bicentennial program began at 11 a.m. on April 6, 1989, as members convened in special legislative session in the Old Senate Chamber. Two former members, in an honor without precedent, were invited to address the Senate. Missouri's Thomas Eagleton counseled senators to appreciate the art of compromise. "It is the essence of our political existence—the grease for the skids of government. Without it, we screech to a halt, paralyzed by intransigence." Tennessee's Howard Baker, who had served as presidential chief of staff after leaving the Senate, urged members to strengthen their partnership with the presidency. "When the partnership has suffered, the nation has inevitably suffered; when [it] has prospered, so have we all."

The Senate then proceeded to its current chamber, festively decorated in red-white-and-blue bunting, to be greeted by the stirring music of a Marine band and soloist. For the next 90 minutes, six senior senators addressed topics related to the Senate's past, present, and future. The session concluded with the adoption of a resolution conveying the Senate's good wishes to the senators of the future. "It is our hope that they will strive ceaselessly to meet the aspiration of Daniel Webster that the Senate be a body to which the Nation may look, with confidence, 'for wise, moderate, patriotic, and healing counsels.'"



Former Senator Howard Baker of Tennessee (1967-1985) delivers remarks during the special session held in the Old Senate Chamber to commemorate the 200th anniversary of the Senate's first quorum.

Further Reading

U.S. Congress. *Congressional Record*, 101st Congress, 1st sess., pp. S3402-10.

U.S. Congress. Senate. *Final Report of the Study Group on the Commemoration of the United States Senate Bicentenary*. 98th Congress, 1st sess., 1983. S. Doc. 98-13.

October 5-6, 1992

D'Amato Revives Old-time Filibuster

In Frank Capra's 1939 classic film, *Mr. Smith Goes to Washington*, the fictional Senator Jefferson Smith, played by Jimmy Stewart, tried to save a boys' camp. In a real-life imitation of that Hollywood classic, New York Senator Alfonse D'Amato tried to save a typewriter factory.

On October 5, 1992, for the first time since the Senate inaugurated gavel-to-gavel television coverage of its floor proceedings in 1986, television viewers had the opportunity to watch a senator conduct an old-fashioned filibuster—a dusk-to-dawn talkathon.

Those with long memories might have recalled the intense Senate debates over the 1964 Civil Rights Act, in which teams of filibustering senators consumed 57 days between March 26 and final passage on June 19.

The issue in 1992 involved Smith-Corona's plans to move 875 jobs from its Upstate New York typewriter factory to Mexico to save wage costs so that it could compete against low-priced Japanese imports. Senator D'Amato chose his time well. Historically, filibusters have been most effective in achieving the goals of those who conduct them when they occur in the

hectic final days of a congressional session, particularly if those days fall on the eve of congressional and presidential elections, when members desire only to leave Washington for the campaign trail. Political observers noted that Senator D'Amato, facing his own tight reelection race, could expect to benefit from the media attention that a televised classic filibuster might produce.

So as not to interrupt other Senate business—a consideration that did not exist in the classic filibusters of the pre-1965 era—D'Amato began speaking around dinnertime on October 5 and continued his “gentleman's filibuster” for 15 hours and 14 minutes. His object was to amend a pending \$27-billion tax bill. Hoarse and out of things to say—and to sing—he abandoned his quest at midday on October 6, after the House of Representatives had adjourned for the year, dooming any chances that his amendment would be included in the final legislation. If D'Amato had spoken for another 17 minutes, he would have broken the record Huey Long set in 1935, when he conducted the most notable filibuster in Senate history—the one that included his recipes for fried oysters and turnip-green potlikker.

Proclaiming that he had proudly stood up not only for the workers of New York but also for those of the entire nation, D'Amato went on to win reelection by a mere 90,000 votes out of six million cast.



Alfonse D'Amato, senator from New York (1981-1999).

Further Reading

Bradsher, Keith. “Windy but Proud, D'Amato Sings for Jobs,” *New York Times*, October 7, 1992, B4.
U.S. Congress. *Congressional Record*, 102nd Congress, 2nd sess., pp. S16846-S16924 (Daily edition).

January 3, 1993

“Year of the Woman”

The hotly contested 1991 Senate confirmation hearings for Supreme Court nominee Clarence Thomas troubled many American women. Televised images of a committee, composed exclusively of white males, sharply questioning an opposing witness—African-American law professor Anita Hill—caused many to wonder where the women senators were.

