

**The original documents are located in Box D19, folder “Southern Methodist University, Dallas, TX, November 8, 1965” of the Ford Congressional Papers: Press Secretary and Speech File at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. The Council donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.



1965-1966  
Semi-Centennial Year

# SOUTHERN METHODIST UNIVERSITY

SCHOOL OF LAW  
OFFICE OF THE DEAN  
DALLAS, TEXAS 75222

February 2, 1966

The Honorable Gerald R. Ford  
The House of Representatives  
Fifth District, Michigan  
House Office Building  
Washington, D. C.

Dear Jerry:

I am enclosing a copy of the galley proof on the address by you at S. M. U. Will you please check this and return it to us with any changes you wish made, and we will go to press right away.

With kindest personal regards, I am,

Yours very sincerely,

*Charley*  
Charles O. Calvin ✓

COG:db

Enc.





Galvin, Dr.C.O.      corrected galley  
proof

February 4, 1966

Mr. Charles O. Galvin, Dean  
School of Law  
Southern Methodist University  
Dallas, Texas 75222

Dear Charley,

Enclosed is the corrected galley proof, as requested in your letter of  
February 2nd.

Warmest personal regards.

Sincerely,

Gerald R. Ford, M. C.

GRF/ed  
encl.



---

## ADDRESSES BY

The Honorable Gerald R. Ford

*Representative from the Fifth District of Michigan,  
and Republican Minority Leader*

and

The Honorable Carl Albert

*Representative from the Third District of Oklahoma  
and Democratic Majority Leader*

of

THE UNITED STATES HOUSE OF REPRESENTATIVES

Given November 8 and December 9, 1965

SCHOOL OF LAW  
SOUTHERN METHODIST UNIVERSITY  
DALLAS, TEXAS



## Addresses By

THE HONORABLE GERALD R. FORD  
*Representative from the Fifth District of Michigan,  
and Republican Minority Leader*

and

THE HONORABLE CARL ALBERT  
*Representative from the Third District of Oklahoma  
and Democratic Majority Leader*

of

THE UNITED STATES HOUSE OF REPRESENTATIVES

Given November 8 and December 9, 1965

SCHOOL OF LAW  
SOUTHERN METHODIST UNIVERSITY  
DALLAS, TEXAS



## Foreword

During the academic year 1965-1966 Southern Methodist University is officially observing its Fiftieth Anniversary. As part of this observance, the various schools and colleges of the University have scheduled lectures, institutes, colloquia, and other scholarly and professional activities.

On November 8, 1965, the School of Law presented The Honorable Gerald R. Ford of Michigan, the Republican Minority Leader of the House of Representatives, and on December 9, 1965, The Honorable Carl Albert of Oklahoma, the Democratic Majority Leader of the House of Representatives.

In all of the history of the United States, no Congress has enacted more legislation affecting every aspect of American life than the Eighty-Ninth Congress in its First Session. The two men most intimately involved in this important process of government are the Majority Leader and Minority Leader of the House of Representatives. In all of the sensitive and complicated areas of legislation, these two gentlemen act directly or indirectly in final review or final action. They have, therefore, a grave and serious responsibility in a free society, and the nation is fortunate that two able, dedicated Americans occupy these key positions.

CHARLES O. GALVIN, *Dean*





Born in Omaha, Nebraska, in 1913, Gerald ("Jerry") Ford spent his childhood in Grand Rapids, Michigan, where he received his elementary and high school education and won all-city and all-state football honors. He received his Bachelor of Arts degree from the University of Michigan in 1935, was selected a member of Michigamua, senior honor society, and won three varsity football letters. He received his Bachelor of Laws degree from Yale in 1941 where he also acted as assistant varsity football coach. He had 47 months of active duty in World War II, serving for two years aboard the aircraft carrier Monterey. In 1959, he was selected by "Sports Illustrated" as one of the twenty-five football players of twenty-five years before who had contributed the most to their fellow citizens in the quarter century. Upon release to inactive duty in 1946, he returned to Grand Rapids to practice law. He has served in the House of Representatives since 1948, having been elected Minority Leader in January, 1965. He was a member of the board appointed by President Johnson under the chairmanship of Chief Justice Warren to investigate the assassination of President Kennedy. His book: "Portrait of the Assassin" is a description of Lee Harvey Oswald as revealed to the investigating commission.

## Balance in Government: An Analysis of the Legislative Process

An address ~~delivered~~ by The Honorable Gerald R. Ford, Representative from the Fifth District of Michigan, and Republican Minority Leader.

~~November 8, 1965.~~

Ladies and gentlemen:

Several months ago when Dean Galvin thoughtfully invited me to participate in this anniversary series of speeches, his letter read something like this:

"Dear Congressman Ford: In 1965 S.M.U. is celebrating its Fiftieth Anniversary and our Law School its Fortieth. To highlight these milestones the Secretary of State, the Honorable Dean Rusk, and Mr. Sargent Shriver, head of both the Peace Corps and the Poverty Program, have already accepted our invitations. I am pleased to extend an invitation to you to be on the program. Until now our scheduled speakers have been exceptional."

It is indeed difficult to follow Secretary Rusk and Sarge Shriver, for both are very able, articulate and truly dedicated Americans. Furthermore, my problems are complicated as I understand my very good friend, the Honorable Carl Albert, House Majority Leader, will follow me from the same rostrum in several weeks. Let me assure you in advance Carl Albert will make a fine presentation. He is an outstanding legislator, an articulate spokesman and a properly recognized leader in the Democratic Party.

In my substantive remarks this evening, I will discuss four cornerstones of our American political system and indicate my deep concern that each is in some jeopardy in this crucial period in our national and global history. There may be other fundamental American political concepts or principles that are suffering from the serious erosion of an "imbalance in government," but I will limit my observations to the following:

1. The system of "checks and balances" in the federal government, or the division of responsibilities between the Executive, the Legislative and the Judicial branches;



2. The relationships between the federal government and the 50 states;
3. The two-party system; and
4. The right of free speech and other related privileges and responsibilities.

Each of these four cornerstones have contributed significantly to America's freedom and progress. All but one are constitutionally ordained. Their importance to the strength of our political fabric must not be underestimated. The wide swing of political pendulums and public opinion, which oftentimes creates an imbalance in government or on parts of it, must not destroy any one of them.

The first cornerstone was built by the wise drafters of our federal constitution under the theory of separation of powers. In those deliberations in Constitution Hall almost 200 years ago they made an important decision to give specific responsibilities to each branch of the national government . . . to give each of them strength and authority, but, I hasten to add, not superiority over anyone of the other. The finely tuned provisions in this historic document were designed to be a lasting bulwark against the concentration of power in the hands of one man, one group within our society or one segment of our government.

The architects of the federal Constitution were understandably concerned with concentrations of power and the tragic dangers that flow inevitably from its misuse because most of them, or their forefathers, had fled from tyranny, oppression and autocracy in Western Europe. They had suffered severe privation and maximum danger to find and establish a new land of freedom. Therefore, in the document for the governing of this newly-established nation there had to be safeguards. Although it was obvious from their deliberations that we should have a strong President heading the Executive branch, a strong Congress representing the Legislative branch and a strong Judicial branch headed by the Supreme Court, it was equally certain that in the document there was woven the essential checks and balances predicated on three co-equal branches of the government.

In my judgment, today we find an erosion of the power and prestige of the legislative branch, a change of the intended direction of the Judiciary and an awesome build-up of strength and use of this power in the Executive arm.

In this situation there is a modern-day parallel with the story of

David and Goliath. Congress, the Legislative branch, is David. The Executive—the White House and all its agencies—is Goliath.

On the side of David are 535 elected officials—100 Senators, 435 Representatives—with a comparatively small number of employees representing the American voters in each of the 50 states. The Legislative branch has a relatively small operating budget compared with that of Goliath—the Executive branch. Most importantly, however, those in the Congress regularly go to their constituents for approval or rejection. Their "record" is put "on the line." Each member is responsive to the views, the opinions of those "back home" they represent.

In contrast, the Executive branch today has ~~over~~ 2 1/2 million civilian employees with an annual payroll of approximately ~~\$17~~ billion. In addition, there are about 2 million 800 thousand military personnel also under the Commander-in-Chief. The current yearly payroll for those in uniform in the Army, Navy, Air Force and Marines approximates another \$16 billion. The net result—about 4 million 300 thousand employees under the Chief Executive—a 12-month payroll of ~~over \$22~~ billion and a total federal budget to be spent by them for this year of ~~\$127~~ billion.

This vast army of employees working in the Executive branch of the federal government is really isolated and immunized from the American voter. Out of the vast bureaucracy in the Executive branch only the President and the Vice President put their records on the line at election time and then only once every 4 years.

There is a growing apprehension that there is a potential and real danger in the burgeoning power of the federal government's Executive branch with all this manpower and such vast funds. However, I have faith that the minds of many of our people and the good judgment of Americans will cut down Goliath to proper size by strengthening the power and prestige in the Congress. Balance in this aspect of government will be restored.

I am pleased to report that the Congress itself is conscientiously, and I believe constructively, working toward that end. Early in 1965 a Joint House-Senate, bi-partisan committee was appointed to analyze our procedures, our internal legislative structure, in fact, all aspects of the Legislative branch. This study, these recommendations, should be most beneficial so that Congress can and will do a better job—hopefully helping to re-establish its proper place as a co-equal branch





in our federal government.

Let me add a word on the relationship of the Legislative arm vis-a-vis the Judicial branch. It is my judgment that today the Judicial branch is to some unfortunate extent arbitrarily elbowing its way into spheres not intended at the time the Constitution was drafted.

I subscribe to the views of the late Supreme Court Justice Felix Frankfurter who so convincingly espoused the philosophy of "judicial restraint." I believe he also soundly raised an arm of caution to the courts suggesting they might wisely stay out of the "thicket" of political matters relying in such cases on the "ultimate sound judgment of the conscience of the voters." Quite frankly, I favor a strong and firm attitude by our courts in those areas where their "arm" can bring reason, order and respect for law to our system.

In retrospect is it fair to ask: "Have the Frankfurter words of caution been wrong?"

Another cornerstone in America's political fabric is the relationship between our respective states and the national government. Those who met in Constitution Hall in the City of Philadelphia represented sovereign states or commonwealths. Their purpose was to put together a document for the new nation that would permit the federal government to assume those responsibilities essential for the national welfare such as the common defense, a postal system and the like. Such powers were delegated, but to the sovereign states the traditional role of local government was retained.

In recent years there has been a growing abdication of this role and these responsibilities with a corresponding expansion of the influence of the federal establishment. The shrinking potency of the states can be attributed in part to archaic state constitutions, inadequate sources of revenue, and a lack of dynamic and resourceful leadership at the state level. Whatever the cause, the result has been a federal octopus moving steadily forward making vast inroads into the functions initially carved out for your state and for mine. For example, today we find our states by-passed by substantial federal funds controlled by multiplying federal officials going directly to local communities. In many instances these substantial federal arrangements also by-pass responsible local authorities.

This new pattern for the extension of federal control is most vividly illustrated by the President's poverty program, but there is a similar trend developing in the area of primary and secondary education.

Under legislation enacted by Congress in 1965 your state education officials can, and undoubtedly will, be by-passed as the federal authorities gradually extend their encroachment.

Fortunately many of our Governors, Democrats and Republicans, are showing a growing concern. During the consideration of the poverty legislation in 1965 thirty-seven Governors objected strenuously to the elimination of a provision in the law that gave to our Governors some control and responsibility in the administration of the vast sums allocated to their states for the attack on the problems of poverty.

In addition, citizens in many of our states appreciate the need for the modernization of state constitutions to meet the challenge of burgeoning populations. Michigan's outmoded constitution was supplanted by one that gives new and better tools to elected state officials. In my travels this year to forty of our states, I note a realization that the state constitutions of the past are not adequate for the solution of the problems of the future.

Yes, I am convinced that we need not accept the inevitability of a bigger federal government and a lesser role for our states. Dynamic leadership, up-to-date constitutions, sufficient local revenue, combined with a resolution to do the job at home, in your state and mine, can stem the drive to federalize completely the republic.

A two-party system has been a bulwark of strength for freedom and progress in America. A two-party system is not constitutionally ordained in our land, but early in our history it was found to be the best way for most of our citizens to participate in the political arena and to give expression to their political philosophy. By having a two-party system we have avoided the loss of freedom of one-party governments. There is no freedom in those one-party governments behind the Iron Curtain. Furthermore, by having a two-party system we have avoided the chaos and confusion that exists in multi-party governments.

Today we do not have two strong, nearly equal-in-strength political parties. This imbalance, if permitted to exist for too long a time, will have serious repercussions. Competition between two major political parties has been healthy for Americans just as competition in business and in the professions produces a better result for all concerned.

Let me assure you that although I speak tonight for the minority,

the Republicans, I do not believe that those in the minority can or should sit back and bide their time. There are some, a very few fortunately, who argue that the minority party should await a national disaster at home or abroad and then move in, pick up the pieces and build from the shambles. This I contend is neither the tradition nor the heritage of the Republican Party in the 1960's. This was not the role of the Republican Party under Lincoln or Eisenhower. We must by the competence of our candidates, by the record of legislators and administrators and by the philosophy that we espouse earn the respect of our fellow citizens.

I am glad to report we in the minority party leadership realize under our system no Party can be doctrinaire, sectarian, narrow in its appeal and still attract the majority of the electorate. The high ground of moderation with unselfish unity is not only common horse-sense for a political party—it is also representative of the people and in keeping with the underlying genius of the American political system.

With this format we aim to correct the imbalance in our two-party system. We are dedicated to restoring vigor and competition in the political arena so that the cornerstone of two-party government will again function for a better America.

A fourth cornerstone of the Constitution involves the right of free speech with its many ramifications. I would do all possible to keep this priceless "right" inviolate and to protect the right of those who wish to exercise this privilege. Yes, we want the right of dissent and disagreement. We oppose a monolithic society. We need, however, responsible dissent and an educational dialogue between those with varying viewpoints.

*pick up*  
~~In the past few months during demonstrations in Washington, some placards read:~~ *The placards of some demonstrators read:*

How many of us remember the similar questions raised by irresponsible voices in Chamberlain's Britain, little over a quarter century ago: "Why Die for the Sudetanland?" and "Why Die for Danzig?"

We know now—and many did then—that these voices were serving the purposes of Nazi aggression. The placard-bearers cried for peace—while the seeds of Buchenwald and Belsen were taking root.

Today, draft card burners and those who blockade shipments of military supplies cry for peace-at-any-price—while the seeds of Com-

munist atrocity take root. And yet the appeasers speak of morality.

Some are concerned with the physical uncleanness of these irresponsible protesters. I am not so much concerned with their personal hygiene as with their moral sterility. For if we condemn public apathy toward victims of street crimes, what can we say of apathy and dis-interest regarding victims of Communist aggression?

The well intentioned, but unrealistic, placard-carrying marchers who bear no public responsibilities cannot alter this country's policy in Viet-Nam. But their words and actions may lead to a dangerous miscalculation by the enemy of our nation's course of present and future action. Such miscalculation by the Communists in Peking or elsewhere could have dire consequences for all mankind. Those who misuse the right of free speech in America mock the very society that makes this privilege possible. The destruction of America from within, or without, would inevitably destroy free speech and all other privileges guaranteed by the first ten amendments.

I have talked as though I am fearful, apprehensive, and pessimistic. I am, but to a very limited extent. On the other hand, I am optimistic . . . and let me tell you why. I have a strong abiding faith in the good judgment of the American people. When alerted to dangers to their government they respond.

Most of our citizens would agree with the late statesman Sir Winston Churchill who said, ". . . democracy is the worst form of government except all those other forms that have been tried from time to time."

There is an ever-growing realization that our system is the finest in the history of mankind. We believe in our Constitution. Those wise men who put it together almost 200 years ago created a historic document that has made it possible for 13 poor, struggling colonies to grow to a Nation of 50 states that today is at the pinnacle industrially, agriculturally, militarily, and more importantly spiritually.

