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Maiden Speech Delivered to the U.S. Senate

Mr. President,

I fully understand the respected custom of this body which advises a new member to sit in his chair, to listen quietly and to learn before he rises to speak to the Senate himself. There is wisdom in that custom, as there is in most customs which last through years of trial and experience. I would not willingly break that honored silence, but because this debate calls to question the place of the minority in a democratic political system, I feel I must say these few words in deep but passionate humility; for I am a member of a minority, in a sense few other Senators have ever been. I understand the hopelessness that a man of unusual color or feature experiences in the face of constant human injustice. I understand the despair of a human heart crying for comfort to a world it cannot become a part of, and to a family of man that has disinherited him. For this reason, I have done and will continue to do all that one man can do to secure for these people the opportunity and the justice that they do not now have.

But, if any lesson of history is clear it is that minorities change, new minorities take their place and old minorities grow into the majority. One can discern this course in our own history by observing the decisions of the Supreme Court, where the growth of the nations law so often takes the form of adopting as the opinion of the Court the dissenting view of an earlier decision. From this fact we discern the simplest example of a vital democratic principle. I have heard so often in the past few weeks eloquent and good men plead for the chance to let the majority rule. That is, they say, the essence of democracy. I disagree, for to me it is equally clear that democracy does not necessarily result from majority rule, but rather from the forged compromise of the majority with the minority.

The philosophy of the Constitution, and the Bill of rights is not simply to grant the majority

the power to rule, but is, also, to set out limitation after limitation upon that power. Freedom of speech, freedom of the press, freedom of religion; what are these but the recognition that at times when the majority of men would willingly destroy him, a dissenting man may have no friend but the law? This power given to the minority is the most sophisticated and the most vital power bestowed by the Constitution.

In this day of the mass mind and the lonely crowd, the right to exercise this power and the courage to express it has become less and less apparent. One of the few places where this power remains a living force is in the Senate.

Let us face the decision before us directly. It is not free speech, for that has never been recognized as a legally unlimited right. It is not the Senates inability to act at all, for I cannot believe that a majority truly determined in their course could fail eventually to approach their ends. It is, instead, the power of the minority to reflect a proportional share of their view upon the legislative result that is at stake in this debate.

To those who wish to alter radically the balance of power between a majority in the Senate and a minority, I say, you sow the wind, for minorities change and the time will surely come when you will feel the hot breath of a righteous majority at the back of your own neck. Only then perhaps will you realize what you have destroyed. As Alexis deTocqueville said about America in 1835: ...A democracy can obtain truth only as the result of experience, and many nations may perish while they are awaiting the consequences of their errors.

The fight to destroy the power of the minority is made here strangely enough, in the name of another minority. I share the desire of those Senators who wish to help the repressed people of our nation, and in time, God willing, we shall effectively accomplish this task. But I say to these Senators, we cannot achieve these ends by destroying the very principle of minority protection that remains here in the Senate.

For as de Tocqueville also commented: If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority...