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FORUMS COMMITTEE SPEECH, U. OF FLA., GAINESVILLE--NOV. 3, 1966

"BALANCE IN GOVT. & THE ROLE OF THE MINORITY"

*Steve Spurrier
Great, great man
Lucky football*

IN TODAY'S CONTEXT, A KEY ISSUE IS WHETHER AN EXCESS
CONCENTRATION OF FEDERAL SOVEREIGNTY IS TO DESTROY STATE
AND LOCAL GOVERNMENT, THUS SUPPRESSING INDIVIDUAL FREEDOM
AND OPPORTUNITY.

TONIGHT LET US CONSIDER THE THREE BRANCHES OF GOVERNMENT,
THEIR BALANCE OR LACK OF IT, WITH PARTICULAR EMPHASIS ON
THE CONGRESS.

ANY EXAMINATION OF THE LEGISLATIVE PROCESS FOCUSES ON
THREE CORNERSTONES OF OUR AMERICAN POLITICAL SOCIETY, TWO
OF THEM CONSTITUTIONALLY ORDAINED, THE OTHER A TRADITION
OF OUR DEMOCRACY.



THE FIRST CORNERSTONE IS THE RELATIONSHIP OF THE
EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF GOVERNMENT.
WHEN IN BALANCE, THEY GUARD AGAINST MEDIOCRITY--ALWAYS THE
DANGER OF A SOCIETY OVERLY-PLANNED.

^{*carefully turned*}
THESE RELATIONSHIPS ARE OF PARAMOUNT IMPORTANCE IN ^{*our*}
GOVERNMENT. ^{*1*} THIS WE MUST RECOGNIZE IF WE ARE TO CREATE A
SOCIAL ORDER PERMITTING EVERY INDIVIDUAL TO LIVE IN DIGNITY
UNDER LAW AND TO REALIZE THE BEST IN HIMSELF.

DRAFTERS OF THE CONSTITUTION VERY WISELY DECIDED TO
CAREFULLY DELINEATE THE AUTHORITY VESTED IN THE EXECUTIVE
BRANCH OF OUR GOVERNMENT.

THEY ALSO GAVE THE CONGRESS A VITAL ROLE AND PROVIDED
FOR A STRONG JUDICIAL SYSTEM WITH THE SUPREME COURT AS FINAL
ARBITER IN QUESTIONS OF LAW.



IT IS MOST SIGNIFICANT THAT THOSE WHO AUTHORED THE CONSTITUTION INSISTED ON STRENGTH IN EACH OF THE THREE BRANCHES AND GAVE NO SUPERIORITY TO ANY ONE BRANCH.

*INSERT
why - most
fed etc.*

THE SECOND CORNERSTONE OF THE REPUBLIC IS THE CONSTITUTIONAL PROVISION THAT EACH STATE SHOULD RETAIN A PLURALISTIC DEGREE OF SOVEREIGNTY IN RELATION TO THE FEDERAL ESTABLISHMENT.

THOSE WHO CREATED THE CONSTITUTION CAREFULLY ~~SEPARATED~~ ^{DIVIDED} THE POWERS AND RESPONSIBILITIES OF STATE AND NATIONAL GOVERNMENTS.

THE THIRD CORNERSTONE OF OUR NATION--NOT CONSTITU-
TIONALLY ESTABLISHED--IS A STRONG TWO-PARTY SYSTEM.

EARLY IN AMERICA'S HISTORY, OUT OF THE POLITICAL



EXPERIENCE OF THE EARLY YEARS, THERE DEVELOPED TWO MAJOR POLITICAL PARTIES. THIS TWO-PARTY SYSTEM HAS SERVED THE BEST INTEREST OF THE PEOPLE. AS A RESULT, WE HAVE AVOIDED THE LOSS OF FREEDOM THAT EXISTS IN ONE-PARTY GOVERNMENT. WE HAVE AVOIDED THE CHAOS AND CONFUSION THAT ACCOMPANIES MULTI-PARTY GOVERNMENT.

PERHAPS THE LATE SIR WINSTON CHURCHILL BEST DESCRIBED THE FUNCTIONS OF THE AMERICAN REPUBLIC WHEN HE SAID: "DEMOCRACY IS THE WORST FORM OF GOVERNMENT EXCEPT FOR ANY OTHER THAT HAS EVER BEEN TRIED."