In concluding, I recall a statement made by Benjamin Franklin the day work was completed on our Constitution. He was asked, "What have we got—a monarchy or a republic?" Franklin answered, "A republic—if you can keep it!"

The responsibility for the American people then . . . as it is now . . . is to keep our Republic . . . to keep it strong, progressive, free. We have in the past; we will in the future. Thank you.





*Born in McAlester, Oklahoma, in 1908, Carl Albert attended the Flowery Mound rural school and McAlester High School. He received his Bachelor of Arts degree in government from the University of Oklahoma, where he was elected to Phi Beta Kappa. In 1931, he was awarded a Rhodes Scholarship to Oxford University, where he received the Bachelor of Arts and Bachelor of Civil Laws degrees. In 1946, he was elected to represent the Third Congressional District of Oklahoma in the Eightieth Congress, and has served in the House continuously since that time. He is dean of the Oklahoma delegation. He was chosen Majority Whip in 1955 and was chosen Majority Leader in 1962. In 1964, he served as Chairman of the Committee on Resolutions and Platform of the Democratic National Committee.*

## Legislative Leadership in the Great Society

An address delivered by The Honorable Carl  
Albert, Representative from the Third District  
of Oklahoma, and Democratic Majority Leader  
December 9, 1965

Ladies and gentlemen:

In dealing with my subject, I am going to try to show that while President Johnson probably has greater influence with the Congress than any President of our time, the indispensable work done in the implementation of the Great Society was done in the Congress itself. We should begin, I think, by making the point that the role of the leadership is not confined to the textbook outlines of programming bills which have been reported and shepherding them through passage on the floor of the House. The leadership is responsible to the House and to the country for legislative failure at any stage. Sometimes the most difficult problems are the least sophisticated. I remember, for instance, as I remember no nightmare, the night of December 23, 1963. The first session of the 88th Congress had not yet completed action on the Foreign Aid Appropriations bill. Christmas was just a few hours away, and the second session due to convene on January 7. The Rules Committee had not even reported a rule to take up the conference report on the Foreign Aid Appropriations bill. The Chairman of the Committee on Rules was against the bill. The Chairman of the Committee on Appropriations was against the bill. The Chairman of the Subcommittee on Foreign Aid Appropriations which was handling the bill was against the bill. The Republican Leader of the House was against the bill. All of the Republican Members of the Committee on Rules were not only against the bill but had left Washington. Some of the Democratic members of the Committee on Rules had left Washington leaving the Committee without a quorum. The President, the Speaker and I sat up in the White House on the telephone until two o'clock in the morning trying to contact and persuade members to return to Washington. We were finally able to get one lone Dixiecrat member who was against the bill back to Washington to make a quorum of the Committee on Rules so we could report the bill out. We finally passed the bill and adjourned the



Congress on December 29th, the longest peace-time session in history. President Johnson had been in office only a little more than a month, and John McCormack and I were serving our first full terms as Speaker and Majority Leader. The standing joke around the House was that Sam Rayburn had died before teaching us how to adjourn the House.

This leads us to the 89th Congress and the Great Society. You have heard a lot about the role of President Johnson in the implementation of the Great Society in the first session of the 89th Congress, and I can repeat here that President Johnson is the most skillful legislative tactician of this generation. But I can also tell you with absolute certainty that the most important, indeed the indispensable battle of the Great Society, was won on the very first day of the first session of the 89th Congress, and the victory was totally and completely and entirely a legislative victory, a victory conceived and effected by the legislative leadership of the House. I refer to the changes made on that day in the Standing Rules of the House. More specifically, I refer to the adoption of the so-called "21-day rule," which allowed the House leadership to bypass the House Committee on Rules under certain circumstances, and also to the adoption of a rule allowing bills which have passed both the House and the Senate to go to a conference committee without first receiving the permission of the Committee on Rules.

To understand the importance of what happened on the first day of the last session, you have to understand the nature of the House. The truth of the matter is, the House of Representatives is a hybrid political animal. The membership of the House, the leadership of the House, represent the most recent expression of the public will. Committees, on the other hand, are organized on the so-called seniority system. Thus, while there were 66 new members in the 88th Congress as a result of the 1962 elections, membership on the Committee on Rules was unchanged from the previous Congress. Sometimes, as a result of the seniority system, a committee becomes stacked in a certain direction. This may result in the Administration's program being reported rapidly from one committee, substantially without change, while in another committee the program may be so modified as to be almost unrecognizable, if indeed, it ever reaches the floor at all. This contributes to the fact that, while many so-called experts conceive of a given Congress as having a liberal, conservative, or

moderate image as the result of an election, in practice it does not work out that way. When an election is over, one cannot immediately surmise that, because so many liberals defeated so many conservatives, or vice versa, on X, Y, and Z issues, the Congress will automatically act in a certain manner. First, you must know who is returning to the Committees that will deal with the specific issues and second, who will return to the Committee on Rules which deals with all issues.

The greatest power struggles in the modern history of the House of Representatives have grown out of rules changes designed to eliminate some of the frustrations caused by the seniority system. The most significant and far-reaching reforms of House rules since the revolt against Cannon in 1911 were those which I have already mentioned and which were made on the very first day of the First Session of the 89th Congress. This was an intra-House fight. The President had nothing to do with it. It was conceived, sponsored, and directed by the leadership of the House. Yet it was the greatest victory ever won on behalf of the President's Great Society program, because this was the day when the Great Society was saved. The victory came on top of a victory in the 87th Congress. Sam Rayburn's last great victory came during that Congress, when after a terrific battle, we were able to increase the membership of the Committee on Rules from 12 to 15 members, giving the democratic leadership tenuous control of the Committee with an 8 to 7 vote on most issues. We made this reform permanent in the 88th Congress and retained it in the 89th Congress.

Another similar major reform, effected during the organization of the 89th Congress, was a change in the ratio of Democrats to Republicans on the Committee on Ways and Means, a change which gave the leadership partial control over this vital committee which had jurisdiction this year over such important areas as Medicare and taxes.

It requires only a little checking back to see just how important these reforms were. If we had not had that one extra vote on the Committee on Rules, we would have had the identical membership on that Committee that we had ten years ago. Think of that! The identical membership—man for man—when the House itself is entirely different both in its membership and its outlook! Judge Howard Smith, Chairman of the Committee on Rules, would literally have been running a Congress which is more than two to one Democratic. It is doubtful, in view of his attitude, whether one single important Great



Society measure would have been reported to the floor. More than this, it took the 21-day Rule to get up two of the most important controversial bills, and had this rule not been on the books, we would have lost our majority on several other proposals. The constant threat of the 21-day rule was a catalyst for many bills.

The fact that the leadership took over control of the Committee on Ways and Means was probably, in many ways and certainly in the long run, more significant than our reforms of the Rules Committee, although the Ways and Means change took place almost unnoticed. The Committee on Ways and Means has control over two major areas. In the first place, it has legislative jurisdiction over all revenue matters, including tariffs and social security. In the second place, the Democratic members of the committee served as the Democratic committee on committees. In this latter capacity they give other members their committee assignments. This gives them control over the character and composition of the other committees. For many years the leadership had lost control of the Committee on Ways and Means. Rayburn and McCormack were defeated in the caucus three consecutive times by Southern anti-administration Democrats. Historically, the Committee on Ways and Means has been divided on a ratio of fifteen majority members to 10 minority members. We broke this division for the first time this year. With a majority of more than 2 to 1 we determined that we were not going to give the Republicans 40 percent of the votes on the Committee, particularly in view of the fact that some of our own members had been elected over the opposition of the leadership and felt totally independent of the leadership. We changed the ratio of the Committee to 17 Democrats and 8 Republicans, giving the leadership real control over the policies of this committee for the first time in more than a score of years. Where, I ask you, would the President's program be if we had not made these changes?

Let me give you one example. When the 1964 presidential campaign got under way, President Johnson called the Speaker and me and told us that the one thing the House could do to help most in the campaign would be to pass Medicare. We called members of the Ways and Means Committee and so did the President. We spent weeks trying to move a bill, all to no avail. If we had not changed the ratio of the Committee, the membership this year would have been identical to the membership last year when the Committee, after months of

prodding, refused to budge on this very important element of the Great Society program. But even more important than that we now had a Committee on Ways and Means that would help bring our victory at the polls to other key committees of the House. Last January we had all these wonderful new members who had been swept in by the Johnson landslide. They were strategically placed where they were needed. We put several of them on the Committee on Education and Labor which had so many of the key Great Society bills. As a result that Committee, which only a few years before had been anti-labor and anti-federal aid to education, became the most pro-Administration committee in the House, reporting to the floor every measure recommended by the President, not in rubber stamp fashion but tailored to Congressional specifications and usually more liberal in their provisions than the Administration proposals. This reform of the Ways and Means Committee will gradually give the national party position and the Administration a better deal on other committees. We still do not have, for instance, a cooperative committee on the District of Columbia. Here we were unable to get either the District Committee or the Rules Committee to make in order a vote on home rule for the District of Columbia. We had to use a discharge petition for this purpose, a device so difficult that it could hardly be used more than once during any Congress without creating insurmountable problems for the leadership. I repeat what I said before—that these reforms which we accomplished in January were the most important things we did all year. They set the stage for the most impressive legislative session in the history of the Congress. This session passed 73 major Administration bills, about 85 percent of the total Great Society Program as well as many other bills not included in the President's program.

This brings us to the role of the President in the legislative process. What about the "rubber stamp" charge? The President, of course, has a major constitutional role in legislation. He reports to the Congress on the State of the Union. He has the power of veto. His departments and agencies administer the laws enacted by the Congress. These facts, however, have lead to certain misconceptions of the role and capacity of the Congress and its leadership. One of these misconceptions is that Congress has been incapable of initiating and producing on its own major legislation accomplishments. This is not the case. Any number of examples may be cited to disprove this popular

theory, and I will proceed to discuss several after I make two observations: First, the legislative process is slow. It generally takes from 5 to 25 years for a great issue to develop in our democracy from a "need for legislation" to an "act of legislation." The last stages of this process are marked by Presidents calling for the Congress to enact a bill, and the public and the press confuse the White House's *identification* with the issue as an *initiation* of the issue. Second, legislative leadership, in the broader sense, is not the exclusive province of the elected leaders. Wide opportunities to initiate and to promote legislation are open to all members of Congress, and great national leadership in many areas of legislation have come from the ranks of great committees.

Now for some examples of Congress at work—Congress the initiator of legislation—Great Society legislation as well as other legislation, Congress the very opposite of anything approaching a "rubber stamp." For instance, starting in 1955, Senator Paul Douglas and Congressman Daniel Flood began their great work to bring forth what became the Area Redevelopment Act. Observing that poverty tended greatly to afflict some geographical areas while scarcely touching others, Senator Douglas first held hearings before the Joint Economic Committee to collect all possible information on the subject. He found the thinking very immature at the time. After his hearings he introduced legislation designed to create opportunities in poverty areas. In 1956 his bill passed the Senate. Similar bills subsequently passed both Houses of Congress in 1958 and again in 1960, but they were vetoed by President Eisenhower. There were no lobbyists who had any real interests in this legislation, and in all candor, those theories coming in from the academic community were in a most unrefined form. Two outstanding Senators voted for the legislation every time it was up, John F. Kennedy and Lyndon B. Johnson, but they were not on the committees considering these bills and had nothing to do with their formulation. President Kennedy later recommended this legislation and signed it as did President Johnson, who made it a part of his Great Society Program, but it is clear that Congress and not the Executive was the innovator.

The Urban Mass Transportation Act, of 1964, another very important Great Society Program, was the beneficiary of a vast amount of work that had been undertaken on Capitol Hill since before 1960 by a group of Senators and Congressmen. This group of Congress-

men was led by Senator and former House Member Harrison A. Williams of New Jersey. The first mass transit bill was put together in 1960 by a bipartisan group in both bodies, and explanatory hearings were held before the Committees on Banking and Currency in both Houses. Due entirely to Congressional insistence that some action had to be taken on this subject, an experimental program was incorporated in the Housing Act of 1961. Strong Congressional pressure for action in this area played a major role in President Kennedy's recommendations for legislation in 1963 and the support given it by President Johnson in 1964 as an element of his Great Society program.

This brings us to another popular misconception about the leadership which Congress furnishes in the legislative process. There are many, particularly in the news media and in the academic world, who feel that Congress, in dealing with the legislative recommendations of the Executive, is unable and ill equipped to play a truly constructive role; that Congress acts either as a rubber stamp or engages in purely negative guerilla warfare against the President's program. The truth is that the Congress is not limited to these alternatives. President Johnson, himself, clearly demonstrated during his tenure as Senate Democratic leader, when dealing with a Republican administration, that even when one political party controls the White House and the other the Congress, a large degree of cooperative effort between the two co-equal branches of government is still possible and that Congress can modify and even direct the President's program in many domestic areas without engaging in warfare with the Executive.

More pertinent, however, to the topic under discussion—"Legislative Leadership and the Great Society"—is the fact that many of the laws passed by the first session of the 89th Congress have been the joint product of the President and the Congress. Many of them have been in the process of growth in the country as well as in the Congress and the Executive Branch for years. For instance, one of the monumental Great Society bills, enacted by the recent session, was the new Immigration Act, eliminating the national origins quotas. If you will go back to the Congressional Record for 1928, you will find that the maiden speech of John McCormack in the House was a speech against the National Origins Quota System. This was five years before Lyndon Johnson was old enough to be a member of the House of Representatives. It was several years before he had even graduated from college.



In other cases legislative recommendations have come from the President but the Congress has modified them and quite frequently improved them and made them more progressive. Without question, the outstanding example this year of Congressional ability to originate ideas as well as work with the President is the Medicare bill we enacted. Proposals for Governmental health insurance have been around since the 1930's and the New Deal. The movement to achieve something by restricting the idea to our older citizens crystallized in the 1950's by the introduction of the so-called medicare bill by Congressman Amie Forand of Rhode Island. The Executive Branch, controlled by President Eisenhower, opposed this legislative proposal. Presidents Kennedy and Johnson made a part of their program Amie Forand's bill, which had become the King-Anderson bill after Congressman Forand retired. The King-Anderson program, which was boomed by Presidents Kennedy and Johnson, was strictly limited to the payment of older citizens' hospital and nursing bills—not doctors' bills—and the program was to be financed by raising the social security taxes paid by workers and employers. This was the extent of President Johnson's proposal when it was sent early this year to the House Ways and Means Committee, chaired by Congressman Wilbur Mills of Arkansas. This Committee had always opposed medicare bills in past years and consequently it had been their graveyard. This year, as I have previously pointed out, the leadership had taken over partial control of the Committee on Ways and Means when we organized the House on the heels of the Democratic Party's great victory at the polls in November, 1964. The climate looked right for passage of the King-Anderson bill this year. A massive lobby was launched against the King-Anderson bill by two forces: the American Medical Association, believing the House would never buy anything more extensive than King-Anderson, began to show how really limited was the assistance to be provided under King-Anderson and called instead for passage of what it called an "Eldercare" program, which would pay doctor's bills as well as hospital bills along the lines of the Kerr-Mills Bill already on the statute books. At the same time, the Republican Party leaders zeroed in on the social security financing features of the King-Anderson bill by deploring the fact that social security taxes are inexorable (as, indeed, all taxes are) and calling for a "voluntary" plan. The White House stuck with King-Anderson, in the form the program had developed over the years and as it was

supported by the lobbies of older citizens and others. In what seemed like a single week to the national press, the Committee on Ways and Means, meeting in secret session, brought all elements of this issue together and wrote a brand new bill that, at once, pleased beyond measure the supporters of King-Anderson and knocked permanently off balance King-Anderson's opponents who had been trying to kill it with kindness. The new bill went on to become law in pretty much the form in which it had been drafted by the Committee. This was congressional handling of a President's proposal at its best.