In 1991, the Senate included two women members, but neither Nancy Kassebaum of Kansas nor Barbara Mikulski of Maryland served on the Judiciary Committee. Watching the hearings on the West Coast, Washington State senate member Patty Murray asked herself, “Who’s saying what I would say if I was there?” Later, at a neighborhood party, as others expressed similar frustrations, Murray spontaneously announced to the group, “You know what? I’m going to run for the Senate.”

While Murray set out to raise the necessary funds, two other women several hundred miles to the south in California began work on their own Senate campaigns. As a result of their activity, on January 3, 1993, for the first time in American history, California became the first state in the nation to be represented in the Senate by two women. In the 1992 elections, Dianne Feinstein, a former Democratic mayor of San Francisco, running for the balance of an uncompleted term, trounced her opponent with a margin of nearly two million votes. Barbara Boxer, a 10-year veteran of the U.S. House of Representatives who had joined

six of her Democratic women colleagues in a march on the Senate to urge greater attention to Anita Hill’s charges, solidly won a full term for that state’s other seat.

A week after the election, a front-page *Washington Post* photograph told the story. Standing with exultant Democratic Majority Leader George Mitchell were not only Feinstein and Boxer, but also Carol Moseley Braun of Illinois and Patty Murray of Washington. Never before had four women been elected to the Senate in a single election year.

When the newcomers joined incumbents Kassebaum and Mikulski in January 1993, headline-writers hailed “The Year of the Woman.” To this, Senator Mikulski responded, “Calling 1992 the Year of the Woman makes it sound like the Year of the Caribou or the Year of the Asparagus. We’re not a fad, a fancy, or a year.”

Over the following decade, as the number of women members more than doubled, the novelty of women senators—as Mikulski predicted—began to fade. There may no longer be a market for a revised edition of the popular book published in 2000, *Nine and Counting*.



In the 108th Congress (2003-2005), a record-setting 14 women served as United States senators. Back row, from left: Olympia Snowe (ME), Mary Landrieu (LA), Hillary Rodham Clinton (NY), Elizabeth Dole (NC), Kay Bailey Hutchison (TX), Barbara Mikulski (MD), Lisa Murkowski (AK), Deborah Stabenow (MI), Maria Cantwell (WA), Patty Murray (WA); Seated on sofa, from left: Blanche Lincoln (AR), Barbara Boxer (CA), Susan Collins (ME) Dianne Feinstein (CA).

Further Reading

Gugliotta, Guy. “‘Year of the Woman’ Becomes Reality as Record Number Win Seats,” *Washington Post*, November 4, 1992, A30.
Mikulski, Barbara, et al. *Nine and Counting: The Women of the Senate*. New York: HarperCollins, 2000.

January 13, 1993

Senate Impeachment Trial Powers Upheld

What is the meaning of the verb “to try”? In 1992, justices of the U.S. Supreme Court consulted a shelf-full of dictionaries in search of a precise answer. They sought to settle a case initiated by a federal district judge, who in 1989 had been impeached by the House of

Representatives and removed from office by the Senate. Imprisoned on a conviction for lying to a grand jury, Judge Walter Nixon disputed the Senate’s interpretation of “try” as it exercised its exclusive constitutional power to “to try all impeachments.”

The story began in 1986, when the House delivered to the Senate articles of impeachment against federal Judge Harry Claiborne, who had been imprisoned for tax fraud. As this was the first impeachment case to reach the Senate in half a century, members carefully reviewed the body’s trial procedures. The Senate decided to create a special 12-member committee to receive the testimony of Claiborne—who had already been convicted in federal court—rather than tie up the full Senate busy with more pressing matters. On October 7, 1986, after the panel reported its findings, Claiborne appeared in the

Senate Chamber for closing arguments. Two days later the Senate convicted and removed him from office.



Videotaped footage of Walter L. Nixon appearing on the Senate floor in his own defense.

In 1989, the House referred two more cases to the Senate. In both proceedings, the Senate employed a trial committee and allowed the defendant to participate in closing arguments before the full body. While considering articles against Federal Judge Alcee Hastings, the Senate received impeachment articles against Judge Nixon.

