

The Minority Veto in the Senate Must End

[Speech of Hon. Robert L. Owen, of Oklahoma, in the senate of the United States, July 14, 1913, on an amendment to the rules of the senate proposing the cloture, or termination of debate and dilatory motions.]

Mr. Owen. Mr. President, I offer the following resolution:

"Resolved, That Rule XIX of the standing rules of the senate be amended by adding the following:

"Sec. 6. That the senate may at any time, upon motion of a senator, fix a day and hour for a final vote upon any matter pending in the senate: Provided, however, That this rule shall not be invoked to prevent debate by any senator who requests opportunity to express his views upon such pending matter within a time to be fixed by the senate.

"The notice to be given by the senate under this section, except by consent, shall not be less than a week, unless such requests be made within the last two weeks of the session."

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XXII, XXVI, XXVIII, XXXV, and XL, are modified:

"Any senator may demand of a senator making a motion if it be made for dilatory or obstructive purposes, and if the senator making the motion declines or evades an answer or concedes the motion to have been made for such purpose, the president of the senate shall declare such motion out of order."

Mr. President, the minority veto in the senate, with its power to prevent the majority from fulfilling its pledges to the American people, must end. The right to obstruct the public business by a factional filibuster must cease. The power of an individual senator to blackmail the senate must be terminated. These national evils can no longer be concealed by the false cloak of "freedom of debate."

Those who defend the antiquated rule of unlimited parliamentary debate do so chiefly on the ground of precedent. The precedents of the intellectual world, of the parliamentary world, are entirely against the preposterous rule which has been permitted to survive in the United States senate alone. What are the precedents of the world?

PRECEDENTS

The precedents in the state of Maine and in every New England state, in every Atlantic state, in every gulf state, in every Pacific state, in every Rocky mountain state, in every Mississippi valley state, and in every state bordering on Canada are against unlimited debate or the minority veto. In both the senate and house of every state the precedent is to the contrary.

The precedent is against it in New Hampshire. The precedent is against it in Vermont. The precedent is against it in Massachusetts. The precedent is against it in Rhode Island and Connecticut.

What senator from the New England states will venture to say that the precedents of every single one of the New England states are unsound, unwise, and ought to be modified to conform to the superior wisdom of the senate rule?

The precedent is against it in New York, and in Pennsylvania, and in New Jersey, Delaware, Maryland, Virginia, and West Virginia. What senator upon this floor representing these commonwealths will venture to say that the people of his state have adopted a false standard of parliamentary practice which they ought to abandon for the superior virtue of the minority veto established in the senate by an archaic rule in 1806?

The precedent in North Carolina, in South Carolina, in Georgia, in Alabama, in Florida, in Mississippi, and Tennessee is against it. Will the senators from these states say that the parliamentary rule and practice of their own states, which they have the honor to represent upon this floor, are unwise and not safe and should be modified to comply with the superior rule of the minority veto?

The precedents of Louisiana, Michigan, Indiana, Illinois, and Kentucky, of Missouri, Iowa, Wisconsin, and Montana, of the Dakotas, of Nebraska and Kansas, are all against this unwise practice of the United States senate.

The precedents of Colorado, Wyoming, and Minnesota, of Idaho, of Nevada, of Arizona and New Mexico, and of the great Pacific states—Washington, Oregon, and California—provide for the closing of debate and are against the evil practice which still remains in vogue in the United States senate.

Why, Mr. President, the precedent of every city, big and little, in the United States is against the right of minority veto under the false pretense of "freedom of debate."

Every one of the 48 states of the union, while permitting freedom of debate, has set us the wise and virtuous precedent of permitting the control by the majority. I remind every senator in this body that in his own state his legislative assembly, whether in the house or in the senate, does not permit a minority veto under the pretense of freedom of debate. It is the rule of common sense and of common honesty.

In the house of representatives of the congress of the United States the right to move the previous question and limit debate has been wisely and profitably practiced since its foundation.

ENGLISH PRECEDENTS

The rule of the majority is the rule in all the parliaments of English-speaking people. In the parliament of Great Britain, in the house of lords, the "contents" pass to the right and the "not contents" pass to the left, and the majority rules.

In the house of commons the "ayes" pass to the right and the "noes" pass to the left, and the majority rules. (Encyclopedia Britannica, vol. 20, p. 856.)

The great English statesman, Mr. Gladstone, having found that the efficiency of parliament was destroyed by the right of unlimited debate, was led to propose cloture in the first week of the session of 1882, moving this resolution on the 20th of February, and expressing the opinion that the house should settle its own procedure. The acts of Mr. Gladstone and others of like opinion finally led to the termination of unlimited debate in the procedure of parliament. In these debates every fallacious argument now advanced by those who wish to retain unlimited debate in the United States senate has been abundantly answered, leaving no ground of sound reasoning to reconsider these stale and exploded arguments.