While there are many other similar examples where the Congress improved on Presidential proposals, let us now turn to and examine an instance in which the Congress accepted almost verbatim a Presidential bill. Even here we shall see that in the preparation of this bill the Administration drew extensively on previous Congressional contributions in a similar area. This was the Elementary and Secondary Education Act of 1965. The bill was reported from the House Committee on Education and Labor in the form the President wanted; it passed the House without amendment; it passed the Senate without amendment; and President Johnson signed it with great satisfaction. Federal aid to lower education had been proposed for decades. Recent Democratic Congresses had gone several times to the very edge of enacting such a bill but had always gone aground on the reefs of church versus state, local government versus Federal government, and the civil rights issue. President Johnson, in one of his finest hours as a legislator, charted a course that skirted all these reefs. He bucked the church versus state issue to the individual states and ultimately to the courts. To avoid the other problems, he spread a thick coating of his "war on poverty" over the program, tying the amount of benefits and the types of benefits to the degree and nature of poverty that exists in every area of the country. The President found the key to this issue and deserves immeasurable credit for the passing of this keystone of the Great Society. At the same time, it cannot be denied that the key was conceived, designed, and manufactured years ago by a great Congressman, the late Cleveland Bailey of West Virginia. Under the Bailey Acts, for years, the Federal Government has provided financial assistance to elementary and secondary school districts in so-called "Federally-impacted areas." Under this theory, when the Federal government buys property in a school district and takes it off the local tax rolls and at the same time moves in a host of Federal



employees who send their children to the local schools, the Federal Government should recognize the serious impact it is making on the local community's ability to finance its school system and it should therefore support the local schools. This was the gist of Congressman Bailey's famous statutes, known as Public Law 815 and Public Law 874. President Johnson picked up this key and tied the financing of this year's school bill to the "impact of poverty" on individual school districts. Here was a measurable way of determining how to divide Federal benefits—and a way acceptable to most Americans because it appeals to their reason and their humanitarian interests. Without diminishing the President's great, personal victory, he found his key to this problem in the workshop of Congress, where the "impact of defense" had successfully been used as a basis for Federal aid to education.

Again, it was the Congress and not the Executive which was the first to embark on a modern economic policy of deliberately creating a deficit for the purpose of stimulating a sluggish economy and creating additional tax revenue despite a tax reduction, a view resisted in the bureaucracies but sponsored by many theorists in the academic community.

My experience in this and in many areas, such as that involving the new Reciprocal Trade Act, leads me to believe that the Congressional committee system, because of its flexibility and maneuverability, its informality, its lack of an entrenched bureaucracy having a vested interest in the status quo, is in a position to give most effective leadership to new economic and social theories and is thus, in many instances, a true ally of the intellectual community. The job of the leaders of Congress in these as in all other areas dealt with in the first session of the 89th Congress has been extremely difficult. Every major controversial bill in the Great Society Program required days and days of patient work, contacting members one by one, getting other key members to contact members, making use of friendly formal and informal congressional groups—such as the Democratic Study Group—getting the President, the White House Staff, and Departmental personnel to contact members, getting organizations at the grass roots level to contact members until 218 affirmative votes could be counted on each bill. It is just as simple as that and, believe you me, it is just as hard as that, and I can testify that sometimes it is really hard. In legislative leadership you have got to move people,

and sometimes people are reluctant to be moved. Compromise is an essential ingredient of the legislative process. Our 435 Congressmen come from every section of the country, from every walk of life. They represent different needs, different backgrounds, different interests, different mores, different likes and dislikes, different views and even different prejudices. In a country so vast and so heterogeneous as ours, legislative programs can sometimes only be moved through the process of accommodation. From the Constitutional Convention to the Great Society compromise has often been necessary. Had the founding fathers not understood this our experiment in self-government would have fallen by the way side. Had the leaders of the 89th Congress not been willing to compromise, The Housing Bill, the Aid to Elementary and Secondary Education Bill, the Medicare Bill, the Farm Bill, the Voting Rights Bill, and the Water Pollution Bill, to name only a few of the big ones, would never have been passed. It was said a long time ago by one of the greatest men ever to use our language that "there is a tide that runs in the affairs of men." Viewed in these terms I honestly believe that the first session of the 89th Congress came in with the flood tide and left its mark on the shores of time. This session has moved to new zeniths in more fields, has scaled more legislative heights, has accomplished more legislative breakthroughs, has stood up to more national problems, has settled more persistent issues than any Congress in the history of our country.

Yet to say that the 89th Congress has been the Congress of complete fulfillment, or that the Great Society heralds the millenium would of course be ridiculous. But we of that Congress have made a major effort to face up to the issues of the day. In our pride in our own accomplishments, however, we must remind ourselves that what we did was but to give expression to the people's will. The tide in the affairs of men which Shakespeare told us can lead on to fortune has been taken at the crest. It was the venerable Wilt Whitman who identified the tides running in America with the single word—"democracy." He declared that "its doctrines will only be effectually incarnated when the spirit is at the root and center." Woodrow Wilson echoed this thought that democracy flourishes only as it is nurtured from its roots. "A people shall be saved," he said, "by the power that sleeps in its own deep bosom or by none. The flower does not bear the root, but the root the flower."







Housing

Flattery is fine  
— Virgin Island  
— Rev. of Int. Rev.  
It's Introduction

Great, great man  
— Rotary Institution  
I remembered you  
had been there  
No one — what you  
said

"Balance in Government: An Analysis of the Legislative Process"

Presented by The Honorable Gerald R. Ford

Minority Leader

House of Representatives

Congress of the United States

Southern Methodist University - November 8, 1965

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

This examination of the legislative process centers on the three branches of government, their balance or lack of it, with particular emphasis on The Congress.

A responsible dialogue discussing the legislative process includes the 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, best in balance when they guard against mediocrity -- always the danger of a society overly-planned.

These are relationships of paramount importance in government, which most properly must create a social order permitting every individual to live in dignity, respect law and receive justice, and exploit endlessly the best in himself.

In granting powers to the Executive branch, drafters of the Constitution very wisely decided to carefully delineate the authority establishing a Presidential position of balanced strength.

Strength, too, was demanded in the Legislative branch of Federal Government, giving the Congress a vital role.

A strong judicial system under the United States Supreme Court was written into the document.

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



The second cornerstone of the Republic is the Constitutional provision that each State shall retain a pluralistic degree of sovereignty in relation to the Federal establishment.

In their fidelity to detail, the patriots who created the Constitution separated the powers and responsibilities of state and national governments.

Not Constitutionally-ordained, the third cornerstone of our Nation 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 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 is to be a lasting bulwark against the concentration of power in any one branch of government, let us examine our political society in possibly history's most crucial and turbulent era.

The Executive branch increases in power and strength. Its manpower corps numbers more than five million -- approximately half of the personnel in the military services. With this huge mass of personnel comes a total annual payroll of close to \$30 billion and the right to spend out of the Federal Treasury nearly \$127 billion each year.

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

Executive accomplishments are detailed to the Nation by the device of "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 disseminating information 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 philosophastry.



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 could turn to 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 criticise severely could well assume the responsibility of 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, dissecting, and change. Among them are the operation of lobbyists in the legislative processes, some outmoded parliamentary procedures, the realities of the seniority system, and day-to-day routines.



From Congress itself is emerging such a study. A joint bi-partisan committee currently is conducting 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 for solving them. However, the present study is a bold move toward dissolving much 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 two-to-one majority has one of its own in the White House. The accelerated trend in the Federal Judiciary in upsetting well-established practices and taking action which make new law adds to the lack of balance.

The role of the minority power in this situation should be greater than that of 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 correct then, and his words are just as correct and meaningful now.

The minority power 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.





In the national interest, the strength of the minority power must have the necessary volume and substance to not only serve as a counter-weight but to initiate positive and constructive legislative proposals.

The minority party must be imaginative, dedicated, and alert. If it fails to be given needed strength and voice by the electorate, the true progress of our Nation is impeded, mis-directed, or stopped short of desirable goals.

Despite the present imbalance in government with an over-abundance of power in the Executive branch, a steeply-tilted majority in the Congress, and the lack of judicial restraint in the courts, there are reasons to be optimistic.

I have a strong abiding faith in the good judgment of the American people. There is a growing realization that our political system is the finest in the history of mankind.

I see strong indications of the American people seeking to fulfill a wish expressed by Benjamin Franklin on the day work was completed in framing the Constitution.



He was asked: "What have we -- a monarchy or a republic?"

Franklin answered: "A Republic -- if you can keep it."

Americans by and large are dedicated to keeping our republic in the face of criticism at home and abroad.

There is a growing realization in America that a government big enough to give us everything we want is big enough to take from us everything we have.

\*\*\*\*\*



Speech by

Rep. Gerald R. Ford

at

Southern Methodist University  
Dallas, Texas

November 8, 1965

*File only copy of that sent D. Storey.*

*Return to Mr. Ford*

Dean Storey, President Tate, ladies and gentlemen. It is truly a high honor and rare privilege to participate in a part of SMU's 50th Anniversary program. In all sincerity I can say I have always been greatly impressed with SMU's academic reputation, both under-graduate and graduate, but as an old-time sports enthusiast I have also watched with admiration the athletic prowess of the Mustangs.

I am deeply grateful that Dean Storey took the time from his very busy life, which in recent years was intended to be one of rest and relaxation, to honor me by his introduction. He has been much too generous in his comments. I only hope that my words or text will match the build-up he has given me.

Dean Storey mentioned our association in the assignment to find the truth in the circumstances surrounding the tragedy of November 22, 1963. As one of the seven members appointed by President Johnson to the Committee to Investigate the Assassination of President John F. Kennedy I was privileged to meet and work with Dean Storey during the months that the federal and Texas authorities sought to dig up the facts, determine the truth and recommend improvements in many federal agencies and policies for the future. Dean Storey made invaluable suggestions to the Warren Commission and the Report to the President was a better document because of his contributions. Again, it is nice to see you, Dean, and my very best to you.

Over the years I have admired Texans because of their staunch and steadfast independence. Speaking of independence, many Texans undoubtedly fall in a group that might be involved in the following story.

While Congress is in session my family and I live in a Washington, D.C. suburb. A next-door neighbor is a high-ranking official in the Bureau of Internal Revenue. Several weeks ago we were chatting and he asked if I had ever noticed that in the upper right-hand corner of one's federal income tax return there is a small area marked off and underneath there are the words, "Please do not write here." I confessed my ignorance of the blocked-off area or the words. He then said,





"You would be astonished, Jerry, at the number of federal taxpayers who sign their income tax return, write the check paying their indebtedness and then write in the upper right-hand corner — 'I'll write any darn place I please.'"

Several months ago when Dean Galvin thoughtfully invited me to participate in this anniversary series of speeches, his letter read something like this:

"Dear Congressman Ford! In 1965 S.M.U. is celebrating its 50th Anniversary and our Law School its 40th. To highlight these milestones the Secretary of State, the Honorable Dean Rusk, and Mr. Sargent Shriver, head of both the Peace Corps and the Poverty Program, have already accepted our invitations. I am pleased to extend an invitation to you to be on the program. Until now our scheduled speakers have been exceptional."

It is indeed difficult to follow Secretary Rusk and Sarge Shriver, for both are very able, articulate and truly dedicated Americans. Furthermore, my problems are complicated as I understand my very good friend, the Honorable Carl Albert, House Majority Leader, will follow me from the same rostrum in several weeks. Let me assure you in advance Carl Albert will make a fine presentation. He is an outstanding legislator, an articulate spokesman and a properly recognized leader in the Democratic Party.

In my substantive remarks this evening, I will discuss four cornerstones of our American political system and indicate my deep concern that each is in some jeopardy in this crucial period in our national and global history. There may be other fundamental American political concepts or principles that are suffering from the serious erosion of an "imbalance in government," but I will limit my observations to the following:

1. The system of "checks and balances" in the federal government, or the division of responsibilities between the Executive, the Legislative and the Judicial branches;
2. The relationships between the federal government and the 50 states;
3. The two-party system; and
4. The right of free speech and other related privileges and responsibilities.



Each of these four cornerstones have contributed significantly to America's freedom and progress. All but one are constitutionally ordained. Their importance to the strength of our political fabric must not be underestimated. The wide swing of political pendulums and public opinion, which oftentimes creates an imbalance in government or on parts of it, must not destroy any one of them.

The first cornerstone was built by the wise drafters of our federal constitution under the theory of separation of powers. In those deliberations in Constitution Hall almost 200 years ago they made an important decision to give specific responsibilities to each branch of the national government....to give each of them strength and authority, but I hasten to add not superiority over anyone of the other. The finely tuned provisions in this historic document were designed to be a lasting bulwark against the concentration of power in the hands of one man, one group within our society or one segment of our government.

The architects of the federal Constitution were understandably concerned with concentrations of power and the tragic dangers that flow inevitably from its misuse because most of them, or their forefathers, had fled from tyranny, oppression and autocracy in Western Europe. They had suffered severe privation and maximum danger to find and establish a new land of freedom. Therefore, in the document for the governing of this newly-established nation there must be safeguards. Although it was obvious from their deliberations that we should have a strong President heading the Executive branch, a strong Congress representing the Legislative branch and a strong Judicial branch headed by the Supreme Court, it was equally certain that in the document there was woven the essential checks and balances predicated on three co-equal branches of the government.

In my judgment, today we find an erosion of the power and prestige of the legislative branch, a change of the intended direction of the Judiciary and an awesome build-up of strength and a use of this power in the Executive arm.

In this situation there is a modern-day parallel with the story of David and Goliath. Congress, the Legislative branch, is David. The Executive -- the White House and all its agencies -- is Goliath.

On the side of David are 535 elected officials -- 100 Senators, 435 Representatives -- with a comparatively small number of employees representing the American voters in each of the 50 states. The





Legislative branch has a relatively small operating budget compared with that of Goliath -- the Executive branch. Most importantly, however, those in the Congress regularly go to their constituents for approval or rejection. Their "record" is put "on the line." Each member is responsive to the views, the opinions of those "back home" they represent.

In contrast, the Executive branch today has over 2½ million civilian employees with an annual payroll of approximately \$17 billion. In addition, there are about 2 million 800 thousand military personnel also under the Commander-in-Chief. The current yearly payroll for those in uniform in the Army, Navy, Air Force and Marines approximates another \$16 billion. The net result -- about 5 million 300 thousand employees under the Chief Executive -- a 12-month payroll of over \$33 billion and a total federal budget to be spent by them for this year of \$127 billion.

This vast army of employees working in the Executive branch of the federal government is really isolated and immunized from the American voter. Out of the vast bureaucracy in the Executive branch only the President and the Vice President put their records on the line at election time and then only once every 4 years.

There is a growing apprehension that there is a potential and real danger in the burgeoning power of the federal government's Executive branch with all this manpower and such vast funds. However, I have faith that the minds of many of our people and the good judgment of Americans will cut down Goliath to proper size by strengthening the power and prestige in the Congress. Balance in this aspect of government will be restored.

I am pleased to report that the Congress itself is conscientiously, and I believe constructively, working toward that end. Early in 1965 a Joint House-Senate, bi-partisan committee was appointed to analyze our procedures, our internal legislative structure, in fact, all aspects of the Legislative branch. This study, these recommendations, should be most beneficial so that Congress can and will do a better job -- hopefully helping to re-establish its proper place as a co-equal branch in our federal government.

Let me add a word on the relationship of the Legislative arm vis-a-vis the Judicial branch. It is my judgment that today the Judicial branch is to some unfortunate extent arbitrarily elbowing its way into spheres not intended at the time the Constitution was drafted.

I subscribe to the views of the late Supreme Court Justice Felix



Frankfurter who so convincingly espoused the philosophy of "judicial restraint?" I believe he also soundly raised an arm of caution to the courts suggesting they might wisely stay out of the "thicket" of political matters relying in such cases on the "ultimate sound judgment of the conscience of the voters." Quite frankly, I favor a strong and firm attitude by our courts in those areas where their "arm" can bring reason, order and respect for law to our system.