The Senate convicted Hastings in October 1989 and removed Nixon two weeks later. Both former jurists filed suit against the Senate for its use of the trial committee. Nixon argued that the Constitution’s framers had used the word “try” to mean that the entire Senate must participate in taking evidence, rather than merely “scanning a cold record” created by a committee. Although lower courts refused to take Nixon’s case, he took encouragement from a September 1992 decision in the Alcee Hastings case by Federal District Judge Stanley Sporkin. Finding the Senate’s use of the trial committee to be improper, Judge Sporkin reversed Hastings’ Senate conviction.

On January 13, 1993, Supreme Court Chief Justice William Rehnquist put his dictionaries away and settled any doubts about all three cases. On behalf of a unanimous court, he ruled that authority over impeachment trials “is reposed in the Senate and nowhere else.”

Further Reading

Gerhardt, Michael J. *The Federal Impeachment Process: A Constitutional and Historical Analysis*. Princeton: Princeton University Press, 1996.

Walter L. Nixon, Petitioner v. United States et al. 506 U.S. 224 (1993)

Washington Post, September 18, 1992, and January 14, 1993.

March 24, 1998

Former Senator Mansfield Delivers Delayed Lecture

Minutes before 6 p.m., C-SPAN camera operators took up their assigned positions. In the cramped gallery of the historic Old Senate Chamber, a capacity audience struggled through the narrow aisles to reach its minimally comfortable seats. On the floor below, senators greeted former colleagues, preparing for what all knew would be a historic occasion. On schedule, three men—two in their 50s and one in his 90s—began their procession down the center aisle. At first, they passed unnoticed. Then, as if by signal, the audience erupted in boisterous applause.

Majority Leader Trent Lott, accompanied by Democratic Leader Tom Daschle, began the proceedings by explaining that this was to be the first in a series of “Senate Leader’s Lectures.” Designed to “foster a deeper appreciation of the Senate as an institution, and to show the way it continues both to adapt to circumstances and to master them,” the series would present observations of nine former Senate party leaders and vice presidents of the United States.

Ninety-five-year-old Mike Mansfield then took the lectern to recall lessons learned during his record-setting tenure as leader, from 1961 to 1977. With the Montana Democrat’s opening remarks, it became clear to the audience that the evening would bring an added historical treat.

Mansfield explained that he had originally drafted his remarks 35 years earlier, in November 1963. He had done this in response to the whispered criticism from some of his Democratic colleagues, blaming him for not moving more speedily to advance President John F. Kennedy’s legislative agenda. “If some of my party colleagues believed that mine was not the style of leadership that suited them, they would be welcome to seek a change.” But President Kennedy’s assassination on the very afternoon Mansfield had planned to deliver his remarks caused him to shelve his address.

The 1998 lecture series presented an ideal opportunity for Mansfield to dust off his old speech to share its timeless observations about the nature of leadership in the Senate. An opening quotation from the Chinese philosopher Lao Tsu expressed his own leadership style. “A leader is best when the people hardly know he exists. And of that leader, the people will say when his work is done, ‘We did this ourselves.’”

Over the next four years, the other speakers in the series carefully consulted the remarks of those who had preceded them, each thereby building a uniquely compelling record on the initial observations of the exemplary Mike Mansfield.



Former Majority Leader Mike Mansfield of Montana (1953-1977) speaks in the Old Senate Chamber.

Further Reading

U.S. Congress. Senate. *Leading the United States Senate*. 107th Congress, 2nd sess., 2002. S. Pub. 107-54.

http://www.senate.gov. Art & History _ People _ Leader's Lecture Series

September 11, 2001

The Capitol Building as a Target

In 1833, Massachusetts Representative Rufus Choate captured the grandeur and symbolism of the recently completed U.S. Capitol Building. He wrote, “We have built no national temples but the Capitol; we consult no common oracle but the Constitution.”

In the years before and since Choate’s time, enemies of the United States have repeatedly chosen this “national temple” as a target for their hostilities.

In 1814, while the United States was at war with Great Britain, invading British troops attacked the Capitol and used books from the Library of Congress to fuel the fires that badly damaged the then only partially completed structure. Nearly 50 years later, in 1861, hastily recruited Union troops rushed to Washington to protect the Capitol against Confederate armies in their unsuccessful drive to capture the city. Another half-century passed before the next major attack. In 1915, as the United States asserted its neutrality during the early months of World War I, a German sympathizer detonated a bomb in the Senate Reception Room to protest America’s evident sympathies toward Great Britain. Again, in 1971 and 1983, protestors of American foreign policies set off explosives that caused significant damage to the Capitol.