ACCEPTING THE PREMISE THAT THE CONSTITUTION WAS WRITTEN AS A BULWARK AGAINST THE CONCENTRATION OF POWER IN ANY ONE BRANCH OF GOVERNMENT, LET US EXAMINE OUR POLITICAL SOCIETY IN THIS MOST CRUCIAL AND TURBULENT ERA.

THE EXECUTIVE BRANCH INCREASES IN POWER AND STRENGTH. ITS MANPOWER CORPS NUMBERS NEARLY SIX MILLION, WITH ROUGHLY HALF OF THOSE IN THE MILITARY SERVICES. WITH THIS HUGE MASS OF PERSONNEL COMES A TOTAL ANNUAL PAYROLL OF CLOSE TO \$35 BILLION AND THE RIGHT TO SPEND OUT OF THE FEDERAL TREASURY MORE THAN \$145 BILLION EACH YEAR.

THE SOCIAL IMPLICATIONS OF THIS AWESOME POWER COME IN DISJOINTED PHRASES, INCOMPLETE REFERENCES, AND ANACHRONISTIC COMMENT.

EXECUTIVE ACCOMPLISHMENTS ARE DETAILED TO THE NATION BY THE DEVICE OF NEWS RELEASES, AT TIMES DISTRIBUTED IN FLURRIES. FEDERAL AGENCIES ARE DIRECTED TO PROVIDE INFORMATION TO THE WHITE HOUSE, WHICH TAKES UNTO ITSELF THE CREDIT. OFTEN THE TIMING OF THE INFORMATION DISSEMINATED



TO AMERICA AT LARGE HAS POLITICAL OVERTONES AND IMPLICATIONS.

CONGRESS, THE LEGISLATIVE BRANCH, HAS GREAT STRENGTHS
AND GREAT WEAKNESSES. THE HUMAN EQUATION IS PARAMOUNT IN
CONGRESSIONAL ACTION AND INACTION.

*in Congressional
selection*

IT HAS BEEN SAID THAT "CONGRESS IS A VERY HUMAN
INSTITUTION, PART AND PARCEL OF OUR AMERICAN CULTURE."
THE LATE SPEAKER OF THE HOUSE SAM RAYBURN USED TO DESCRIBE
"THOSE ROLLING WAVES OF SENTIMENT" THAT DICTATE CONGRESSIONAL
DECISIONS.

CRITICS ATTEMPT TO DENIGRATE THE CONGRESS, DEMANDING
REFORM, SEEKING TO ABOLISH CERTAIN ^{constitutionally imposed} PREROGATIVES. + responsibilities.

THIS ^{conflict} DICHOTOMY BETWEEN THE CONGRESS AND ITS CRITICS
HAS EXISTED FOR DECADES. THE LONG ESTRANGEMENT WILL FOLLOW
FORWARD INTO HISTORY.

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IT IS DIFFICULT FOR ANYONE TO STAND BETWEEN THE CRITICS AND THE CONGRESS, FOR HE FACES ASSAULT FROM ONE SIDE AS AN APOLOGIST FOR ALLEGED INCOMPETENCE AND FROM THE OTHER FOR MORALISTIC SOPHISTRY.

THUS THE DISAGREEMENT PREVENTS A MEANINGFUL DIALOGUE BETWEEN THE CONGRESS AND ITS SOCIETY OF CRITICS.

THE LACK OF RESPONSIBLE DEBATE AND DISSENT IS THE NATION'S LOSS, FOR CONGRESS NEEDS HELP FROM OUTSIDE ITS OWN POLITICAL COMMUNITY IN MEETING THE CHALLENGES OF THE PRESENT AND THE FUTURE.

CERTAINLY CONGRESS NEEDS THE HELP OF THE ACADEMIC, BUSINESS, INDUSTRIAL, COMMERCIAL AND CULTURAL WORLDS.

HOWEVER, THE ASSISTANCE AND ADVICE MUST BE BASED ON AN UNDERSTANDING OF CONGRESSIONAL EXPERIENCE--ITS DEPTH



AND WIDTH--AND THE PSYCHOLOGY AND LOGIC OF THE CONGRESSIONAL PROCESSES.

TOO OFTEN CRITICS SEEM MORE INTENT ON SEEKING NEW WAYS TO ALTER CONGRESS THAN TO TRULY LEARN HOW IT FUNCTIONS. THEY MIGHT WELL PROFIT FROM THE ADVICE OF THOMAS HUXLEY WHO SAID A CENTURY AGO: "SIT DOWN BEFORE FACTS AS A LITTLE CHILD, BE PREPARED TO GIVE UP EVERY PRECONCEIVED NOTION--- OR YOU SHALL LEARN NOTHING."

Let me relate the critics of Congress to the members of BS

IT HAS BEEN SAID THAT CONGRESS IS NOT AS BAD AS MANY OF ITS CRITICS ALLEGE, NOR AS GOOD AS MANY OF ITS MEMBERS BELIEVE. ONLY BY A RECOGNITION OF BOTH ITS WEAKNESSES AND STRENGTHS CAN WE ACHIEVE A RATIONAL UNDERSTANDING OF THE CONGRESS.

A SENSITIVE DESCRIPTION AND AN ACCURATE APPRAISAL



OF THE CONGRESS SHOULD HAVE AS THEIR BASE A PERSONAL AND
PROLONGED EXPERIENCE EITHER AS A MEMBER OR AS A DEDICATED
OBSERVER.

THOSE WHO CRITICIZE SEVERELY COULD LEARN MUCH FROM
SEEKING PUBLIC OFFICE, WINNING AN ELECTION, ASSUMING A
LEGISLATIVE ROLE, AND TRYING TO BE RETURNED TO OFFICE ON
A RECORD OF PERFORMANCE.

THE NEGLECTED ASPECTS OF CONGRESSIONAL LIFE DEMAND
APPRAISAL, DISSECTION, AND CHANGE. AMONG THEM ARE THE
OPERATION OF LOBBYISTS IN THE LEGISLATIVE PROCESSES, SOME
OUT-MODED PARLIAMENTARY PROCEDURES, THE REALITIES OF THE
SENIORITY SYSTEM, AND DAY-TO-DAY ROUTINES.

SUCH A STUDY HAS EMERGED FROM CONGRESS ITSELF. A
JOINT BI-PARTISAN COMMITTEE HAS CONDUCTED RESEARCH IN DEPTH



*I regret to say
This report which
had unanimous support
etc.*

WITH THE MAJOR GOAL OF IMPROVING THE OPERATIONS OF CONGRESS.

THERE WILL NEVER BE PERFECT AGREEMENT WITHIN OR OUTSIDE OF CONGRESS ON THE SCOPE OF THE PROBLEMS AND THE METHODS OF SOLVING THEM. HOWEVER, THE RECENTLY-COMPLETED STUDY IS A BOLD MOVE TOWARD REMEDYING THE CAUSES OF TODAY'S CRITICISM AND DISSENT.



A CONTEMPORARY EXAMINATION OF BALANCE IN THE THREE BRANCHES OF GOVERNMENT INDICATES A TREND IN THE JUDICIAL SYSTEM TO ARBITRARILY ELBOW ITS WAY INTO AREAS THAT WERE NOT INTENDED BY THE AUTHORS OF THE CONSTITUTION.

IN MY OPINION THE VIEWS OF THE LATE JUSTICE FELIX FRANKFURTER WERE SOUND AND WISE. HE ESPOUSED THE PHILOSOPHY OF JUDICIAL RESTRAINT, A COURSE OF ACTION I BELIEVE SHOULD BE MORE CLOSELY FOLLOWED BY THE COURTS.



WITHOUT OVER-INDULGENCE IN POLITICAL PARTISANSHIP, I CAN SAY THAT IN THIS AGE, AN IMBALANCE EXISTS IN THE RELATIONSHIP OF GOVERNMENT'S THREE BRANCHES.

THE POLITICAL PARTY DOMINATING THE CONGRESS BY A MORE THAN TWO-TO-ONE MAJORITY HAS ONE OF ITS OWN IN THE WHITE HOUSE. THE ACCELERATED TREND IN THE FEDERAL JUDICIARY IS UPSETTING WELL-ESTABLISHED PRACTICES. BY TAKING ACTION WHICH MAKES NEW LAW, THE SUPREME COURT IS ADDING TO THE LACK OF BALANCE.