In retrospect is it fair to ask: "Have the Frankfurter words of caution been wrong?"

Another cornerstone in America's political fabric is the relationship between our respective states and the national government. Those ~~who~~ met in Constitution Hall in the City of Philadelphia represented sovereign states or commonwealths. Their purpose was to put together a document for the new nation that would permit the federal government to assume those responsibilities essential for the national welfare such as the common defense, a postal system and the like. Such powers were delegated, but to the sovereign states the traditional role of local government was retained.

In recent years there has been a growing abdication of this role and these responsibilities with a corresponding expansion of the influence of the federal establishment. The shrinking potency of the states can be attributed in part to archaic state constitutions, inadequate sources of revenue, and a lack of dynamic and resourceful leadership at the state level. Whatever the cause, the result has been a federal octopus moving steadily forward making vast inroads into the functions initially carved out for your state and for mine. For example, today we find our states by-passed by substantial federal funds controlled by multiplying federal officials going directly to local communities. In many instances these substantial federal arrangements also by-pass responsible local authorities.

This new pattern for the extension of federal control is most vividly illustrated by the President's poverty program, but there is a similar trend developing in the area of primary and secondary education. Under legislation enacted by Congress in 1965 your state education officials can, and undoubtedly will, be by-passed as the federal authorities gradually extend their encroachment.

Fortunately many of our Governors, Democrats and Republicans, are showing a growing concern. During the consideration of the poverty



legislation in 1965 thirty-seven Governors objected strenuously to the elimination of a provision in the law that gave to our Governors some control and responsibility in the administration of the vast sums allocated to their states for the attack on the problems of poverty.

In addition, citizens in many of our states appreciate the need for the modernization of state constitutions to meet the challenge of burgeoning populations. Michigan's outmoded constitution was supplanted by one that gives new and better tools to elected state officials. In my travels this year to forty of our states, I note a realization that the state constitutions of the past are not adequate for the solution of the problems of the future.

Yes, I am convinced that we need not accept the inevitability of a bigger federal government and a lesser role for our states. Dynamic leadership, up-to-date constitutions, sufficient local revenue, combined with a resolution to do the job at home, in your state and mine, can stem the drive to federalize completely the republic.

A two-party system has been a bulwark of strength for freedom and progress in America. A two-party system is not constitutionally ordained in our land, but early in our history it was found to be the best way for most of our citizens to participate in the political arena and to give expression to their political philosophy. By having a two-party system we have avoided the loss of freedom of one-party governments. There is no freedom in those one-party governments behind the Iron Curtain. Furthermore, by having a two-party system we have avoided the chaos and confusion that exists in multi-party governments.

Today we do not have two strong, nearly equal-in-strength political parties. This imbalance, if permitted to exist for too long a time, will have serious repercussions. Competition between two major political parties has been healthy for Americans just as competition in business and in the professions produces a better result for all concerned.

Let me assure you that although I speak tonight for the minority, the Republicans, I do not believe that those in the minority can or should sit back and bide their time. There are some, a very few fortunately, who argue that the minority party should await a national disaster at home or abroad and then move in, pick up the pieces and build from the shambles. This I contend is not the tradition or the heritage of the Republican Party in the 1960's. This was not the role





of the Republican Party under Lincoln or Eisenhower. We must by the competence of our candidates, by the record of legislators and administrators and by the philosophy that we espouse earn the respect of our fellow citizens.

I am glad to report we in the minority party leadership realize under our system no Party can be doctrinaire, sectarian, narrow in its appeal and still attract the majority of the electorate. The high ground of moderation with unselfish unity is not only common horse-sense for a political party — it is also representative of the people and in keeping with the underlying genius of the American political system.

With this format we aim to correct the imbalance in our two-party system. We are dedicated to restoring vigor and competition in the political arena so that the cornerstone of two-party government will again function for a better America.

A fourth cornerstone of the Constitution involves the right of free speech with its many ramifications. I would do all possible to keep this priceless "right" inviolate and to protect the right of those who wish to exercise this privilege. Yes, we want the right of dissent and disagreement. We oppose a monolithic society. We need, however, responsible dissent and an educational dialogue between those with varying viewpoints.

In the past few months during demonstrations in Washington, some placards read: "Why Die for Viet-Nam?"

How many of us remember the similar questions raised by irresponsible voices in Chamberlains' Britain, little over a quarter century ago: "Why Die for the Sudetanland?" and "Why Die for Danzig?"

We know now—and many did then—that these voices were serving the purposes of Nazi aggression. The placard-bearers cried for peace—while the seeds for Buchenwald and Belsen were taking root.

Today, draft card burners and those who blockade shipments of military supplies cry for peace-at-any-price—while the seeds of Communist atrocity take root. And yet the appeasers speak of morality.

Some are concerned with the physical uncleanness of these irresponsible protesters. I am not so much concerned with their personal hygiene as with their moral sterility. For if we condemn public apathy toward victims of street crimes, what can we say of apathy and disinterest regarding victims of Communist aggression?

The well intentioned, but unrealistic, placard-carrying marchers who bear no public responsibilities cannot alter this country's policy



in Viet-Nam. But their words and actions may lead to a dangerous miscalculation by the enemy of our nation's course of ~~present~~ and future action. Such miscalculation by the Communists in Peking or elsewhere could have dire consequences for all mankind. Those who misuse the right of free speech in America mock the very society that makes this privilege possible. The destruction of America from within, or without, would inevitably destroy free speech and all other privileges guaranteed by the first ten amendments.

I have talked as though I am fearful, apprehensive, and pessimistic. I am, but to a very limited extent. On the other hand, I am optimistic...and let me tell you why. I have a strong abiding faith in the good judgment of the American people. When alerted to dangers to their government they respond.

Most of our citizens would agree with the late statesman Sir Winston Churchill who said, "Democracy is ~~the~~ worst form of government, except for any other that has ever been tried."

There is an ever-growing realization that our system is the finest in the history of mankind. We believe in our Constitution. Those wise men who put it together almost 200 years ago created an historic document that has made it possible for 13 poor, struggling colonies to grow to a Nation of 50 states that today is at the pinnacle industrially, agriculturally, militarily, and more importantly spiritually,

In concluding, I recall a statement made by Benjamin Franklin the day work was completed on our Constitution. He was asked, "What have we got---a monarchy or a republic?" Franklin answered, "A republic---if you can keep it!"

The responsibility for the American people ~~than~~...as it is now... is to keep our Republic...to keep it strong, progressive, free. We have in the past; we will in the future.

Thank you.





*Please return*

Speech by  
Rep. Gerald R. Ford

at  
Southern Methodist University  
Dallas, Texas

November 8, 1965

Dean Storey, President Tate, ladies and gentlemen. It is truly a high honor and rare privilege to participate in SMU's 50th Anniversary. In all sincerity I can say I have always been greatly impressed with the academic reputation, both under-graduate and graduate, but as an old-time sports enthusiast I have also watched with admiration the athletic prowess of the MUSTANGS.

I am deeply grateful that Dean Storey took the time from his very busy life, which in recent years was intended to be one of rest and relaxation, to honor me by his introduction. He has been much too generous in his comments. I only hope that my words or text will match the build-up he has given me.

Dean Storey mentioned our association in the assignment to find the truth in the circumstances surrounding the tragedy of November 22, 1963. As one of the seven members appointed by President Johnson to the Committee to Investigate the Assassination of President John F. Kennedy I was privileged to meet and work with Dean Storey during the months that the federal and Texas authorities sought to dig up the facts, determine the truth and recommend improvements in many federal agencies and areas for the future. Dean Storey made invaluable suggestions to the Warren Commission and the Report to the President was a better document because of his contributions. Again, it is nice to see you, Dean, and my very best to you.

Over the years I have admired Texans because of their staunch and steadfast independence. Speaking of independence, many Texans undoubtedly fall in a group that might be involved in the following story.

While Congress is in session my family and I live in a Washington, D.C. suburb. A next-door neighbor is a high-ranking official in the Bureau of Internal Revenue. Several weeks ago we were chatting and he asked if I had ever noticed that in the upper right-hand corner of one's federal income tax return there is a small area marked off and underneath there are the words, "Please do not write here." I confessed my ignorance of the blocked-off area or the words. He then said,



"You would be astonished, Jerry, at the number of federal taxpayers who sign their income tax return, write the check paying their indebtedness and then write in the upper right-hand corner -- "I'll write any darn place I please."

Several months ago when Dean Galvin thoughtfully invited me to participate in this anniversary series of speeches, his letter read something like this:

"Dear Congressman Ford: In 1965 S.M.U. is celebrating its 50th Anniversary and our Law School its 40th. To highlight these milestones the Secretary of State, the Honorable Dean Rusk, and Mr. Sargent Shriver, head of both the Peace Corps and the Poverty Program, have already accepted our invitations. I am pleased to extend an invitation to you to be on the program. ~~He~~ until now our scheduled speakers have been exceptional."

It is indeed difficult to follow Secretary Rusk and Sarge Shriver, for both are very able, articulate and truly dedicated Americans. Furthermore, my problems are complicated as I understand my very good friend, the Honorable Carl Albert, House Majority Leader, will follow me from the same rostrum in several weeks. Let me assure you in advance Carl Albert will make a fine presentation. He is an outstanding legislator, an articulate spokesman and a properly recognized leader in the Democratic Party.

In my substantive remarks this evening, I will discuss four cornerstones of our American political system and indicate my deep concern that each is in some jeopardy in this crucial period in our national and global history. There may be other fundamental American political concepts or principles that are suffering from the serious erosion of an "imbalance in government," but I will limit my observations to the following:

- (1). The system of "checks and balances" in the federal government, or the abdication of responsibilities between the Executive, the Legislative and the Judicial branches;
- (2). The relationships between the federal government and the 50 states;
- (3). The two-party system; and
- (4). The right of free speech and other related privileges and responsibilities.





Each of these four cornerstones have contributed significantly to America's freedom and progress. All but one are constitutionally ordained. Their importance to the strength of our political fabric must not be underestimated. The wide swing of political pendulums and public opinion, which often ~~times~~ creates an imbalance in government, must not destroy any one of them.

The first cornerstone was built by the wise drafters of our federal constitution under the theory of separation of powers. In those deliberations in Constitution Hall almost 200 years ago they made an important decision to give specific responsibilities to each branch of the national government.....to give each of them strength and authority, but I hasten to add not superiority over anyone of the other. ~~The~~ The finely tuned provisions in this historic document were designed to be a lasting bulwark against the concentration of power in the hands of one man, one group within our society or one segment of our government.

The architects of the federal Constitution were understandably concerned with concentrations of power and the tragic dangers that flow inevitably from its misuse because most of them, or their forefathers, had fled from tyranny, oppression and autocracy in Western Europe. They had suffered severe privation and maximum danger to find and establish a new land of freedom. Therefore, in the document for the governing of this newly-established nation there must be safeguards. Although it was obvious from their deliberations that we should have a strong President heading the Executive branch, a strong Congress representing the Legislative branch and a strong Judicial branch headed by the Supreme Court, it was equally certain that in the document there was woven the essential checks and balances predicated on three co-equal branches of the government.

In my judgment, today we find an erosion of the power and prestige of the legislative branch, a change of the intended direction of the Judiciary and an awesome build-up of strength and a use of this power in the Executive arm.

In this situation there is a modern-day parallel with the story of David and Goliath. Congress, the Legislative branch, is David. The Executive --- the White House and all its agencies -- is Goliath.

On the <sup>side</sup> ~~side~~ of David are 535 elected officials, 100 Senators, 435 Representatives, with a comparatively small number of employees





representing the American voters in each of the 50 states. ~~It has~~ <sup>The Congressional branch</sup> a relatively small operating budget compared with that of Goliath,-- the Executive branch. Most importantly, however, those in the Congress regularly go to their constituents for approval or rejection. Their "record" is put "on the line." Each ~~is~~ <sup>member</sup> responsive to the views, the opinions of those "back home" they represent.

In contrast, the Executive branch today has over 2½ million civilian employees with an annual payroll of approximately \$15 billion. In addition, there are about 2 million 800 thousand military personnel also under the Commander-in-Chief. The current yearly payroll for those in uniform in the Army, Navy, Air Force and Marines approximates another \$15 billion. The net result -- about 5 million 300 thousand employees under the Chief Executive -- a 12-month payroll of over \$30 billion and a total federal budget to be spent by them for this year of \$127 billion.

This vast army of employees working in the federal government is really isolated and immunized from the American voter. Out of the vast bureaucracy in the Executive branch only the President and the Vice President put their records on the line at election time and then only once every 4 years.

There is a growing apprehension ~~for~~ that there is a potential and real danger in the burgeoning power of the federal government's executive branch with all this manpower and such vast funds. However, I have faith that the minds of many of our people and the good judgment of Americans will cut down Goliath to proper size by strengthening the power and prestige in the Congress. Balance in this aspect of government will be restored. I am pleased to report that the Congress itself is conscientiously, and I believe constructively, working toward that end. Early in 1965 a Joint House-Senate, bi-partisan committee was appointed to analyze our procedures, our internal legislative structure, in fact, all aspects of the Legislative branch. This study, these recommendations, should be most beneficial so that Congress can and will do a better job -- hopefully helping to re-establish its proper place as a co-equal branch in our federal government.

Let me add a word on the relationship of the Legislative arm vis-a-vis the Judicial branch. It is my judgment that today the Judicial branch is to some unfortunate extent arbitrarily elbowing its way into spheres not intended at the time the Constitution was drafted.

I subscribe to the views of the late Supreme Court Justice



Felix Frankfurter who so convincingly ~~was~~ espoused the philosophy of "judicial restraint". I believe he also soundly raised <sup>an</sup> ~~the~~ arm of caution to the courts suggesting <sup>they</sup> ~~it~~ might wisely stay out of the "thicket" of political matters relying in such cases on the "ultimate sound judgment of the conscience of the voters". Quite frankly, I favor a strong and firm attitude by our courts in those areas where their "arm" can bring reason, order and respect for law to our system.

In retrospect is it fair to ask; "have the Frankfurter words of caution been wrong?"

Another cornerstone in America's political fabric is the relationship between our respective states and the national government. Those who met in Constitution Hall in the City of Philadelphia represented sovereign states or commonwealths. Their purpose was to put together a document for the new nation that would permit the federal government to assume those responsibilities essential for the national welfare such as the common defense, a postal system and the like. Such powers were delegated, but to the sovereign states the traditional role of local government was retained.

In recent years there has been a growing abdication of this role and these responsibilities with a corresponding expansion of the influence of the federal establishment. The shrinking potency of the states can be attributed in part to archaic state constitutions, inadequate sources of revenue, and a lack of dynamic and resourceful leadership at the state level. Whatever the cause, the result has been a federal octopus moving steadily forward making vast inroads into the functions initially carved out for your state and for mine. For example, today we find our states by-passed by substantial federal funds <sup>controlled by</sup> ~~and~~ multiplying federal officials going directly to local communities. In many instances these substantial federal arrangements also by-pass responsible local authorities.

This new pattern for the extension of federal control is most vividly illustrated by the President's poverty program but there is a similar trend developing in the area of primary and secondary education. Under legislation enacted by Congress in 1965 your state education officials can, and undoubtedly will, be by-passed as the federal authorities gradually extend their encroachment. Fortunately

Fortunately many of our Governors, Democrats and Republicans, are showing a growing concern. During the consideration of the poverty legislation in 1965 thirty-seven governors objected strenuously to the

*elimination of a provision in the law that gave to our Governors some*



control and responsibility in the administration of the vast sums allocated to ~~the~~ states for the attack on the problems of poverty.

In addition, citizens in many of our states appreciate the need for the modernization of state constitutions to meet the challenge of burgeoning populations. Michigan's outmoded constitution was supplanted by one that gives new and better tools to elected state officials. In my travels this year to forty of our states, I note a realization that the state constitutions of the past are not adequate for the solution of the problems of the future.