The cloture of debate is very commonly used in the houses of parliament in Great Britain, for example, in standing order No. 26. The return to order of the house of commons, dated December 12, 1906, it appears that the cloture was moved 112 times. (See vol. 94, Great Britain House of Commons, sessional papers, 1906.)

FRANCE

In France the cloture is moved by one or more members crying out "La cloture!"

"The president immediately puts the question, and if a member of the minority wishes to speak he is allowed to assign his reasons against the close of the debate, but no one can speak in support of the motion and only one member against it. The question is then put by the president, 'Shall the debate be closed?' and if it is resolved in the affirmative the debate is closed and the main question is put to the vote."

M. Guizot, speaking on the efficacy of the cloture before a committee of the house of commons in 1848, said:

"I think that in our chamber it was an indispensable power, and I think it has not been used unjustly or improperly generally. Calling to mind what has passed of late years. I do not recollect any serious and honest complaint of the cloture. In the French chambers, as they have been during the last 34 years, no member can imagine that the debate would have been properly conducted without the power of pronouncing the cloture."

He also stated in another part of his evidence that—

"Before the introduction of the cloture in 1814 the debates were protracted indefinitely, and not only were they protracted, but at the end, when the majority wished to put an end to the debate and the minority would not, the debate became very violent for protracting the

debate, and out of the house among the public it was a source of ridicule."

The French also allow the previous question, and it can always be moved; it can not be proposed on motions for which urgency is claimed, except after the report of the committee of initiative. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 426.)

GERMANY

The majority rule controls likewise in the German empire and they have the cloture upon the support of 30 members of the house, which is immediately voted on at any time by a show of hands or by the ayes and noes.

AUSTRIA-HUNGARY

In Austria-Hungary, motions for the closing of the debate are to be put to the vote at once by the president without any question, and thereupon the matter is determined. If the majority decides for a close of debate, the members whose names are put down to speak for or against the motions may choose from amongst them one speaker on each side, and the matter is disposed of by voting a simple yes or no. (Ibid., p. 404.)

AUSTRIA

Austria also, in its independent houses of parliament, has the cloture, which may be put to the vote at any time in both houses, and a small majority suffices to carry it. This is done, however, without interrupting any speech in actual course of delivery; and when the vote to close the debate is passed each side has one member represented in a final speech on the question. (Ibid., p. 409.)

BELGIUM

In Belgium they have the cloture, and if the prime minister and president of the chamber are satisfied that there is need of closing the debate a hint is given to some member to raise the cry of "La cloture," after a member of the opposition has concluded his speech, and upon the demand of 10 members, granting permission, however, to speak for or against the motion under restrictions. The method here does not prevent any reasonable debate, but permits a termination of the debate by the will of the majority. The same rule is followed in the senate of Belgium. (Ibid., p. 420.)

DENMARK

In Denmark also they have the cloture, which can be proposed by the president of the Danish chambers, which is decided by the chamber without debate. Fifteen members of the Lands-thing may demand the cloture. (Ibid., p. 422.)

NETHERLANDS

In both houses of the parliament of Netherlands they have the cloture. Five members of the first chamber may propose it and five members may propose it in the second chamber. They have the majority rule. (Ibid., p. 461.)

PORTUGAL

In Portugal they have the cloture in both chambers, and debate may be closed by a special motion, without discretion. In the upper house they permit two to speak in favor of and two against it. The cloture may be voted. (Ibid., p. 469.)

SPAIN

The cloture in Spain may be said to exist indirectly, and to result from the action allowed the president on the order of parliamentary discussion. (Ibid., p. 477.)

SWITZERLAND

The cloture exists in Switzerland both in the conseil des etats and conseil national.

Many of the ablest and best senators who have ever been members of this body have urged the abatement of this evil, including such men as Senator George G. Vest, of Missouri; Senator Orville H. Platt, of Connecticut; Senator David B. Hill of New York; Senator George F. Hoar, of Massachusetts; and Senator Henry Cabot Lodge, of Massachusetts, who introduced resolutions or spoke for the amendment of this evil practice of the senate.

Mr. President, the time has come in the history of the United States when congress shall be directly responsive to the will of the majority of 90,000,000 of people without delay, evasion, or obstruction. We are in the midst of the most gigantic century in the history of the world, when every reason looking to the welfare and advance of the human race bids us march forward in compliance with the magnificent intelligence and humane impulses of the American people.

We have the most important problems before us—financial, commercial, sociological. Fifteen