THE ROLE OF THE MINORITY PARTY IN THIS SITUATION SHOULD BE GREATER THAN THAT OF THE TRADITIONAL "LOYAL OPPOSITION".

WITH WISDOM AND FORESIGHT, THE LATE PRESIDENT THEODORE ROOSEVELT WARNED THE PARTY OUT OF POWER THAT "MERE NEGATION AND OBSTRUCTION AND ATTEMPTS TO REVIVE THE DEAD PAST SPELL RUIN."



HE WAS RIGHT THEN, AND HIS WORDS ARE JUST AS CORRECT
AND MEANINGFUL NOW. *Perhaps more so.*

THE MINORITY PARTY HAS AN OBLIGATION TO ITS SUPPORTING
ELECTORATE AND THE ENTIRE NATION TO PROVIDE A SYSTEM OF
CHECKS AND BALANCES AS INTENDED IN THE CONSTITUTION, THE
BLUEPRINT OF OUR REPUBLIC.

THE MINORITY PARTY HAS AN OBLIGATION TO REBUILD ITS
STRENGTH SO THAT IT MAY AGAIN PROVIDE A HEALTHY BALANCE IN
THE AMERICAN POLITICAL SYSTEM.

LOOKING AT THE CURRENT SITUATION PURELY AS A STUDENT
OF GOVERNMENT, I CALL FOR NEW STRENGTH FOR THE MINORITY
SO THAT IT MAY NOT ONLY SERVE AS A COUNTERWEIGHT BUT ALSO
INITIATE POSITIVE AND CONSTRUCTIVE LEGISLATIVE PROPOSALS.
THAT WAY LIES A HEALTHY GOVERNMENT.



VIEWING THE SITUATION FROM THE VANTAGE POINT OF MINORITY
LEADER, I SAY THE MISSION OF THE MINORITY IS TO BECOME THE
MAJORITY. *Competition - business. There must be a confrontation. Fights.*

THERE IS AN OBLIGATION UPON THE MINORITY TO BE
IMAGINATIVE, DEDICATED AND ALERT. IT MUST DESERVE MORE
PUBLIC SUPPORT. BUT I MUST ALSO WARN THAT IF THE ELECTORATE
FAILS TO GIVE THE MINORITY GREATER STRENGTH AND VOICE AT
THIS POINT IN OUR POLITICAL HISTORY, THE TRUE PROGRESS OF
OUR NATION WILL BE IMPEDED AND WE WILL FALL SHORT OF
DESIRABLE GOALS. *Admit problems / propose solutions
Lennon / Teddy Roosevelt / etc. Discontent / catastrophe*

STRAWS IN THE WIND--AND THAT IS REALLY ALL A POLITICIAN
HAS TO GO BY--TELL ME THAT THE FUTURE OF THE REPUBLICAN PARTY
IS BECOMING EVER BRIGHTER. WE HAVE THE ISSUES. WE HAVE
ATTRACTIVE AND CAPABLE CANDIDATES. WE WOULD MUCH RATHER
FIGHT THAN SWITCH.



IN ADDITION, I HAVE A STRONG AND ABIDING FAITH IN THE GOOD JUDGMENT OF THE AMERICAN PEOPLE. THEY KNOW OUR POLITICAL STRUCTURE IS THE MOST EFFECTIVE AND MOST RESPONSIVE EVER FASHIONED, SO LONG AS IT RESTS FIRMLY ON THE CORNERSTONES WHICH MAKE IT GREAT--SEPARATION OF POWERS, STATES RIGHTS *& responsibility* AND A STRONG TWO-PARTY SYSTEM.

AS ELECTION DAY 1966 APPROACHES, I SEE STRONG INDICATIONS THAT THE AMERICAN PEOPLE WILL FULFILL A WISH EXPRESSED BY BENJAMIN FRANKLIN AS THE CONSTITUTIONAL CONVENTION FINISHED DRAFTING THE BASIC LAW WHICH GOVERNS AND GUIDES THIS NATION.