Yes, I am convinced that we need not accept the inevitability of a bigger federal government and a lesser role for our states. Dynamic leadership, up-to-date constitutions, sufficient local revenue, combined with a resolution to do the job at home, in your state and mine, can stem the drive to federalize the republic.

A two-party system has been a bulwark of strength for freedom and progress in America. A two-party system is not constitutionally ordained in our land, but early in our history it was found to be the best way for most of our citizens to participate in the political arena and to give expression to their political philosophy. By having a two-party system we have avoided the loss of freedom of ~~one~~ party governments. There is no freedom in those one-party governments behind the Iron Curtain. Furthermore, by having a two-party system we have avoided the chaos and confusion that exists in multi-party governments.

Today we do not have two strong, nearly equal-in-strength political parties. This imbalance, if permitted to exist for too long a time, will have serious repercussions. Competition between two major political parties has been healthy for Americans just as competition in business <sup>and</sup> in the professions produces a better result for all concerned.

Let me assure you that although I speak tonight for the minority, the Republicans, I do not believe that those in the minority can or should sit back and bide ~~their~~ time. There are some, a very few fortunately, who argue that the minority party should await a national disaster at home or abroad and then move in, pick up the pieces and build from the shambles. This I contend is not the tradition or the heritage of the Republican Party in the 1960's. This was not the role of the Republican Party under Lincoln or Eisenhower. We must by the competence of our candidates, by the record of legislators ~~and~~





and administrators and by the philosophy that we espouse earn the respect of our fellow citizens.

I am glad to report we in the minority party leadership realize under our system no Party can be doctrinaire, sectarian, narrow in its appeal and still attract the majority of the electorate. The high ground of moderation with unselfish unity is not only common horse-sense for a political party -- it is also representative of the people and in keeping with the underlying genius of the American political system.

With this format we aim to correct the imbalance in our two-party system. We are dedicated to restoring vigor and competition in the political arena so that the cornerstone of two-party government will again function for a better America.

A fourth cornerstone of the Constitution involves the right of free speech with its many ramifications. I would do all possible to keep this priceless "right" inviolate and <sup>to</sup> protect the right of those who wish to exercise this privilege. Yes, we want the right of dissent and disagreement. We oppose a monolithic society. We need, however, responsible dissent and an educational dialogue.

In the past few months during demonstrations in Washington, some placards read: "Why Die for Viet-Nam?"

How many of us remember the similar question raised by irresponsible voices in Chamberlain's Britain, little over a quarter century ago: "Why Die for the Sudetanland?" and "Why Die for Danzig?"

We know now--and many did then--that these voices were serving the purposes of Nazi aggression. The placard-bearers cried for peace--while the seeds for Buchenwald and Belsen were taking root.

Today, draft card burners and those who blockade shipments of military supplies cry for peace-at-any-price--while the seeds of Communist atrocity take root. And yet the appeasers speak of morality.

Some are concerned with the physical uncleanness of these irresponsible protesters. I am not so much concerned with their personal hygiene as with their moral sterility. For if we condemn public apathy toward victims of street crimes, what can we say of apathy and disinterest regarding victims of ~~Communist aggression~~ <sup>Communist aggression</sup> ~~Stalinist aggression~~ <sup>Stalinist aggression</sup>?

The well intentioned, but unrealistic, placard-carrying marchers who bear no public responsibilities cannot alter this country's policy in Viet-Nam. But their words and actions may lead to a dangerous miscalculation by the enemy of our nation's course of present and

future action. Such miscalculation by the Communists in Peking or elsewhere could have dire consequences for all mankind. ~~So, it becomes~~ Those who <sup>misuse</sup> ~~make use~~ of the right of free speech in America ~~to destroy~~ <sup>mock</sup> the very society that makes this privilege possible. The destruction of America from within, or without, would inevitably destroy free speech and all other privileges guaranteed by the first ten amendments.

I have talked as though I am fearful, apprehensive, and pessimistic. I am, but to a very limited extent. On the other hand, I am optimistic...and let me tell you why. I have a strong abiding faith in the good judgment of the American people. When alerted to dangers to their government they respond.

Most of our citizens would agree with the late statesman Sir Winston Churchill who said, "Democracy is the worst form of government, except for any other that has ever been tried."

There is an ever-growing realization that our system is the finest in the history of mankind. We believe in our Constitution. Those wise men who put it together almost 200 years ago created an historic document that has made it possible for 13 poor, struggling colonies to grow to a Nation of 50 states that today is at the pinnacle industrially, agriculturally, militarily, and more importantly spiritually.

In concluding, I recall a statement made by Benjamin Franklin the day work was completed on our Constitution. He was asked, "What have we got---a monarchy or a republic?" Franklin answered, "A republic---if you can keep it!"

The responsibility for the American people then...as it is now... is to keep our Republic...to keep it strong, progressive, free. We have in the past; we will in the future.

Thank you.





Speech by

Rep. Gerald R. Ford

at

Southern Methodist University  
Dallas, Texas

November 8, 1965

Dean Storey, President Tate, ladies and gentlemen. It is truly a high honor and rare privilege to participate in <sup>a part of</sup> SMU's 50th Anniversary <sup>program</sup>. In all sincerity I can say I have always been greatly impressed with the ~~SMU's~~ academic reputation, both ~~under-graduate~~ and graduate, but as an old-time sports enthusiast I have also watched with admiration the athletic prowess of the ~~Mustangs~~.

I am deeply grateful that Dean Storey took the time from his very busy life, which in recent years was intended to be one of rest and relaxation, to honor me by his introduction. He has been much too generous in his comments. I only hope that my words or text will match the build-up he has given me.

Dean Storey mentioned our association in the assignment to find the truth in the circumstances ~~surrounding~~ the tragedy of November 22, 1963. As one of the seven members appointed by President Johnson to the Committee to Investigate the Assassination of President John F. Kennedy I was privileged to meet and work with Dean Storey during the months that the federal and Texas authorities sought to dig up the facts, determine the truth and recommend improvements in many federal agencies and ~~areas~~ <sup>police</sup> for the future. Dean Storey made invaluable suggestions to the Warren Commission and the Report to the President was a better document because of his contributions. Again, it is nice to see you, Dean, and my very best to you.

Over the years I have admired Texans because of their ~~thier~~ staunch and steadfast independence. Speaking of independence, many Texans undoubtedly fall in a group that might be involved in the following story.

While Congress is in session my family and I live in a Washington, D.C. suburb. A next-door neighbor is a high-ranking official in the Bureau of Internal Revenue. Several weeks ago we were chatting and he asked if I had ever noticed that in the upper right-hand corner of one's federal income tax return there is a small area marked off and underneath there are the words, "Please do not write here." I confessed my ignorance of the blocked-off area or the words. He then said,





"You would be astonished, Jerry, at the number of federal taxpayers who sign their income tax return, write the check paying their indebtedness and then write in the upper right-hand corner -- "I'll write any darn place I please."

Several months ago when Dean Galvin thoughtfully invited me to participate in this anniversary series of speeches, his letter read something like this:

"Dear Congressman Ford: In 1965 S.M.U. is celebrating its 50th Anniversary and our Law School its 40th. To highlight these milestones the Secretary of State, the Honorable Dean Rusk, and Mr. Sargent Shriver, head of both the Peace Corps and the Poverty Program, have already accepted our invitations. I am pleased to extend an invitation to you to be on the program. ~~The~~ Until now our scheduled speakers have been exceptional."

It is indeed difficult to follow Secretary Rusk and Sarge Shriver, for both are very able, articulate and truly dedicated Americans. Furthermore, my problems are complicated as I understand my very good friend, the Honorable Carl Albert, House Majority Leader, will follow me from the same rostrum in several weeks. Let me assure you in advance Carl Albert will make a fine presentation. He is an outstanding legislator, an articulate spokesman and a properly recognized leader in the Democratic Party.

In my substantive remarks this evening, I will discuss four cornerstones of our American political system and indicate my deep concern that each is in some jeopardy in this crucial period in our national and global history. There may be other fundamental American political concepts or principles that are suffering from the serious erosion of an "imbalance in government," but I will limit my observations to the following:

- (1). The system of "checks and balances" in the federal government or the ~~abdication~~ <sup>division</sup> of responsibilities between the Executive, the Legislative and the Judicial branches;
- (2). The relationships between the federal government and the 50 states;
- (3). The two-party system; and
- (4). The right of free speech and other related privileges and responsibilities.



Each of these four cornerstones have contributed significantly to America's freedom and progress. All but one are constitutionally ordained. Their importance to the strength of our political fabric must not be underestimated. The wide swing of political pendulums and public opinion, which oftentimes creates an imbalance in government, <sup>in or parts of it.</sup> must not destroy any one of them.

The first cornerstone was built by the wise drafters of our federal constitution under the theory of separation of powers. In those deliberations in Constitution Hall almost 200 years ago they made an important decision to give specific responsibilities to each branch of the national government.....to give each of them strength and authority, but I hasten to add not superiority over anyone of the other. ~~The~~ The finely tuned provisions in this historic document were designed to be a lasting bulwark against the concentration of power in the hands of one man, one group within our society or one segment of our government.

The architects of the federal Constitution were understandably concerned with concentrations of power and the tragic dangers that flow inevitably from its misuse because most of them, or their forefathers, had fled from tyranny, oppression and autocracy in Western Europe. They had suffered severe privation and maximum danger to find and establish a new land of freedom. Therefore, in the document for the governing of this newly-established nation there must be safeguards. Although it was obvious from their deliberations that we should have a strong President heading the Executive branch, a strong Congress representing the Legislative branch and a strong Judicial branch headed by the Supreme Court, it was equally certain that in the document there was woven the essential checks and balances predicated on three co-equal branches of the government.

In my judgment, today we find an erosion of the power and prestige of the legislative branch, a change of the intended direction of the Judiciary and an awesome build-up of strength and a use of this power in the Executive arm.

In this situation there is a modern-day parallel with the story of David and Goliath. Congress, the Legislative branch, is David, The Executive --- the White House and all its agencies -- is Goliath.

On the <sup>side</sup> ~~said~~ of David are 535 elected officials, 100 Senators, 435 Representatives, with a comparatively small number of employees





representing the American voters in each of the 50 states. *The Legislative branch* We have a relatively small operating budget compared with that of Goliath, -- the Executive branch. Most importantly, however, those in the Congress regularly go to their constituents for approval or rejection. Their "record" is put "on the line." Each *member* is responsive to the views, the opinions of those "back home" they represent.

In contrast, the Executive branch today has over 2 $\frac{1}{2}$  million civilian employees with an annual payroll of approximately \$<sup>7</sup>~~1~~<sup>7</sup> billion. In addition, there are about 2 million 800 thousand military personnel also under the Commander-in-Chief. The current yearly payroll for those in uniform in the Army, Navy, Air Force and Marines approximates another \$~~1~~<sup>1</sup> billion. The net result -- about 5 million 300 thousand employees under the Chief Executive -- a 12-month payroll of over \$<sup>3</sup>~~3~~<sup>3</sup> billion and a total federal budget to be spent by them for this year of \$127 billion.

This vast army of employees working in the *Executive branch* federal government is really isolated and immunized from the American voter. Out of the vast bureaucracy in the Executive branch only the President and the Vice President put their record on the line at election time and then only once every 4 years.

There is a growing apprehension ~~is~~ that there is a potential and real danger in the burgeoning power of the federal government's executive branch with all this manpower and such vast funds. However, I have faith that the minds of many of our people and the good judgment of Americans will cut down Goliath to proper size by strengthening the power and prestige in the Congress. Balance in this aspect of government will be restored. *P* I am pleased to report that the Congress itself is conscientiously, and I believe constructively, working toward that end. Early in 1965 a Joint House-Senate, bi-partisan committee was appointed to analyze our procedures, our internal legislative structure, in fact, all aspects of the Legislative branch. This study, these recommendations, should be most beneficial so that Congress can and will do a better job -- hopefully helping to re-establish its proper place as a co-equal branch in our federal government.

Let me add a word on the relationship of the Legislative arm vis-a-vis the Judicial branch. It is my judgment that today the Judicial branch is to some unfortunate extent arbitrarily elbowing its way into spheres not intended at the time the Constitution was drafted.

I subscribe to the views of the late Supreme Court Justice





*it's all they*  
Felix Frankfurter who so convincingly ~~to me~~ espoused the philosophy of "judicial restraint". I believe he also soundly raised <sup>an</sup> ~~the~~ arm of caution to the courts suggesting <sup>they</sup> ~~it~~ might wisely stay out of the "thicket" of political matters relying in such cases on the "ultimate sound judgment of the conscience of the voters". Quite frankly, I favor a strong and firm attitude by our courts in those areas where their "arm" can bring reason, order and respect for law to our system.

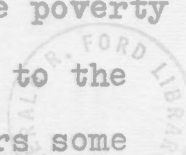
In retrospect is it fair to ask: "Have the Frankfurter words of caution been wrong?"

Another cornerstone in America's political fabric is the relationship between our respective states and the national government. Those who met in Constitution Hall in the City of Philadelphia represented sovereign states or commonwealths. Their purpose was to put together a document for the new nation that would permit the federal government to assume those responsibilities essential for the national welfare such as the common defense, a postal system and the like. Such powers were delegated, but to the sovereign states the traditional role of local government was retained.

In recent years there has been a growing abdication of this role and these responsibilities with a corresponding expansion of the influence of the federal establishment. The shrinking potency of the states can be attributed in part to archaic state constitutions, inadequate sources of revenue, and a lack of dynamic and resourceful leadership at the state level. Whatever the cause, the result has been a federal octopus moving steadily forward making vast inroads into the functions initially carved out for your state and for mine. For example, today we find our states by-passed by substantial federal funds <sup>controlled by</sup> ~~and~~ multiplying federal officials going directly to local communities. In many instances these substantial federal arrangements also by-pass responsible local authorities.

This new pattern for the extension of federal control is most vividly illustrated by the President's poverty program, but there is a similar trend developing in the area of primary and secondary education. Under legislation enacted by Congress in 1965 your state education officials can, and undoubtedly will, be by-passed as the federal authorities gradually extend their encroachment. ~~Fortunately~~

Fortunately many of our Governors, Democrats and Republicans, are showing a growing concern. During the consideration of the poverty legislation in 1965 thirty-seven governors objected strenuously to the elimination of a provision in the law that gave to our Governors some



control and responsibility in the administration of the vast sums allocated to ~~our~~<sup>their</sup> states for the attack on the problems of poverty.

In addition, citizens in many of our states appreciate the need for the modernization of state constitutions to meet the challenge of burgeoning populations. Michigan's outmoded constitution was supplanted by one that gives new and better tools to elected state officials. In my travels this year to forty of our states, I note a realization that the state constitutions of the past are not adequate for the solution of the problems of the future.

Yes, I am convinced that we need not accept the inevitability of a bigger federal government and a lesser role for our states. Dynamic leadership, up-to-date constitutions, sufficient local revenue, combined with a resolution to do the job at home, in your state and mine, can stem the drive to federalize<sup>completely</sup> the republic.

A two-party system has been a bulwark of strength for freedom and progress in America. A two-party system is not constitutionally ordained in our land, but early in our history it was found to be the best way for most of our citizens to participate in the political arena and to give expression to their political philosophy. By having a two-party system we have avoided the loss of freedom of ~~our~~<sup>our</sup> party governments. There is no freedom in those one-party governments behind the Iron Curtain. Furthermore, by having a two-party system we have avoided the chaos and confusion that exists in multi-party governments.

Today we do not have two strong, nearly equal-in-strength political parties. This imbalance, if permitted to exist for too long a time, will have serious repercussions. Competition between two major political parties has been healthy for Americans just as competition in business<sup>and</sup>, in the professions produces a better result for all concerned.

Let me assure you that although I speak tonight for the minority, the Republicans, I do not believe that those in the minority can or should sit back and bide ~~our~~<sup>their</sup> time. There are some, a very few fortunately, who argue that the minority party should await a national disaster at home or abroad and then move in, pick up the pieces and build from the shambles. This I contend is not the tradition or the heritage of the Republican Party in the 1960's. This was not the role of the Republican Party under Lincoln or Eisenhower. We must by the competence of our candidates, by the record of legislators ~~and~~





and administrators and by the philosophy that we espouse earn the respect of our fellow citizens.

I am glad to report we in the minority party leadership realize under our system no Party can be doctrinaire, sectarian, narrow in its appeal and still attract the majority of the electorate. The high ground of moderation with unselfish unity is not only common horse-sense for a political party -- it is also representative of the people and in keeping with the underlying genius of the American political system.

With this format we aim to correct the imbalance in our two-party system. We are dedicated to restoring vigor and competition in the political arena so that the cornerstone of two-party government will again function for a better America.

A fourth cornerstone of the Constitution involves the right of free speech with its many ramifications. I would do all possible to keep this priceless "right" inviolate and ~~protect~~ <sup>protect</sup> the right of those who wish to exercise this privilege. Yes, we want the right of dissent and disagreement. We oppose a monolithic society. We need, however, responsible dissent and an educational dialogue. *between those with varying viewpoints.*

In the past few months during demonstrations in Washington, some placards read: "Why Die for Viet-Nam?"

How many of us remember the similar question raised by irresponsible voices in Chamberlain's Britain, little over a quarter century ago: "Why Die for the Sudetanland?" and "Why Die for Danzig?"

We know now--and many did then--that these voices were serving the purposes of Nazi aggression. The placard-bearers cried for peace---while the seeds for Buchenwald and Belsen were taking root.

Today, draft card burners and those who blockade shipments of military supplies cry for peace-at-any-price---while the seeds of Communist atrocity take root. And yet the appeasers speak of morality.

Some are concerned with the physical uncleanness of these irresponsible protesters. I am not so much concerned with their personal hygiene as with their moral sterility. For if we condemn public apathy toward victims of street crimes, what can we say of apathy and disinterest regarding victims of Communist aggression?

The well intentioned, but unrealistic, placard-carrying marchers who bear no public responsibilities cannot alter this country's policy in Viet-Nam. But their words and actions may lead to a dangerous miscalculation by the enemy of our nation's course of present and





future action. Such miscalculation by the Communists in Peking or elsewhere could have dire consequences for all mankind. ~~So, it behooves~~ those who <sup>misuse</sup> ~~make use of~~ the right of free speech in America ~~do nothing but~~ <sup>mock</sup> ~~to destroy~~ the very society that makes this privilege possible. The destruction of America from within, or without, would inevitably destroy free speech and all other privileges guaranteed by the first ten amendments.

I have talked as though I am fearful, apprehensive, and pessimistic. I am, but to a very limited extent. On the other hand, I am optimistic...and let me tell you why. I have a strong abiding faith in the good judgment of the American people. When alerted to dangers to their government they respond.

Most of our citizens would agree with the late statesman Sir Winston Churchill who said, "Democracy is the worst form of government, except for any other that has ever been tried."

There is an ever-growing realization ~~that~~ our system is ~~the~~ finest in the history of mankind. We believe in our Constitution. Those wise men who put it together almost 200 years ago created an historic document that has made it possible for 13 poor, struggling colonies to grow to a Nation of 50 states that today is at the pinnacle industrially, agriculturally, militarily, and more importantly spiritually.

In concluding, I recall a statement made by Benjamin Franklin the day work was completed on our Constitution. He was asked, "What have we got---a monarchy or a republic?" Franklin answered, "A republic---if you can keep it!"

The responsibility for the American people then...as it is now... is to keep our Republic...to keep it strong, progressive, free. We have in the past; we will in the future.

Thank you.



Rep. Gerald R. Ford

22

Southern Methodist University  
Dallas, Texas

November 8, 1965

Dean Storey, President Tate, ladies and gentlemen. It is truly a high honor and rare privilege to participate in SMU's 50th Anniversary. In all sincerity I can say I have always been greatly impressed with ~~the~~ academic reputation, both under-graduate and graduate, but as an old-time sports enthusiast I have also watched with admiration the athletic prowess of the University ~~Xen Xootat Texas~~.

I am deeply grateful that Dean Storey took the time from his very busy life, which in recent years was intended to be one of rest and relaxation, to honor me by his introduction. He has been much too generous in his comments. I only hope that my words or text will match the build-up he has given me.

Dean Storey mentioned our association in the assignment to find the truth in the circumstances surrounding the tragedy of November 22, 1963. As one of the seven members appointed by President Johnson to the Committee to Investigate the Assassination of President John F. Kennedy, I was privileged to meet and work with Dean Storey during the months that the federal and Texas authorities sought to dig up the facts, determine the truth and recommend improvements in many federal agencies and areas for the future. Dean Storey made invaluable suggestions to the Warren Commission and the Report to the President was a better document because of his contributions. Again, it is nice to see you, Dean, and my very best to you.

Over the years I have admired Texans because of their staunch and steadfast independence. Speaking of independence, many Texans undoubtedly fall in a group that might be involved in the following story.

While Congress is in session my family and I live in a Washington, D.C. suburb. A next-door neighbor is a high-ranking official in the Bureau of Internal Revenue. Several weeks ago we were chatting and he asked if I had ever noticed that in the upper right-hand corner of one's federal income tax return there is a small area marked off and underneath there are the words, "Please do not write here." I confessed my ignorance of the blocked-off area or the words. He then said,

Smu's

UNIVERSITY OF TORONTO LIBRARY



"You would be astonished, Jerry, at the number of federal taxpayers who sign their income tax return, write the check paying their indebtedness and then write in the upper right-hand corner -- "I'll write any darn place I please."

Several months ago when Dean Galvin thoughtfully invited me to participate in this anniversary series of speeches, his letter read something like this:

"Dear Congressman Ford: In 1965 S.M.U. is celebrating its 50th Anniversary and our Law School its 40th. To highlight these milestones the Secretary of State, the Honorable Dean Rusk, and Mr. Sargent Shriver, head of both the Peace Corps and the Poverty Program, have already accepted our invitations. I am pleased to extend an invitation to you to be on the program. ~~As~~ <sup>U</sup>ntil now our scheduled speakers have been exceptional."

It is indeed difficult to follow Secretary Rusk and Sarge Shriver, for both are very able, articulate and truly dedicated Americans. Furthermore, my problems are complicated as I understand my very good friend, the Honorable Carl Albert, House Majority Leader, will follow me from the same rostrum in several weeks. Let me assure you in advance Carl Albert will make a fine presentation. He is an outstanding legislator, an articulate spokesman and a properly recognized leader in the Democratic Party.

In my substantive remarks this evening, I will discuss four cornerstones of our American political system and indicate my deep concern that each is in some jeopardy in this crucial period in our national and global history. There may be other fundamental American political concepts or principles that are suffering from the serious erosion of an "imbalance in government," but I will limit my observations to the following:

- (1). The system of "checks and balances" in the federal government, or the abdication of responsibilities between the Executive, the Legislative and the Judicial branches;
- (2). The relationships between the federal government and the 50 states;
- (3). The two-party system; and
- (4). The right of free speech and other related privileges and responsibilities.





Each of these four cornerstones have contributed significantly to America's freedom and progress. All but one are constitutionally ordained. Their importance to the strength of our political fabric must not be underestimated. The wide swing of political pendulums and public opinion, which often ~~times~~ creates an imbalance in government, must not destroy any one of them.

The first cornerstone was built by the wise drafters of our federal constitution under the theory of separation of powers. In those deliberations in Constitution Hall almost 200 years ago they made an important decision to give specific responsibilities to each branch of the national government.....to give each of them strength and authority, but I hasten to add not superiority over anyone of the other. ~~The~~ The finely ~~tuned~~ provisions in this historic document were designed to be a lasting bulwark against the concentration of power in the hands of one man, one group within our society or one segment of our government.

The architects of the federal Constitution were understandably concerned with concentrations of power and the tragic dangers that flow inevitably from its misuse because most of them, or their forefathers, had fled from tyranny, oppression and autocracy in Western Europe. They had suffered severe privation and maximum danger to find and establish a new land of freedom. Therefore, in the document for the governing of this newly-established nation there must be safeguards. Although it was obvious from their deliberations that we should have a strong President heading the Executive branch, a strong Congress representing the Legislative branch and a strong Judicial branch headed by the Supreme Court, it was equally certain that in the document there was woven the essential checks and balances predicated on three co-equal branches of the government.

In my judgment, today we find an erosion of the power and prestige of the legislative branch, a change of the intended direction of the Judiciary and an awesome build-up of strength and a use of this power in the Executive arm.

In this situation there is a modern-day parallel with the story of David and Goliath. Congress, the Legislative branch, is David. The Executive --- the White House and all its agencies -- is Goliath.

On the ~~side~~ <sup>side</sup> of David are 535 elected officials, 100 Senators, 435 Representatives, with a comparatively small number of employees



*The Congressional branch*

representing the American voters in each of the 50 states. ~~It~~ <sup>has</sup> a relatively small operating budget compared with that of Goliath, -- the Executive branch. Most importantly, however, those in the Congress regularly go to their constituents for approval or rejection. Their "record" <sup>are</sup> put "on the line." Each <sup>Member</sup> is responsive to the views, the opinions of those "back home" they represent.

In contrast, the Executive branch today has over 2½ million civilian employees with an annual payroll of approximately \$15 billion. In addition, there are about 2 million 800 thousand military personnel also under the Commander-in-Chief. The current yearly payroll for those in uniform in the Army, Navy, Air Force and Marines approximates another \$15 billion. The net result -- about 5 million 300 thousand employees under the Chief Executive -- a 12-month payroll of over \$30 billion and a total federal budget to be spent by them for this year of \$127 billion.

This vast army of employees working in the federal government is really isolated and immunized from the American voter. Out of the vast bureaucracy in the Executive branch only the President and the Vice President put their record on the line at election time and then only once every 4 years.

There is a growing apprehension ~~in~~ that there is a potential and real danger in the burgeoning power of the federal government's executive branch with all this manpower and such vast funds. However, I have faith that the minds of many of our people and the good judgment of Americans will cut down Goliath to proper size by strengthening the power and prestige in the Congress. Balance in this aspect of government will be restored. I am pleased to report that the Congress itself is conscientiously, and I believe constructively, working toward that end. Early in 1965 a Joint House-Senate, bi-partisan committee was appointed to analyze our procedures, our internal legislative structure, in fact, all aspects of the Legislative branch. This study, these recommendations, should be most beneficial so that Congress can and will do a better job -- hopefully helping to re-establish its proper place as a co-equal branch in our federal government.

Let me add a word on the relationship of the Legislative arm vis-a-vis the Judicial branch. It is my judgment that today the Judicial branch is to some unfortunate extent arbitrarily elbowing its way into spheres not intended at the time the Constitution was drafted.

I subscribe to the views of the late Supreme Court Justice





*it was  
they*  
Felix Frankfurter who so convincingly ~~was~~ espoused the philosophy of "judicial restraint". I believe he also soundly raised ~~an~~ <sup>an</sup> arm of caution to the courts suggesting ~~that~~ <sup>they</sup> might wisely stay out of the "thicket" of political matters relying in such cases on the "ultimate sound judgment of the conscience of the voters". Quite frankly, I favor a strong and firm attitude by our courts in those areas where their "arm" can bring reason, order and respect for law to our system.

In retrospect is it fair to ask, "have the Frankfurter words of caution been wrong?"

Another cornerstone in America's political fabric is the relationship between our respective states and the national government. Those who met in Constitution Hall in the City of Philadelphia represented sovereign states or commonwealths. Their purpose was to put together a document for the new nation that would permit the federal government to assume those responsibilities essential for the national welfare such as the common defense, a postal system and the like. Such powers were delegated, but to the sovereign states the traditional role of local government was retained.

In recent years there has been a growing abdication of this role and these responsibilities with a corresponding expansion of the influence of the federal establishment. The shrinking potency of the states can be attributed in part to archaic state constitutions, inadequate sources of revenue, and a lack of dynamic and resourceful leadership at the state level. Whatever the cause, the result has been a federal octopus moving steadily forward making vast inroads into the functions initially carved out for your state and for mine. For example, today we find our states by-passed by substantial federal funds <sup>controlled by</sup> ~~and~~ multiplying federal officials going directly to local communities. In many instances these substantial federal arrangements also by-pass responsible local authorities.

This new pattern for the extension of federal control is most vividly illustrated by the President's poverty program, but there is a similar trend developing in the area of primary and secondary education. Under legislation enacted by Congress in 1965 your state education officials can, and undoubtedly will, be by-passed as the federal authorities gradually extend their encroachment. Fortunately

Fortunately many of our Governors, Democrats and Republicans, are showing a growing concern. During the consideration of the poverty legislation in 1965 thirty-seven governors objected strenuously to the ~~elimination of a provision in the law that gave to our Governors some~~  
*elimination of a provision in the law that gave to our Governors some*





control and responsibility in the administration of the vast sums allocated to our states for the attack on the problems of poverty.

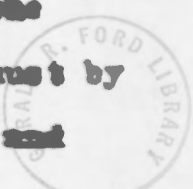
In addition citizens in many of our states appreciate the need for the modernization of state constitutions to meet the challenge of burgeoning populations. Michigan's outmoded constitution was supplanted by one that gives new and better tools to elected state officials. In my travels this year to forty of our states, I note a realization that the state constitutions of the past are not adequate for the solution of the problems of the future.

Yes, I am convinced that we need not accept the inevitability of a bigger federal government and a lesser role for our states. Dynamic leadership, up-to-date constitutions, sufficient local revenue, combined with a resolution to do the job at home, in your state and mine, can stem the drive to federalize the republic.

A two-party system has been a bulwark of strength for freedom and progress in America. A two-party system is not constitutionally ordained in our land but early in our history it was found to be the best way for most of our citizens to participate in the political arena and to give expression to their political philosophy. By having a two-party system we have avoided the loss of freedom of our party governments. There is no freedom in those one-party governments behind the Iron Curtain. Furthermore, by having a two-party system we have avoided the chaos and confusion that exists in multi-party governments.

Today we do not have two strong, nearly equal-in-strength political parties. This imbalance if permitted to exist for too long a time will have serious repercussions. Competition between two major political parties has been healthy for Americans just as competition in business, in the professions produces a better result for all concerned.

Let me assure you that although I speak tonight for the minority, the Republicans, I do not believe that those in the minority can or should sit back and hide our time. There are some, a very few fortunately, who argue that the minority party should await a national disaster at home or abroad and then move in, pick up the pieces and build from the shambles. This I contend is not the tradition or the heritage of the Republican Party in the 1960's. This was not the role of the Republican Party under Lincoln or Eisenhower. We must by the competence of our candidates, by the record of legislators and



control and responsibility in the administration of the vast sums allocated to ~~the~~ states for the ~~attack~~ on the problems of poverty.

In addition citizens in many of our states appreciate the need for the modernization of state constitutions to meet the challenge of burgeoning populations. Michigan's outmoded constitution was supplanted by one that gives new and better tools to elected state officials. In my travels this year to forty of our states, I note a realization that the state constitutions of the past are not adequate for the solution of the problems of the future.

Yes, I am convinced that we need not accept the inevitability of a bigger federal government and a lesser role for our states. Dynamic leadership, up-to-date constitutions, sufficient local revenue, combined with a resolution to do the job at home, in your state and mine, can stem the drive to federalize the republic.

A two-party system has been a bulwark of strength for freedom and progress in America. A two-party system is not constitutionally ~~and~~ but early in our history it was found to be the best ~~in the political~~ arena and to give expression to ~~the~~ having a two-party system we have avoided the loss of freedom ~~in~~ party governments. There is no freedom in those one-party governments behind the Iron Curtain. Furthermore, by having a two-party system we have avoided the chaos and confusion that exists in multi-party governments.

Today we do not have two strong, nearly equal-in-strength political parties. This imbalance, if permitted to exist for too long a time, will have serious repercussions. Competition between two major political parties has been healthy for Americans just as competition in business, <sup>and</sup> in the professions produces a better result for all concerned.

Let me assure you ~~that~~ although I speak tonight for the minority, the Republicans, I do not believe that those in the minority can or should sit back and bide ~~the~~ <sup>their</sup> time. There are some, a very few fortunately, who argue ~~that~~ the minority party should await a national disaster at home or abroad and then move in, pick up the pieces and build from the shambles. This I contend is not the tradition or the heritage of the Republican Party in the 1960's. This was not the role of the Republican Party under Lincoln or Eisenhower. We must by the competence of our candidates, by the record of legislators ~~and~~



and administrators and by the philosophy that we espouse earn the respect of our fellow citizens.

I am glad to report we in the minority party leadership realize under our system no Party can be doctrinaire, sectarian, narrow in its appeal and still attract the majority of the electorate. The high ground of moderation with unselfish unity is not only common horse-sense for a political party -- it is also representative of the people and in keeping with the underlying genius of the American political system.

With this format we aim to correct the imbalance in our two-party system. We are dedicated to restoring vigor and competition in the political arena so that the cornerstone of two-party government will again function for a better America.

A fourth cornerstone of the Constitution involves the right of free speech with its many ramifications. I would do all possible to keep this priceless "right" inviolate and <sup>to</sup> protect the right of those who wish to exercise this privilege. Yes, we want the right of dissent and disagreement. We oppose a monolithic society. We need, however, responsible dissent and an educational dialogue.

In the past few months during demonstrations in Washington, some placards read: "Why Die for Viet-Nam?"

How many of us remember the similar question raised by irresponsible voices in Chamberlain's Britain, little over a quarter century ago: "Why Die for the Sudetanland?" and "Why Die for Danzig?"

We know now--and many did then--that these voices were serving the purposes of Nazi aggression. The placard-bearers cried for peace--while the seeds for Buchenwald and Belsen were taking root.

Today, draft card burners and those who blockade shipments of military supplies cry for peace-at-any-price--while the seeds of Communist atrocity take root. And yet the appeasers speak of morality.

Some are concerned with the physical uncleanness of these irresponsible protesters. I am not so much concerned with their personal hygiene as with their moral sterility. For if we condemn public apathy toward victims of street crimes, what can we say of apathy and disinterest regarding victims of ~~Communist aggression~~ <sup>Communist aggression?</sup>

The well intentioned, but unrealistic, placard-carrying marchers who bear no public responsibilities cannot alter this country's policy in Viet-Nam. But their words and actions may lead to a dangerous miscalculation by the enemy of our nation's course of present and





future action. Such miscalculation by the Communists in Peking or elsewhere could have dire consequences for all mankind. ~~So, it behooves~~

Those who <sup>misuse</sup> ~~misuse~~ the right of free speech in America ~~do nothing but~~ to <sup>mock</sup> ~~mock~~ the very society that makes this privilege possible. The destruction of America from within, or without, would inevitably destroy free speech and all other privileges guaranteed by the first ten amendments.

I have talked as though I am fearful, apprehensive, and pessimistic. I am, but to a very limited extent. On the other hand, I am optimistic...and let me tell you why. I have a strong abiding faith in the good judgment of the American people. When alerted to dangers to their government they respond.

Most of our citizens would agree with the late statesman Sir Winston Churchill who said, "Democracy is the worst form of government, except for any other that has ever been tried."

There is an ever-growing realization that our system is the finest in the history of mankind. We believe in our Constitution. Those wise men who put it together almost 200 years ago created an historic document that <sup>has</sup> ~~has~~ made it possible for 13 poor, struggling colonies to grow to a Nation of 50 states that today is at the pinnacle industrially, agriculturally, militarily, and more importantly spiritually.

In concluding, I recall a statement made by Benjamin Franklin the day work was completed on our Constitution. He was asked, "What have we got---a monarchy or a republic?" Franklin answered, "A republic---if you can keep it!"

The responsibility for the American people then...as it is now... is to keep our Republic...to keep it strong, progressive, free. We have in the past; we will in the future.

Thank you.



Ruth /

158-1268

Will you please type (rough draft)  
an original & two copies. This is  
to be the speech I send to Southern  
Methodist University for reprint in  
their magazine.

Have Jim Hodge look it over  
& I will go over it on Monday,  
before sending it to Texas on  
Tuesday.

J.



Dean Stoney, President Tate, ladies & gentleman. It is truly a high honor and rare privilege to participate in S.M.U.'s 50<sup>th</sup> anniversary. In all sincerity I can say I have always been greatly impressed with the academic reputation, <sup>under</sup> both graduate and graduate, but as an old time sports enthusiast I have also watched with <sup>admiration</sup> admired the athletic prowess of this —.

I am deeply grateful that Dean Stoney took the time from his very busy life, which in recent years <sup>1</sup> was intended to be one of rest & relaxation, to know me by his introduction. He has been much to generous in his comments. I only hope that my words on text will match the build-up he has given me.



Dean Stovey mentioned our association in  
 the <sup>assignment</sup> responsibility to find the truth in the  
 circumstances surrounding the tragedy of Nov. 22,  
 1963. As one of the seven members appointed  
 by President Johnson to the Committee to  
 Investigate the Assassination of President  
 (as per list) J. F. K. I was privileged to meet and work  
 with Dean Stovey during the months  
 that the federal & Texas authorities sought to  
 dig up the facts & determine the truth &  
 recommend improvements <sup>in many federal agencies & areas</sup> for the future. Dean  
 Stovey made invaluable <sup>suggestions</sup> contributions to the  
 Warren Commission and the Report to the  
 President was a better document because of his  
 contributions. Again, it is nice to see you  
 Dean & my very best to you.



Over the years I have admired Texans because of their staunch + steadfast independence. Speaking of independence, many Texans undoubtedly fall in <sup>that might be</sup> the group, involved in the following story.

While Congress is in session my family + I live in a Washington D.C. suburb. A next door neighbor is a high ranking official in the Bureau of Internal Revenue. Several weeks ago we were chatting & he asked if I had ever noticed that in the upper right hand corner of one's federal income tax return there is a small area marked off + underneath there are the words, "Please do not write here." I confessed my ignorance of the blocked off area or the words. He then said, "You would

Jerry  
 be astounded, at the number of federal  
 taxpayers who sign their income tax return,  
 write the check paying their indebtedness  
 and then write in the upper right hand  
 corner - "I'll write any damn place I please."

Several months ago when Dean Galvin  
 thoughtfully invited me to participate in  
 this <sup>anniversary</sup> series of speeches his letter read  
 something like this:

"Dear Congressman Ford:

In 1965

S.M.Y. is celebrating its 50<sup>th</sup> anniversary &  
 our Law School its 40<sup>th</sup>.. To highlight  
 these milestones the Sec. of State, The Honorable  
 Dean Rusk & Mr. Sergeant Scriven, head of  
 both the Peace Corps & the Poverty Program



have <sup>already</sup> accepted our invitations. I am pleased  
to extend an invitation to you to be on the  
program. Up until now our <sup>scheduled</sup> speakers  
have been exceptional.

It is indeed difficult to follow  
Sec. Rusk & Sarge Shriver for both  
very able, articulate &  
are truly dedicated Americans. Furthermore,  
my problems are complicated as  
I understand my very good friend, the Honorable  
Carl Albert, House Majority Leader will  
follow me <sup>from the same position</sup> in several weeks. Let me assure  
you in advance Carl Albert will make a  
fine presentation. He is an outstanding legislator,  
an articulate spokesman & a <sup>properly</sup> recognized leader  
in the Democratic Party.



⑥

In my introductory remarks this evening, I will discuss four cornerstones of our American political system and indicate my deep concern that each is in some jeopardy in this crucial period in our national & global history. There may be other fundamental American <sup>political</sup> concepts or principles that are suffering from the serious erosion of an "imbalance in government" but I will limit my observations to the following.

1). The system of "checks & balances" in the federal government or the <sup>allocation of</sup> responsibilities between the Executive, the Legislature & the Judicial branches;

2) The relationships between the federal government & the 50 states;

- 3) The two party system; and
- 4) The right of free speech & other <sup>related</sup> ~~comparable~~ privileges + responsibilities.

Each of these <sup>four</sup> cornerstones have contributed significantly to America's freedom + progress. All but one are constitutionally ordained. Their importance to the strength of our political fabric must not be underestimated. The wide swing of political pendulums & public opinion, which often creates an ~~imbalance~~ <sup>imbalance</sup> in government, must not destroy any one of them.

The first cornerstone was built by the wise drafters of our <sup>federal</sup> constitution under the theory of separation of powers. In those deliberations in Constitution Hall almost 200 years ago they made an important decision to give specific



responsibilities to each branch of the national government . . . . . to give each of them strength & authority, but to hasten to add not superiority <sup>anyone</sup> over the others. The finely tuned provisions in this historic document were designed to be a lasting bulwark against the concentration of power in the hands of one man, one group within our society or one segment of our government.

The architects of the federal Constitution were understandably concerned with concentrations of power & the tragic dangers that <sup>flow</sup> inevitably from its misuse because most of them or their forefathers had fled from tyranny, oppression & autocracy in Western Europe. They had suffered <sup>severe</sup> privation <sup>misery</sup> & danger to find & establish a new land



of freedom. <sup>Therefore</sup> In the document for the governing  
 of this newly <sup>established</sup> ~~foundation~~ nation there must  
 be safeguards. <sup>although</sup> <sup>obvious</sup> It was from their deliberations  
 that we should have a strong President heading the  
 Executive branch, a strong Congress representing the  
 Legislative Branch & a strong judicial branch  
 headed by the Supreme Court; ~~it~~ was  
 equally certain that in the document there  
 was woven the essential check & balances  
 predicated on three co-equal branches  
 of the government.

In my judgment, today we find an  
 erosion of the ~~Legislative~~ branches power &  
 prestige, <sup>of the legislative branch</sup> a change <sup>the</sup> of intended direction of the  
 Judiciary & an awesome build-up of strength  
 of a use <sup>of this power</sup> in the Executive arm.

In this situation there is a modern-day parallel with the story of David & Goliath. Congress, the Legislative branch, is David, The Executive --- the White House & all its agencies --- is Goliath.

On the side of David are 535 elected Officials, 100 Senators, 435 Representatives, with a comparatively small number of employees representing the American voters in each of the 50 states. We have a relatively small operating budget compared with that of Goliath - the Executive branch. Most importantly, however, those in the Congress regularly go to their constituents for approval or rejection. Their "record" is put "on the line". Each is responsive to the views, the opinions of those "back home" they represent.





~~KB~~  
~~TSB~~

~~534-7671~~

~~Warrump~~  
~~Warrump~~

~~Warrump~~  
~~Warrump~~

~~Gray~~  
~~Gray~~

~~Cham~~  
~~Cham~~

~~comp~~  
~~comp~~

828-5426

1960

correct

2175



In contrast The Executive branch <sup>today</sup> has over  
 2 1/2 million civilian employees with an annual  
 payroll of approximately \$15 billion. <sup>In addition there are</sup> ~~plus~~ about  
 2 million 800 thousand military personnel also  
 under the Commander - in - Chief. <sup>current</sup> The <sup>yearly</sup>  
 payroll for those in uniform <sup>in the Army, Navy, Air Force & Marines</sup> ~~approximates~~ another  
 \$15 billion. The net result - about  
 5 million 300 thousand employees under the Chief  
 Executive, are 12 month payroll of over  
 \$30 billion & a <sup>total federal</sup> ~~budget~~ <sup>expenditure</sup> ~~for~~ <sup>by them</sup> this year of  
 \$127 billion.

This vast Army of employees working  
 in the federal government are really isolated &  
 unmingled from the American people. Out of  
 the vast bureaucracy in the Executive branch  
 only the President & the Vice President put



their record on the line at election time &

then only once every 4 years.

There is a potential + real danger in  
 that the burgeoning power of the federal government's executive & administrative  
 branch with all this manpower & such vast funds <sup>have faith that the</sup>  
 the minds of many of our people. ~~With~~  
 good judgment of Americans will cut down  
~~will be~~

growth to proper size by strengthening the  
 power & prestige in the Congress. Balance in  
 this aspect of government will be restored, and I am pleased to  
 report that the Congress itself is conscientiously,  
 & I believe constructively, working toward that  
 end. Early in 1965 a Joint House -  
 Senate, bi-partisan committee, was  
 appointed to analyze our procedures, our  
 internal legislative structure ~~methods~~, in fact all aspects of the legislative  
 branch. This study, these recommendations,  
 should be most beneficial so the Congress



mythical

534-5428

90658

Wow!

W901 8101



13

can & will do a better job - <sup>hopefully helping to</sup> reestablishing  
its proper place as a co-equal branch  
in our federal government.

Let me add a word on the relationship  
of the Legislative arm vis-a-vis the  
Judicial branch. It is my judgment  
that today the Judicial branch is to some  
unfortunate extent arbitrarily elbowing its  
way into spheres not intended at the  
time the Constitution was drafted.

I subscribe to the views of the  
late Supreme Court Justice Felix Frankfurter  
who so convincingly to me espoused the  
philosophy of "judicial restraint". I believe  
he also soundly raised the arm of  
caution to the courts <sup>suggesting</sup> ~~that~~ it might



wisely stay out of the "thicket" of  
political matters <sup>such as</sup> relying <sup>in such cases</sup> on the "intimate  
sound judgment of the conscience of the  
voters". Quite frankly, I favor a  
<sup>strong</sup> & firm attitude by our Courts  
in those areas where their "arm" can

bring reason, <sup>I respect for law</sup> & order to our system.  
In retrospect it is <sup>fair</sup> to ask have the  
~~It is that a need to go beyond those~~  
~~Frankfurter words of caution been wrong,~~  
~~areas of reasonably judicial discretion~~



Another cornerstone in America's political fabric is the relationships between our respective states & the national government. Those who met in ~~Constitutional~~ Hall in the City of Philadelphia represented sovereign states or commonwealths. Their purpose was to put together a document for the new nation that would permit the federal government to assume those responsibilities essential for the national welfare such as the common defense, a postal system and the like. Such powers were delegated but to the sovereign states the traditional role of local government was retained.

In recent years there has been a growing abdication of this role & there



responsibilities <sup>with</sup> \* a corresponding expansion  
 of the influence of the federal establishment.  
 The shrinking potency of the states can be  
 attributed in part to archaic state constitutions,  
 inadequate sources of revenue and a lack  
 of dynamic & resourceful leadership at the  
 state level. Whatever the cause the  
 result has been a federal octopus moving  
 steadily forward making vast inroads  
 into the functions initially carved out  
 for your state & for mine. <sup>For example</sup> Today we  
 find, <sup>our states by-passed by</sup> substantial federal funds & multiplying  
 federal officials going directly to local  
 communities. In many instances these substantial  
 federal arrangements also by-pass responsible  
 local authorities.

This new pattern for the extension of federal control is most vividly illustrated by the President's poverty program but there is a similar trend developing in the area of primary & secondary education. Under legislation enacted by Congress in 1965 your state education officials can & undoubtedly will be by-passed as the federal authorities gradually extend their encroachment.

Fortunately many of our Governors, Democrats & Republicans, are showing a growing concern. During the consideration of the poverty legislation in 1965 thirty-seven governors objected strenuously to the elimination of a provision in the law that gave to <sup>our</sup> ~~the~~ governors some control & responsibility in



the administration of the vast sums allocated to our states for the attack on the problems of poverty.

In addition citizens in many of our states appreciate the need for the modernization of state constitutions to meet the challenge of burgeoning populations. Michigan's outmoded constitution was supplanted by one that gives new, <sup>+ better</sup> tools to elected <sup>state</sup> officials. In my travels this year to forty of our states, I note a realization that the state constitutions of the past are not adequate for the solution of the problems of the future.

