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Speech File

DEPARTMENT OF DEFENSE
THE NATIONAL WAR COLLEGE
WASHINGTON, D.C. 20315

NWC-1304-10

11 September 1967

Dear Mr. Ford:

Reference is made to your address given to the members of The National War College on 31 May 1967.

Enclosed for your retention is an edited retyped copy of this lecture.

With kind regards,

Sincerely yours,

E. A. TRAHAN
Colonel, USA
Executive Officer

Encl
as

Honorable Gerald R. Ford, Jr.
House of Representatives
Washington, D. C.



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"Edited by Author"

ADDRESS

By

Honorable Gerald R. Ford, Jr.

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**Presented at
The National War College
Washington, D. C.
31 May 1967**



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ADDRESS

By

Honorable Gerald R. Ford, Jr.

(31 May 1967)

ADMIRAL LEE: (Introduced the speaker).

MR. FORD: Thank you very much, Admiral Lee.

Those of us in political life are called a great many things.

I have never been given such a title or honor as Vice Admiral by any political opponent.

I know Admiral Lee made an inadvertent slip in introducing me when he indicated I was a graduate of the University of Washington. But that is not quite as bad a misstatement made when I was introduced a few months ago in the State of Ohio. ~~These~~ of you who come from the Middle West know of the deep and intense rivalry between Ohio State University and the University of Michigan. In one of those political meetings in Ohio one of my colleagues was introducing me and he, inadvertently I think, indicated I had graduated from Ohio University. I did not quite know how to remedy this slip, but as I came to the podium I thought of the man who had the chore of introducing the Governor of the Virgin Islands. This man got up and spoke glowingly of the governor's accomplishments and achievements and spoke resoundingly of the Governor's virtues. Then he finally concluded by saying:



"Ladies and gentlemen, it is my pleasure to introduce the virgin of the Governor's Island."

As the Admiral indicated, before I got this new job two years ago by the landslide vote of 79 to 67 I served a good many years on the Committee on Appropriations and for fourteen of those years served on the Defense Subcommittee, the Foreign Operations Subcommittee, and the CIA Subcommittee. I got kicked off all committees when I got this job, and as a result I am not nearly as well informed on some of the matters now as I was for a period of time.

Therefore, in my remarks today I would like to talk about an area where I think my up-to-date competence would be a little better than the other. But I would be very happy to discuss in the question-and-answer period any of the subjects related to my past experience, or the same subject matters but perhaps not with the detailed competence that I formerly had. I suspect that in the audience there are some I knew and with whom I discussed matters when I was on those three subcommittees.

If I had been here last year and the year before -- I was the guest on one of those occasions -- I would have and as I recall did talk about what I felt was some erosion in one of the cornerstones of our American political system. I speak here of the change that seemed to be taking place in the relationship between the three branches of the



Federal Government.

The men who drafted the Constitution were very careful, extremely scrupulous, in making certain that in the Constitution there was a very definite assignment of responsibilities to each of the three branches. I hasten to add there was no doubt in their minds that not one of those three branches was given a superiority over the other two. We have under the American system a strong President in the White House, a strong Legislative Branch in the Congress, and a strong Judicial system under the Supreme Court.

Each of these three, as I indicated a moment ago, were given rather specific responsibilities. But it was anticipated there should be no encroachment by one on the other, that no one person or segment of our society would dominate.

It was my feeling in 1965 and in 1966 that there was a very definite development, with the Executive Branch of the Government moving in and ~~assuming~~ more power and authority than was intended under the Constitution. I think this was a normal development resulting from the elections of 1964, where the President, a very able, experienced individual, had a landslide victory and where the majority party ended up with overwhelming numerical superiority in the House and Senate.

The net result was that in 1965 and 1966 the Executive Branch of the Government was infinitely more powerful than it ever had been



in my time in Washington. In addition, the Congress, because of the situation, did not truly fulfill its role in our American political system.

I could cite chapter and verse to indicate that the Congress, even in committees in the House and in the Senate, was not truly performing its function as an independent branch of the Federal Government. This was the result of the circumstances I indicated.