View of the U.S. Capitol Building from the northeast corner.

On the morning of September 11, 2001, the Capitol once again became the target of foreign enemies. As two hijacked commercial airplanes thundered into the twin towers of New York City’s World Trade Center, and another flew into the Pentagon, a fourth plane—through the heroic struggle of its passengers—missed its intended target and crashed into a Pennsylvania field southeast of Pittsburgh. All 40 passengers and crew members on United Airlines Flight 93 perished. Subsequent investigations by the National Commission on Terrorist Attacks discovered a high probability that the Capitol was the intended target of the Flight 93 hijackers.

News of the first strike against the World Trade Center reached the Capitol within minutes. In an unprecedented act, the Senate canceled its session moments before the appointed convening time. At 10:15 a.m., officials ordered evacuation of the Capitol and office buildings. While congressional leaders were taken to a secure facility, other members and staff were urged to leave the area amidst rumors that the Capitol was a bombing target.

Over the weeks and months that followed the terrors of September 11, despite unprecedented security enhancements, congressional leaders insisted that the Capitol remain open, continuing more than two centuries of service as the “national temple” of representative democracy.

Further Reading

Daschle, Tom. *Like No Other Time: The 107th Congress and the Two Years That Changed America Forever*. New York: Crown, 2003.
National Commission on Terrorist Attacks on the United States. *The 9/11 Commission Report*. New York: W.W. Norton, 2004.

November 7, 2002

New Senate Seniority Record Set

During the first 100 years of the Senate's existence, members who made it into their second six-year term were considered long-time veterans. During any Congress of that era, as many as half the senators failed to serve out a full six-year term. In fact, the early 19th century witnessed several complete turnovers of Senate membership within just 12 years.

Looking back to the Senate of the 19th century, when the average life expectancy of an American was slightly above the age of 40, few senators would have believed it possible to serve 30, let alone 40 years. Many hated the rigors of travel to the capital and back home several times a year. Travel by stagecoach, riverboat, or open railway cars extracted a great price in aches and pains. Lodging in rustic accommodations along the way often required senators to share a bed with one or more strangers.

Until the Civil War, up-and-coming politicians who aspired to roles as legislators usually focused their attention on their easier-to-reach state capitols. While they might serve a term or two in the U.S. Congress to gain broader name recognition within their states and to build out-of-state contacts, it was in state legislatures that members had the opportunity to have a direct impact on the daily lives of their constituents.

By the 1870s, however, the nation's capital had become the principal arena for major legislative activity, as evidenced by brutal battles in state legislatures over the election of U.S. senators.

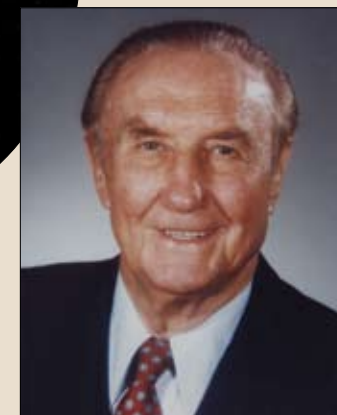
The first person to approach a 30-year service record in the U.S. Senate was Missouri's Thomas Hart Benton, who reached this milestone in 1851. Another 40 years passed, however, before a second senator achieved the three-decade mark. Today, among the 1,885 who have ever served, 47 have logged at least 30 years.

In 2002, the Senate set a new record for member seniority. For the first time in history, as of November 7, the Senate included three incumbent members who had served 40 or more years—Senators Strom Thurmond, Robert C. Byrd, and Edward Kennedy. The start of the 108th Congress in 2003 also saw a Senate with three 40-year veterans: Senators Byrd, Kennedy, and Daniel Inouye.

Only two others among all who have ever served share this 40-year distinction: Arizona's Carl Hayden and Mississippi's John Stennis.



Thomas Hart Benton, senator from Missouri (1821-1851), was the first senator to achieve a 30-year service record in the Senate.



Strom Thurmond, senator from South Carolina (1954-2003), turned 100 years old on December 5, 2002, while still in office, making him the oldest person to serve in the U.S. Senate.

Further Reading
<http://www.senate.gov>