AS HE LEFT CONSTITUTION HALL, FRANKLIN WAS ASKED: "WHICH HAVE YOU GIVEN US--A MONARCHY OR A REPUBLIC?"

AND FRANKLIN REPLIED: "A REPUBLIC--IF WE CAN KEEP IT!"



THIS IS THE OBLIGATION GIVEN TO ALL OF US. THIS IS
THE RESPONSIBILITY WE BEAR AND SHARE--TO KEEP AND PRESERVE
OUR REPUBLIC.

I SAY NOW THAT WE MUST REDEDICATE OURSELVES TO THAT
HIGH PURPOSE. AND IT IS MY DEEP CONVICTION THAT YOU--ALL
OF YOU--WILL CAUSE THE LAMP OF LIBERTY TO BURN MORE BRIGHTLY
BECAUSE YOU WILL DARE TO STAND UP AND BE COUNTED FOR
AMERICA.

---THANK YOU---

---END---



BALANCE IN GOVERNMENT AND THE ROLE OF THE MINORITY

Presented by the Honorable Gerald R. Ford

Before The Forums Committee, University of Florida, Gainesville

In today's context, a key issue is whether an excess concentration of Federal sovereignty is to destroy state and local government, thus suppressing individual freedom and opportunity.

Tonight let us consider the three branches of government, their balance or lack of it, with particular emphasis on the Congress.

Any examination of the legislative process focuses on three cornerstones of our American political society, two of them constitutionally ordained, the other a tradition of our Democracy.

The first cornerstone is the relationship of the Executive, Legislative, and Judicial branches of government. When in balance, they guard against mediocrity-- always the danger of a society overly-planned.

These relationships are of paramount importance in government. This we must recognize if we are to create a social order permitting every individual to live in dignity under law and to realize the best in himself.

Drafters of the Constitution very wisely decided to carefully delineate the authority vested in the Executive Branch of our government.

They also gave the Congress a vital role and provided for a strong judicial system with the Supreme Court as final arbiter in questions of law.

It is most significant that those who authored the Constitution insisted on strength in each of the three branches and gave no superiority to any one branch.

The second cornerstone of the Republic is the constitutional provision that each state should retain a pluralistic degree of sovereignty in relation to the Federal establishment.

Those who created the Constitution carefully separated the powers and responsibilities of state and national governments.

The third cornerstone of our nation, not constitutionally established, is a strong two-party political system.

Early in America's history, out of the political experience of the early years, there developed two major political parties. This two-party system has served the best interest of the people. As a result, we have avoided the loss of freedom that exists in one-party government. We have avoided the chaos and confusion that accompanies multi-party government.

(More)



Perhaps the late Sir Winston Churchill best described the functions of the American Republic when he said: "Democracy is the worst form of government except for any other that has ever been tried."

Accepting the premise that the Constitution was written as a bulwark against the concentration of power in any one branch of government, let us examine our political society in this most crucial and turbulent era.

The Executive Branch increases in power and strength. Its manpower corps numbers nearly six million, with roughly half of those in the military services. With this huge mass of personnel comes a total annual payroll of close to \$35 billion and the right to spend out of the Federal Treasury more than \$145 billion each year.

The social implications of this awesome power come in disjointed phrases, incomplete references, and anachronistic comment.

Executive accomplishments are detailed to the Nation by the device of news releases, at times distributed in flurries. Federal agencies are directed to provide information to the White House, which takes unto itself the credit. Often the timing of the information disseminated to America at large has political overtones and implications.

Congress, the Legislative Branch, has great strengths and great weaknesses. The human equation is paramount in Congressional action and inaction.

It has been said that "Congress is a very human institution, part and parcel of our American culture." The late Speaker of the House Sam Rayburn used to describe "those rolling waves of sentiment" that dictate Congressional decisions.

Critics attempt to denigrate the Congress, demanding reform, seeking to abolish certain prerogatives.

This dichotomy between the Congress and its critics has existed for decades. The long estrangement will follow forward into history.

It is difficult for anyone to stand between the critics and the Congress for he faces assault from one side as an apologist for alleged incompetence and from the other for moralistic sophistry.

Thus the disagreement prevents a meaningful dialogue between the Congress and its society of critics.