There were numerous occasions where legislation came from the Executive Branch of the Government, went to various committees, and because of the overwhelming better-than-two-to-one superiority on those committees the committees did not really exercise any independence. A bill was virtually unchanged either in the committee or on the floor of the House. I think this was an unfortunate period.

It is my feeling that competition in politics and in the legislative process is healthy. I speak to a number of business groups and I make this observation to them. I open the observation with a statement that, even though they are businessmen and they might not like what they see, they have to admit that competition in business results in a better price and a better product for the consumer. The same is true in the legislative process or in politics. If you have good competition in the political arena and a bona fide give-and-take on the basis of ideology or philosophy, the net result--from the point of view of



the consumer (in this case the public)--is much, much better.

We had another election in November 1966 and we have somewhat restored balance to the Legislative Branch.

I might tell a story that I think is apropos. After the election, the House Republican leadership was feeling very good about the fact that we had elected 59 new members, a net gain of 47 in the House. We thought it would be wise and desirable for the leadership, the seven of us on our side, and our wives to have all our new members and their wives down at Airlie House for a three-day conference. There we could get acquainted and discuss some of the problems that were coming before the group in the early days of the session and have some orientation on some of the basic legislative difficulties that would face the new members.

We had an opening luncheon and I was called upon to make a few observations and comments. I got up and looked at the nice fresh faces of the freshmen, all eager and ready to go; and I guess to some extent I was clucking over my new brood. The next morning I got up for breakfast before one of our early work sessions, picked up The New York Times, and on the front page, lead story, first sentence, it said: "Congressman Gerry Ford, House Minority Leader, was clucking over his new brood."

Well, I thought it was amusing that even a great newspaper like



The New York Times could make a simple typographical error and I dismissed it without any real concern. My wife, who was at the conference, came down later that morning, had a sweet roll and some coffee, and then one of my "friends" immediately showed her the article. I have not yet adequately explained the situation.

But what I am saying is that now that there is a restoration of some balance in the Congress I think the net result will be competition and the consequence will be that the product that comes from the House and the Senate will be better for all of us.

I might add that there is also a development that ties into the separation of powers and system of checks and balances. This is a very controversial issue but I think it is one that ought to be discussed. I refer here to the feeling on the part of the House that it, rather than the Judicial Branch, shall judge the qualifications of one of its members. I speak of the Adam Clayton Powell case.

Now, the Constitution provides that the House can exclude a member on three affirmative grounds. To put it another way, there are three basic affirmative qualifications that are requisite: (1) age -- 25; (2) citizenship for seven years; and (3) inhabitancy -- of the State from which the member-elect comes. Those are the three affirmative requirements or qualifications. And then there is a fourth, which is a negative one, which says "no member may be excluded on



the basis of his race, creed, or color."

Now, in between there is a gray area, but the real point the House is trying to make at present is that we in the House are an independent branch and that the court as a co-equal branch does not have the authority to determine the qualifications of a House member.

There are really two issues involved in the case. The first is the constitutional one, whether the court does have the authority to issue a declaratory judgment ordering the Speaker of the House to swear in Mr. Powell. I cannot foretell what the court will do. A lower court has decided that the Judicial Branch does not have that authority. The matter is now pending before the Court of Appeals and it will probably come to a decision within the next month or so; and, then, of course, whichever side wins, it will go on to the Supreme Court. But it would be amazing to me to find the court ordering a Marshal of the U. S. District Court of the District of Columbia to come into the House Chamber and tell the Speaker of the House that he must swear in Mr. Powell. I think that would be an attempt by an equal branch of the Government to encroach upon the responsibilities and prerogatives of another coequal branch.

As I said a moment ago, I think there are two issues involved. As to the constitutional issue, I feel very strongly that as long as the Legislative Branch does not violate the three affirmative grounds of



qualification and the one negative provision the Legislative Branch is the final judge. But then there is the question of what was the wise thing to do, and this is quite different from the constitutional issue. I have no apologies in saying that I feel the Cellar Committee acted correctly and wisely in recommending to the House that Mr. Powell be seated, that he be censored publicly by the Speaker, and that he be fined and stripped of his seniority. But I hasten to add that these are two different issues, the constitutional one and the other which is a question of a wise course of action.

The reason I bring this up is because I am certain the House of Representatives will stand firm and will not permit another branch of the Government to encroach upon its prerogatives and privileges as we see them.

There is one other observation which I think is pertinent to a group like this. It is not on the same point, but it is something that I have noticed very definitely as a developing trend in the last nineteen years. Most people who study the way our Government works in colleges or high schools are told that in the Congress of the United States it is only the Senate that really has anything to do with foreign policy. I suspect this was probably the correct answer during most of our Nation's history.

The Senate, by the Constitution, is given the right to confirm

or reject ambassadors. The Senate, by the Constitution, has the prerogative of approving or disapproving treaties. The House of Representatives has no comparable area of responsibility in the handling of foreign affairs. But, beginning with the end of World War II, with the utilization of our various foreign aid programs to implement foreign policy, the situation changed. Every President that I have served under -- Mr. Truman, Mr. Eisenhower, Mr. Kennedy, and now Mr. Johnson -- all have told the Congress that our foreign aid program, by whatever name you call it, is an integral part of our international relations and foreign policy.

Every one of the presentations that I have listened to by witnesses for the Executive Branch of the Government on the foreign aid program stated that we could not carry out our international policy the way we wanted it unless we had X number of dollars; whether it was \$7 million, as it was in the late 1950s, or whether it was \$3.2 billion, as it was last year and this year. In round figures, it still involves dollars. And the Constitution provides that the House of Representatives shall raise revenue and provide the funds in the first instance.

So, if we are going to assume, and everybody that I have talked to who believes in the program assumes, that foreign aid is an integral part of our foreign policy execution, then you cannot exclude the House of Representatives from being a coequal partner



in what our policies ought to be.

Some of my friends on the Senate side do not like this quite as much -- well, they do not like it at all, to be frank. But the fact is, the House does initiate appropriation bills and always will. We, therefore, will have an impact on foreign policy as long as we believe that a foreign aid program is important and is considered to be a part of our way of achieving the end results that we want in the area of foreign policy.

If I was to give advice to any group in the Executive Branch of the Government, I would say, just assume in the future that the House will play a role in foreign policy. We will not give up and, as a matter of fact, we cannot give up the right to handle revenue in the first instance.

So if the House is going to maintain that position, which I am sure it will, people in the Executive Branch of the Government should work with House members in trying to help us chart a course that will maintain proper relationships between the Executive and the Legislative Branches and a course of action which will be in the best interests of the country as a whole in this area of foreign policy and international relations. The House, being a partner in this situation today, I think, would want the help of people such as yourselves, who come from various parts of the Executive Branch. We want your help

and assistance and I think the House will respond, as it has in the past, in this very delicate area.

I would urge as strongly as I can that you forget the textbook approach. The House is going to be in the ball game. We want your help, and I am sure you will find the House a constructive and responsible partner.

Thank you very much.

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I know Admiral Lee made an inadvertent slip in the introduction when he indicated that I was a graduate of the University of Washington. But that is not quite as bad a misstatement as was made in an introduction one time a few months ago down in the State of Ohio. Those of you who come from the Middle West know of the deep and intense rivalry between Ohio State University and the University of Michigan. In one of those political meetings in the State of Ohio one of my colleagues was making an introduction for my remarks and he inadvertently, I think, anyhow, indicated that I had graduated from Ohio University. I did not quite know how to remedy this slip, but as I came to the podium I thought of the man who had the chore and the responsibility of introducing the Governor of the Virgin Islands. This man got up and spoke glowingly of the accomplishments and the achievements and spoke resoundingly of the Governor's virtues. Then he finally concluded by saying: "Ladies and gentlemen, it is my pleasure to introduce the Virgin of the Governor's Island."



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If I had been here last year and the year before -- I was the guest on one of those occasions -- I would have and as I recall did talk about what I felt was some erosion in one of the cornerstones of our American political system; and I speak here of the change that seemed to be taking place between or the relationship between the three branches of the Federal Government.

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Each of these three, as I indicated a moment ago, were given rather specific responsibilities, but it was anticipated there should be no encroachment by one on the other and as a consequence it would preclude any one person or any segment of our society from dominating the others.

It was my feeling in 1965 and in 1966 that there was a very, very definite development with the Executive Branch of the Government moving in and assuming more power and authority than was intended under the Constitution. I think this was a normal development resulting from the elections of 1964, where the President, a very able, experienced individual, had a landslide victory and where the majority party ended up in the House and in the Senate with overwhelming superiority numerically.

The net result was in 1965 and 1966 you found that the Executive Branch of the Government was infinitely more powerful than it ever had been in my period of time in Washington; and, in addition, the Congress, because of the situation, did not truly represent its role in our American political system.

I could cite chapter and verse to indicate that the Congress,



even in committees in the House and in the Senate, was not truly performing its function as an independent branch of the Federal Government. This was the result of the circumstances that I indicated.

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I might add that there is also a development that is taking place that ties into the separation of powers and system of checks and balances. This is a very controversial issue but I think it is one that ought to be discussed. I refer here to the feeling on the part of the House that it, rather than, we will say, the Judicial Branch, shall judge the qualifications of one of its members. I speak of the Adam Clayton Powell case.

Now, the Constitution provides that the House can exclude a member on three affirmative grounds. Well, to put it another way, there are three basic affirmative qualifications that are requisite: (1) age -- 25; (2) citizenship for seven years; and (3) inhabitancy -- inhabitancy of the State from which the member-elect comes. Those are the three affirmative requirements or qualifications. And then there is a fourth, which is a negative one, which says "no member may be excluded on the basis of his race, creed, or color".

Now, in between there is a gray area, but the real point that I think the House is trying to make at the present is that we in the House are an independent branch and that the court does not have as a coequal branch the authority to determine the qualifications of a member.

There are really two issues involved in the case: (1)



the constitutional one, whether the court does have the authority to issue a declaratory judgment ordering the Speaker of the House to swear in Mr. Powell. I cannot foretell what the court will do. A lower court has decided that the Judicial Branch does not have that authority. The matter is now pending before the Court of Appeals and it will probably come to a decision within the next month or so, and, then, of course, whichever side wins, it will go on to the Supreme Court. But it would be amazing to me to find the court ordering a Marshal of the District Court of the District of Columbia to come into the House Chamber and tell the Speaker of the House that he must swear in Mr. Powell. I think that would be an attempt by an equal branch of the Government to encroach upon the responsibilities and prerogatives of another equal branch.

As I said a moment ago, I think there are several issues involved; one is the constitutional one. And I feel very strongly that as long as the Legislative Branch does not violate the three affirmative grounds of qualification and the one negative the Legislative Branch is the final judge. But then there is the question of what was the wise thing to do, and this is quite different from the constitutional issue. I have no apologies for saying that I happen to feel that the Caller Committee did the correct thing and the right thing and the wise thing in recommending to the House that Mr. Powell should have been seated, that he should have been censured publicly by the Speaker, and that he should have been fined or punished and stripped of his seniority. But I hasten to add that



they are two different issues, the constitutional one and the other which is a question of a wise course of action.

The reason I brought this up was because I am certain that the House of Representatives will stand firm and will not permit a third branch or another branch of the Government to encroach upon its prerogatives and privileges as we see them.

One other observation which I think is pertinent to a group like this -- it is not on the same point, but it is something that I have noticed very definitely as a developing trend in the last nineteen years -- most people who study the way our Government works in colleges or in high schools are told that in the Congress of the United States it is the United States Senate that is the only part of the Legislative Branch that really has anything to do with foreign policy. I suspect this was probably the correct approach or the correct answer for most of our nation's history.

The Senate, by the Constitution, is given the right to confirm or reject ambassadors. The Senate, by the Constitution, has the prerogative of approving or disapproving treaties. The House of Representatives has no such comparable designated area of responsibility in the handling of foreign affairs. But, beginning at the conclusion of World War II, with the utilization of our various foreign aid programs to implement foreign policy the situation has changed. Every President that I have served under -- Mr. Truman, Mr. Eisenhower, Mr. Kennedy, and now Mr. Johnson -- all



have told the Congress that our foreign aid program, by whatever name you would call it, is an integral part of how we handle our international relations.

Every one of the presentations that I have ever listened to by witnesses on behalf of the Executive Branch of the Government for the foreign aid program says that we could not carry out our international policy the way we want it unless we have a number of dollars; whether it is \$7 billion, as it was in the late 1970s, or whether it is \$3.2 billion, as it was last year and this year, in round figures, it still involves dollars. And the Constitution provides that the House of Representatives shall raise revenues and provide the funds in the first instance.

So, if we are going to assume, and everybody that I have talked to who believes in the program assumes, that foreign aid is an integral part of our foreign policy execution, then you cannot exclude the House of Representatives from being a equal partner in what our policies ought to be.

Some of my friends on the Senate side do not like this quite as much -- well, they do not like it at all, to be frank. But the fact is, the House does initiate appropriation bills and always will. We, therefore, will have an input on foreign policy as long as we believe that a foreign aid program is important and is considered to be a part of our way of achieving the end results that we want in the area of foreign policy.

If I was to give advice to my group in the Executive



Branch of the Government, I would say, just assume in the future that the House will play a role in foreign policy. We will not give up and, as a matter of fact, we cannot give up the right to handle revenue in the first instance.

So if the House is going to maintain that position, which I am sure it will, people in the Executive Branch of the Government should work with House members in trying to help us chart a course that will be in the best interests of the proper relationships between the Executive and the Legislative and a course of action which will be in the best interests of the country as a whole in this area of foreign policy or international relations. The House, being a partner in this situation today, I think, would want to help a people such as yourselves, who come from various parts of the Executive Branch; we want your help and assistance and I think the House will respond, as I think it has in the past, in this very delicate area.

I would urge as strongly as I can to forget the textbook approach. The House is going to be in the ballgame. We want your help and I am sure that the House will be a constructive and responsible partner in this very delicate area.

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I might tell a story that I think is a little apropos.



After the election, the House Republican leadership was feeling very good about the fact that we had elected 59 new members, a net gain of 47 in the House. We thought it would be wise and desirable for the leadership, the seven of us on our side, and our wives to have all our new members and their wives down at Airlie House for a three-day conference, where we could get acquainted and where we could discuss some of the problems that were coming before the group in the early days of the session and have some orientation on some of the basic legislative difficulties that were coming before them as new members.

We had an opening luncheon and I was called upon to make a few observations and comments. I got up and looked at all these nice fresh faces, all eager and ready to go; and I guess to some extent I was clucking over a new brood. The next morning I got up for breakfast before one of our early work sessions; I picked up The New York Times; on the front page, last story, first sentence, it said: "Congressman Gerry Ford, House Minority Leader, was clucking over his new brood."

Well, I thought it was amusing that even a great newspaper like The New York Times could make a simple typographical error and I dismissed it without any real concern. My wife, who was at the conference, came down later that morning, had a sweet roll and some coffee; and then one of my "friends" immediately showed her the article. I have not yet adequately explained the situation.

But what I am saying is that now that there is a restoration



of some balance in the Congress I think the net result will be competition and the consequence will be that the product that comes from the House and the Senate will be better for all of us.

I might add that there is also a development that is taking place that ties into the separation of powers and system of checks and balances. This is a very controversial issue but I think it is one that ought to be discussed. I refer here to the feeling on the part of the House that it, rather than, we will say, the Judicial Branch, shall judge the qualifications of one of its members. I speak of the Adam Clayton Powell case.

Now, the Constitution provides that the House can exclude a member on three affirmative grounds. Well, to put it another way, there are three basic affirmative qualifications that are requisite: (1) age -- 25; (2) citizenship for seven years; and (3) inhabitancy -- inhabitancy of the State from which the member-elect comes. Those are the three affirmative requirements or qualifications. And then there is a fourth, which is a negative one, which says "no member may be excluded on the basis of his race, creed, or color".

Now, in between there is a gray area, but the real point that I think the House is trying to make at the present is that we in the House are an independent branch and that the court does not have as a coequal branch the authority to determine the qualifications of a member.

There are really two issues involved in the case: (1)



the constitutional one, whether the court does have the authority to issue a declaratory judgment ordering the Speaker of the House to swear in Mr. Powell. I cannot foretell what the court will do. A lower court has decided that the Judicial Branch does not have that authority. The matter is now pending before the Court of Appeals and it will probably come to a decision within the next month or so, and, then, of course, whichever side wins, it will go on to the Supreme Court. But it would be amazing to me to find the court ordering a Marshal of the District Court of the District of Columbia to come into the House Chamber and tell the Speaker of the House that he must swear in Mr. Powell. I think that would be an attempt by an equal branch of the Government to encroach upon the responsibilities and prerogatives of another equal branch.

As I said a moment ago, I think there are several issues involved; one is the constitutional one. And I feel very strongly that as long as the Legislative Branch does not violate the three affirmative grounds of qualification and the one negative the Legislative Branch is the final judge. But then there is the question of what was the wise thing to do, and this is quite different from the constitutional issue. I have no apologies for saying that I happen to feel that the Caller Committee did the correct thing and the right thing and the wise thing in recommending to the House that Mr. Powell should have been censored, that he should have been censured publicly by the Speaker, and that he should have been fined or punished and stripped of his seniority. But I hasten to add that



they are two different issues, the constitutional one and the other which is a question of a wise course of action.

The reason I brought this up was because I am certain that the House of Representatives will stand firm and will not permit a third branch or another branch of the Government to encroach upon its prerogatives and privileges as we see them.

One other observation which I think is pertinent to a group like this -- it is not on the same point, but it is something that I have noticed very definitely as a developing trend in the last nineteen years -- most people who study the way our Government works in colleges or in high schools are told that in the Congress of the United States it is the United States Senate that is the only part of the Legislative Branch that really has anything to do with foreign policy. I suspect this was probably the correct approach or the correct answer for most of our nation's history.

The Senate, by the Constitution, is given the right to confirm or reject ambassadors. The Senate, by the Constitution, has the prerogative of approving or disapproving treaties. The House of Representatives has no such comparable designated area of responsibility in the handling of foreign affairs. But, beginning at the conclusion of World War II, with the utilization of our various foreign aid programs to implement foreign policy the situation has changed. Every President that I have served under -- Mr. Truman, Mr. Eisenhower, Mr. Kennedy, and now Mr. Johnson -- all



have told the Congress that our foreign aid program, by whatever name you would call it, is an integral part of how we handle our international relations.

Every one of the presentations that I have ever listened to by witnesses on behalf of the Executive Branch of the Government for the foreign aid program says that we could not carry out our international policy the way we want it unless we have a number of dollars; whether it is \$7 billion, as it was in the late 1950s, or whether it is \$3.2 billion, as it was last year and this year, in round figures, it still involves dollars. And the Constitution provides that the House of Representatives shall raise revenue and provide the funds in the first instance.

So, if we are going to assume, and everybody that I have talked to who believes in the program assumes, that foreign aid is an integral part of our foreign policy execution, then you cannot exclude the House of Representatives from being a coequal partner in what our policies ought to be.

Some of my friends on the Senate side do not like this quite as much -- well, they do not like it at all, to be frank.

But the fact is, the House does initiate appropriation bills and always will. We, therefore, will have an impact on foreign policy as long as we believe that a foreign aid program is important and is considered to be a part of our way of achieving the end results that we want in the area of foreign policy.

If I was to give advice to any group in the Executive



Branch of the Government, I would say, just assume in the future that the House will play a role in foreign policy. We will not give up and, as a matter of fact, we cannot give up the right to handle revenue in the first instance.

So if the House is going to maintain that position, which I am sure it will, people in the Executive Branch of the Government should work with House members in trying to help us chart a course that will be in the best interests of the proper relationships between the Executive and the Legislative and a course of action which will be in the best interests of the country as a whole in this area of foreign policy or international relations. The House, being a partner in this situation today, I think, would want to help a people such as yourselves, who come from various parts of the Executive Branch; we want your help and assistance and I think the House will respond, as I think it has in the past, in this very delicate area.

I would urge as strongly as I can to forget the textbook approach. The House is going to be in the bellows. We want your help and I am sure that the House will be a constructive and responsible partner in this very delicate area.

Thank you very much.

