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Senator Frear: Thank you. A most interesting situation has taken place this past week in the Senate. It has concerned Senate Bill 3690: A measure which would amend the Atomic Energy Act of 1946. The discussion on this measure has touched off a debate which has been termed a filibuster. Both opponents and proponents of the bill have taken hour upon hour to present and argue their respective views. Charges of delaying tactics have rung through the Senate chamber frequently as the clock ticked away the passing days. The matter at issue concerns mainly the long, continuing struggle of public versus private power. A specific point of debate was the President’s order to the Atomic Energy Commission through the Bureau of the Budget to contract with a private utility combine to construct a steam plant at a place called West Memphis, Arkansas. The energy from this private plant would be fed to the Tennessee Valley Authority as replacement power for six hundred thousand kilowatts, which TVA now supplies to an atomic plant at Paducah, Kentucky. Another point of debate has been the provision of the bill which permits giving to our allies atomic data that does not involve the design and fabrication of atomic weapons. Certainly, compelling arguments can be offered and defended on both sides of this legislation. There’s no time in this brief period to even highlight the divergent views. Besides, the debate is being fully covered by every public medium available. A point of particular interest to me, however, is the fact that this legislation is giving evidence of the significance of the Senate rules which permit unlimited debate. It has often been charged that the filibuster was an unfair method of delaying or obstructing legislation, and indeed that may be true. But there are few, if any, senators who have not, at some time or another, participated in a filibuster when they were convinced that it was necessary. From time to time in past years, vigorous efforts have been undertaken to change the rules of the Senate in order to prevent filibusters. Under the present Senate rules, as you know, it requires a vote of sixty-four members of the Senate before cloture can be applied. A motion offered today received forty-four votes. To invoke the cloture rule means the closing off of debate. In the present instance, if debate could be ended by the vote of a simple majority of the Senate, opponents of a proposed revision of the
Atomic Energy Act might long since have been forced to end their discussion. But because of the difficulty in convincing two-thirds of the members of the Senate to invoke cloture, free and full discussion is being carried on. No one knows when or under what circumstances legislation might arise which would be clearly detrimental to the interests of a small state, such as Delaware, or even to a group of states. If such a situation occurs, the Constitution, by providing each state with equal representation, that is, two Senators each, has provided the opportunity for the members representing that state to resist passage of such undesirable legislation through appropriate and unrestricted arguments against it. For that reason, the United States Senate, perhaps the greatest deliberative body in the world, rather zealously guards its privilege of unrestrictive debate. It is naturally disappointing when lengthy discussions occur near the close of a session of Congress, as all of us are anxious to complete our work here. Yet in spite of the personal inconveniences, there remains the assurance that within the scope of the legislative branch of the government lies the means to protect and defend issues which may be of tremendous and far-reaching significance to our present and future welfare.