Mr. President:

I have only a few remarks to make on the subject of the Senate being a continuing body. My purpose in making these remarks is to express my deep concern against the argument that the Senate is not a continuing body.

My concern is increased because I regard this attack on the continuing nature of the Senate as being an attack on constitutional government itself.

While the rules of the Senate do not in themselves comprise constitutional provisions, I am of the opinion that it should be recognized and accepted that the rules are established on a constitutional provision. This provision declares that "each House may determine the rules of its proceedings ...."

If we accept the authorization and power of rule-making from the Constitution, which was adopted in 1789, then we should also recognize and accept the other provisions of the Constitution.

After providing a name for the two legislative bodies of the Congress in Article I, Section I, of the Constitution, its framers thereafter referred to "the Senate" as a definite body being permanently established. No reference was made in the Constitution to "the Senates" which would have indicated a conception of a series of bodies rather than a permanent one.

Nowhere in the Constitution is there an indication that our wise and learned forefathers expected there to be any gaps in the continuation of the Senate. Had they intended to establish
the Senate as a non-continuing or impermanent body, I believe they would have so specified.

The evidence is on the other side. In the preamble to the Constitution, the framers who drafted the Constitution and the states and people who approved its adoption, stated their intention that the Constitution itself and the institutions established by it would be continuing.

They did not say they were ordaining and establishing the Constitution only for themselves. They used the language "to ourselves and our posterity."

To me, nothing could be clearer that the purpose and, in fact, the action of adoption of the Constitution created a continuing Constitution and continuing bodies of government under the Constitution.

If we argue for or accept the proposition that the Senate is not a continuing body, it might also be argued that the Constitution itself should be revived and re-approved at regular intervals.

I do not believe any member of this Senate would make such an argument as to the Constitution; therefore, I can not see how logic leads anyone to the belief that the Senate is not a continuing body.

In my opinion, the people of this country should look upon efforts to declare the Senate a non-continuing body as an effort to amend the Constitution itself by a
method not established in the Constitution.

I hope the people of this Nation still believe as I believe—that the government of the United States is a government of laws and not of men. I regret to say that there have been a number of recent instances in another branch of the government which would indicate there are some who fail to follow this fundamental concept. But our concern now is with this specific matter.

If it is logical to argue that the Senate does not exist as a continuing body, is it not just as logical then to argue that laws enacted during any given period become invalid upon the discontinuation of the Senate which approved them?

If the legislative body which creates a law is not itself continuing, how then can the law continue?

Of course, any argument that laws duly enacted are not continuing is ridiculous. I think it is just as ridiculous to argue that the Senate which was created by the basic and permanent Constitution of our Nation is not continuing.

The Constitution has been amended twenty-two times since 1789. No one would argue that these amendments have destroyed the Constitution. How then can it be said that a changing membership affects the continuation of the Senate?
Just as the Constitution provides the basis for a government of laws and not of men, so do the rules of the Senate provide an orderly plan of operation.

Legal provisions have been made in both instances for amendments. When amendments are necessary, the duly established provisions should be followed whether it is to amend the Constitution or to change the rules of the Senate.

- The end -