The lack of responsible debate and dissent is the Nation's loss, for Congress needs help from outside its own political community in meeting the challenges of the present and the future.

Certainly, Congress needs the help of the academic, business, industrial, commercial and cultural worlds.

(More)

However, the assistance and advice must be based on an understanding of Congressional experience--its depth and width--and the psychology and logic of the Congressional processes.

Too often critics seem more intent on seeking new ways to alter Congress than to truly learn how it functions. They might well profit from the advice of Thomas Huxley, who said a century ago: "Sit down before facts as a little child, be prepared to give up every preconceived notion----or you shall learn nothing."

It has been said that Congress is not as bad as many of its critics allege, nor as good as many of its members believe. Only by a recognition of both its weaknesses and strengths can we achieve a rational understanding of the Congress.

A sensitive description and an accurate appraisal of the Congress should have as their base a personal and prolonged experience either as a member or as a dedicated observer.

Those who criticize severely could learn much from seeking public office, winning an election, assuming a legislative role, and trying to be returned to office on a record of performance.

The neglected aspects of Congressional life demand appraisal, dissection, and change. Among them are the operation of lobbyists in the legislative processes, some out-moded parliamentary procedures, the realities of the seniority system, and day-to-day routines.

Such a study has emerged from Congress itself. A joint bi-partisan committee has conducted research in depth with the major goal of improving the operations of Congress.

There will never be perfect agreement within or outside of Congress on the scope of the problems and the methods of solving them. However, the recently-completed study is a bold move toward remedying the causes of today's criticism and dissent.

A contemporary examination of balance in the three branches of government indicates a trend in the judicial system to arbitrarily elbow its way into areas that were not intended by the authors of the Constitution.

In my opinion the views of the late Justice Felix Frankfurter were sound and wise. He espoused the philosophy of judicial restraint, a course of action I believe should be more closely followed by the courts.

Without over-indulgence in political partisanship, I can say that in this age, an imbalance exists in the relationship of government's three branches.

The political party dominating the Congress by a more than two-to-one majority has one of its own in the White House. The accelerated trend in the federal

Judiciary is upsetting well-established practices. By taking action which makes new law, the Supreme Court is adding to the lack of balance.

The role of the minority party in this situation should be greater than that of the traditional "loyal opposition."

With wisdom and foresight, the late President Theodore Roosevelt warned the party out of power that "mere negation and obstruction and attempts to revive the dead past spell ruin."

He was right then, and his words are just as correct and meaningful now.

The minority party has an obligation to its supporting electorate and the entire nation to provide a system of checks and balances as intended in the Constitution, the blueprint of our Republic.

The minority party has an obligation to rebuild its strength so that it may again provide a healthy balance in the American political system.

Looking at the current situation purely as a student of government, I call for new strength for the minority so that it may not only serve as a counterweight but also initiate positive and constructive legislative proposals. That way lies a healthy government.

Viewing the situation from the vantage point of minority leader, I say the mission of the minority is to become the majority.

There is an obligation upon the minority to be imaginative, dedicated and alert. It must deserve more public support. But I must also warn that if the electorate fails to give the minority greater strength and voice at this point in our political history, the true progress of our nation will be impeded and we will fall short of desirable goals.

Straws in the wind--and that is really all a politician has to go by--tell me that the future of the Republican Party is becoming ever brighter. We have the issues. We have attractive and capable candidates. We would much rather fight than switch.

In addition, I have a strong and abiding faith in the good judgment of the American people. They know our political structure is the most effective and most responsive ever fashioned, so long as it rests firmly on the cornerstones which make it great--separation of powers, states rights and a strong two-party system.

As Election Day 1966 approaches, I see strong indications that the American people will fulfill a wish expressed by Benjamin Franklin as the Constitutional Convention finished drafting the basic law which governs and guides this nation.

As he left Constitution Hall, Franklin was asked: "Which have you given us-- a monarchy or a republic?"

And Franklin replied: "A republic--if we can keep it."

(More)

This is the obligation given to all of us. This is the responsibility we bear and share--to keep and preserve our republic.

I say now that we must rededicate ourselves to that high purpose. And it is my deep conviction that you--all of you--will cause the lamp of liberty to burn more brightly because you will dare to stand up and be counted for America.

Thank you.

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