Yes, I am convinced that we need not accept the inevitability of

a bigger federal government + a lesser role  
for our states. ~~It is~~ ~~not~~ dynamic leadership.

<sup>update</sup> ~~modern~~ constitutions, sufficient local revenue,  
combined with a resolution to do the job  
at home, in your state + mine, can stem  
the drive to federalize the republic.

A two party system has been  
a bulwark of strength for freedom +  
progress in America. A two-party  
system is not constitutionally ordained in  
our land but early in our history it was  
found to be the best way for most  
of our citizens to participate in the  
political arena + to give expression to their  
political philosophy. By having a two party  
system we have avoided the loss of  
freedom of one party governments. There

is no freedom in those one party governments  
behind the Iron Curtain. <sup>Furthermore,</sup> By having a  
two party system we have avoided the  
chaos & confusion that exists in  
multi-party governments.

Today we do not have a two  
strong, nearly equal-in-strength political  
parties. This imbalance if permitted  
to exist for too long a time will  
have serious repercussions. Competition  
between <sup>two major</sup> political parties has been  
healthy for America just as competition  
in business, in the professions produces  
a better result for all concerned.

Let me assure you that although  
I speak tonight for the minority, the



Republicans, I do not believe that those  
 in the minority can or should sit back  
~~and wait for fate and bide our time. There~~  
~~and await a disaster to our nation~~  
 a very few fortunately  
 are some, who argue that the minority party  
 should await a national disaster at home or  
 abroad and then move in, pick up the  
 pieces & build from the shambles. This  
 I contend is not the tradition or the heritage  
~~or the role~~ of the Republican Party in the  
 1960s. This was not the role of the Republican  
 Party under Eisenhower or Eisenhower. We  
 must <sup>the competence of</sup> by our candidates, & by the record of  
 of legislators & administrations & by the philosophy  
 that we espouse earn the respect of our  
 fellow citizens.

I am glad to report we in the

minority party leadership realize under  
our system no Party can be doctrinaire,  
sectarian, narrow in its appeal & still  
attract the majority of the electorate. The  
high ground of moderation with unselfish  
unity is not only common horse-sense  
for a political party - it is also representative  
of the people & in keeping with the underlying  
genius of the American political system.

With this format we aim to  
correct the imbalance in our two  
party system. <sup>We are dedicated to</sup> restoring vigor & competition  
in the political arena so that, <sup>the cornerstone of</sup> two-party  
government will again function for a better  
America.

*include*

I have talked as though I am fearful, apprehensive, and pessimistic.

I am, but to a very limited extent. On the other hand, I am optimistic...and let me tell you why.

First...I have a strong abiding faith in the good judgment of

the American people.

*When alerted to dangers to their government they respond.*

Secondly, Congress is taking steps to improve its image, to

improve its day-to-day working habits. A joint <sup>*Senate & House*</sup> bi-partisan committee

<sup>*Congressional*</sup> is studying <sup>*constructive*</sup> methods and procedures. I am certain ~~corrective~~ proposals

*omit*

will be forthcoming.

And third...I believe most Americans are realizing that they have

to help the Congress become a stronger partner in the relationship of

the Executive and Judicial branches of government.

Fourth..I believe our governors in many states now realize that if their

<sup>*units*</sup> ~~units~~ of government are to be strong partners, their <sup>*state*</sup> constitutions <sup>*their administration sit-ups*</sup> must

be modernized. More governors are strengthening their desire to

assume responsibilities and not pass them off to the federal establishment!



*Most of our citizens would agree with*  
*As a footnote, I recall what* the late statesman Sir Winston Churchill *who*  
*include* said. "Democracy is the worst form of government," the British leader  
said, "except for any other that has ever been tried."

*an over*  
~~With a more positive approach, I believe~~ there is a growing  
realization that our system is the finest in the history of mankind.

We believe in our Constitution. Those wise men who put it together

*for 13 poor, struggling colonies to grow to a Nation of 50 states that today is at the pinnacle, industrially, agriculturally, militarily and more importantly spiritually.*  
almost 200 years ago created an historic document *that has made it possible*

*omit* I emphasize at this point...it is politics and politicians that  
have put the breath of life and the blood in the veins of the still  
bones of a constitutional system!"

*include*  
In concluding, I recall a statement made by Benjamin Franklin the  
day work was completed on our Constitution.

He was asked: "What have we got--- a monarchy or a republic?"

Franklin answered: "A Republic---if you can keep it!"



The responsibility for the American people then...as it is now...

*include*  
is to keep our Republican....to keep it strong, progressive,

free. *We have in the past; we will in the future.*

*omit*  
To accomplish this goal, we must all remember that a government

big enough to give us everything we want is a government big enough

take take from us everything we have!

Thank you.

# # #



Address by Rep. Gerald R. Ford

YALE LAW SCHOOL ALUMNI DINNER

April 30, 1965

When Governor Scranton was here last year he said he would talk on a "safe subject" -- politics! Being a peaceful man myself, and wishing to avoid controversy whenever possible, I, too, will stick to that safe subject.

But as House Minority Leader in the so-called age of consensus, I do have some ready views in the matter of differences of opinion and dissent in 1965 America.

Difference of opinion does make for horseraces---but for a republic to survive, something greater is required of its citizens. Our need is for responsible dissent.

In the Nation's Capital, we of the Republican Party recognize the necessity of informed and responsible opposition to Johnson Administration programs. And we mean to fulfill our function as the Party of Opposition in a constructive and responsible manner.

But briefly let me address my remarks beyond the Capitol Hill scene. For we must all recognize a growing threat posed <sup>to</sup> our society and the country by irresponsible expressions of dissent in this time of national crisis.

I refer to the crisis in Southeast Asia. It should be sufficient that our Nation's enemies know that the overwhelming majority of Republicans in Congress, though opposed to many of the President's domestic programs, support him in the matter of standing firm against aggression in Viet-Nam. In fact, it is worth commenting that President Johnson might wish for an equal amount of support for his Viet-Nam stand from members of his own Democratic Party.

I consider it incredible that a source of such irresponsible modern-day "know-nothing" dissent based on emotional disregard for the morality and facts of the case should spring from a few of our university campuses.

And I consider it appalling that much of the leadership for picketing with anti-American slogans in what at times amounts to irresponsible mob action comes from a small minority of university professors purporting to carry forward the banner of free academic inquiry.

Indeed, a central purpose of universities of free inquiry in our society is to prepare succeeding generations for the assumption of responsibility as citizens. Whenever our educational institutions fail to inculcate this sense of responsibility toward community and nation in their students, serious trouble for the republic lies ahead.

This has been the case throughout history. This century offers tragic proof of the penalties which societies and nations pay for not meeting this fundamental requirement for existence.

.. more....



*A fourth cornerstone of the Constitution involves the right of free speech with its many ramifications. I would do all possible to keep this priceless "right" inviolate and protect the right of those who wish to exercise this privilege. Yes, we want the right of dissent & development. We oppose a monolithic society. We need, however, responsible dissent & an educational dialogue.*

During the recent ~~past few months~~ <sup>past few months</sup> Easter week end demonstrations in Washington, some placards read: "Why Die for Viet-Nam?"

How many of us remember the similar question raised by irresponsible voices in Chamberlain's Britain, little over a quarter century ago: "Why Die for the Sudetanland?" and "Why Die for Danzig?"

We know now---and many ~~as~~ <sup>as</sup> did then---that these ~~voices~~ <sup>voices</sup> were serving the purposes of Nazi aggression. The placard-bearers cried for peace---while the seeds for Buchenwald and Belsen were taking root.

*draft card burners + those who blockade shipments of military supplies*  
Today, our so-called "teach-ins" and "peace" demonstrations cry for peace-at-any-price---while the seeds of Communist atrocity take root. And yet the appeasers speak of morality.

~~Some~~ <sup>Some</sup> others are concerned with the physical uncleanness of these irresponsible protesters. I am not so much concerned with their personal hygiene as with their moral sterility. For if we condemn public apathy toward victims of street crimes, what can we say of apathy and disinterest regarding victims of Communist aggression?

*omit*  
It is, of course, an apathy and disinterest shown only by a small, small minority of American professors and students. The so-called teach-ins---which I regret to say may have began at my own University of Michigan---are not truly representative of the Nation's university campuses. However, it remains for responsible leaders of American higher education to make this fact unmistakably clear to our people.

The well intentioned but unrealistic placard-carrying marchers who bear no public responsibilities cannot alter this country's policy in Viet-Nam. ~~But a danger exists that they will bring about a damaging loss of public confidence in the aims and operation of the country's educational system.~~ *But* In addition their words and

actions may lead to a dangerous miscalculation by the enemy of our nation's course of present and future action. Such miscalculation by the Communists in Peking or

elsewhere could have dire consequences for all mankind. *So, it behooves those who make use of the right of free speech in America do nothing to destroy this society that makes*

*omit*  
Certainly there must always be a place for responsible dissent and free inquiry on our university campuses. But, as President Nabrit of Howard University <sup>this privilege possibly.</sup> pointed out this past week, there is no place for irresponsible disruption of <sup>The destruction of America from within or without</sup> academic pursuits on behalf of forces opposed to our system. <sup>would inevitably destroy free speech & all other privileges guaranteed by the 1st Amendment.</sup>

Dr. Wilson H. Elkins, president of the University of Maryland, expressed a similar idea saying that respect of students for authority and law is essential to the development of good citizenship and the "insidious erosion and sometimes outright defiance of authority is a dangerous trend in our society."

Dr. Elkins added: "It seems clear that if any student or group....is allowed to



to seize power in the name of freedom of speech, then the universities should close their doors before rigor mortis sets in."

It is not too much to expect university students to understand that along with free academic inquiry goes responsibility to country and society. And it is certainly not too much to expect their professors to know and teach that the prime master of free inquiry in Western society did not walk the streets of Athens carrying a placard asking "Why Die for Marathon?" when his community was threatened.

Indeed, Socrates knew the answer. He was prepared to do battle and if necessary die to preserve the freedom of others...yet my main thesis tonight is the need for responsible dissent in the Age of Consensus.

In the years ahead, as never before, we must beware of men with ready answers.

For we will still have to live-- and find answers -- under moral ground rules that were set down twenty centuries ago and under political ground rules that were set down two centuries ago.

Leaving the former to the theologians, I would like to make some comments on the latter.

The American Constitution was not divinely created. The Founding Fathers, after all, were merely mortals -- why four of them were even Yale men! (Harvard had only three. Though we must admit that nine came from Princeton!)

The important point to stress when discussing the Constitution, I believe, is not that it has been sanctified by time and tradition. Nor need we dwell on its immutability -- it can and has been changed from time to time. What is important is that it works. We have lived successfully and amicably under it. In a society that has always prided itself on pragmatism this is the ultimate test.

The keystone of our Constitution has been its system of balances -- balances between levels of government and balances between branches of government.

Anyone who has ever worked with balances in a scientific laboratory knows that they are finely attuned instruments. One must be constantly alert to keep them in kilter; one must make immediate adjustments when there is a malfunction. Our governmental balances are no different in principle.

The legislative-executive-judicial balance, as established by our Constitution is a simple, yet ingenious, system of insuring our freedom.

Yet today there are disturbing signs of slow erosion in the power of the Legislative, build-up of awesome power in the Executive, and regrettable change in the intended direction of the Judiciary. Each is a threat to freedom.

I think that much of today's criticism of Congress, the legislative branch,

is a manifestation of our frustrations -- the tensions of a prolonged Cold War, the anomaly of poverty in the midst of plenty, the complexity of highly urbanized living, the gap between the American Ideal of equality and its realization.

"Let's stop talking and get things done!" we would all like to shout at one time or another.

But Congress, by design, is a deliberative body -- 435 representatives in the House and 100 in the Senate who must reach majority decisions.

This criticism -- that congress is too cumbersome, too old-fashioned -- is basically unwarranted for two reasons.

First, because Congress has repeatedly proved that it can act with dispatch to meet crisis. You will recall, for example, that in the famous Hundred Days of 1933 some bills were voted into law even before they were printed.

Second, because the advantages of precipitous action are often outweighed by the safeguards of deliberate slowness.

In the race to the brink of decision one can easily fall over into the chasm of irresponsibility. It is to prevent this dangerous plunge that the Constitution provided checks and balances. It is only proper, when one stops to consider, that Congress should reach its major decisions after adequate research, thought, and full discussion.

After all, if the ultimate goal of government were merely speed, we could institute a dictatorship. What could be faster than one man giving an uncontested order?

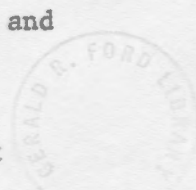
When the balance in Congress is steeply tilted by an overwhelming majority in one political party -- as it is today with 294 Democrats and 140 Republicans in the House -- our system of checks and balances is further endangered.

This is because our two-party system, although not written into the Constitution, builds into government an additional set of checks and balances. Early in our history a wise decision was made to follow the pattern of a two-party system. We avoided the loss of freedom of a one-party government; we avoided the chaos and confusion of a multi-party government.

Not only does a strong second party provide the electorate with legislative alternatives but also with a remarkably high level of honesty and frankness.

Without indulging in partisanship, I am sure we can all agree that a strong two-party system is Democracy's life insurance -- protection for our children against any drift toward authoritarianism. Conversely, a crushing over-balance of strength in either party for too long will make a mockery of our traditions in government and weaken the voice of the people.

....more....





This threat to the American system becomes even more serious when both legislative and executive branches are dominated by the same party.

The temptation for the President's majority in Congress to simply rubber-stamp his proposals can become irresistible. Especially when the President is a master at the art of arm-twisting -- or as the present incumbent calls it, "reasoning together!" The recently passed Education Act is a case in point. We had such quick passage of a bill without Congress really working its will that many conscientious citizens feel raised more questions than answers. So we now hear talk of correcting the flaws with additional legislation. But this is hardly an adequate substitute for well thought out action.

We must also remember that the burgeoning growth of Big Government has given the President virtually unlimited resources for working his will. Besides the increased patronage and the increased leverage of administering massive spending programs, he now controls a veritable army of experts, researchers and propagandists whose job it is to present his administration in the best possible light to the American people.

Great power in a democracy should require great self-restraint. Yet only two weeks ago we were dramatically reminded that this is not always the case. I am referring to April 15th -- the day of reckoning for the American taxpayer. An incalculable number of citizens were then obliged to go into debt as a delayed result of federal tax legislation with political overtones. What happened was that after the 1964 tax reduction was passed the Administration wished to bask in the sun of voter gratitude, while muting the politically disagreeable fact that cutting the withholding tax would leave the taxpayer with a larger cash obligation to the Treasury on April 15th, 1965, than in previous years. The Administration's action -- in allowing a false impression to exist -- reminded columnist Arthur Krock of a television commercial that used fake sandpaper in a shaving cream demonstration. But in the case of the commercial fakery, the Federal Trade Commission ordered the company to cease and desist. Nobody, however, required the Administration to do likewise.

Today the President is king pin of the branch of government that employs over five million civilian and military personnel, with a yearly payroll cost of \$28 billion, and a total expenditure of over 127 billion tax dollars in fiscal 1966.

This is awesome power, indeed. And if consistently used improperly could mean the withering away of our tripartite system of government and the eventual death of the two-party system.

It is also necessary to remember that while the President is chief executive of all of us, he basically represents the views of only those who voted for him.

(Many times this has meant less than a majority of the people.)

On the other hand, members of Congress, and particularly those in the House of Representatives, are closer to the Nation's citizens. They are chosen by smaller segments of the Nation. In the House they are elected every two years. They represent every section of the country, rural and city, suburbs, blue-collar and white-collar, every major profession, doctors and lawyers, nearly every national origin, Protestant, Catholic, Jew, Negro, even American Indian.

This is your strength. It should not be diluted by an over-balance in the executive and judicial branches of government.

While it is the duty of the legislative branch to enact laws, and the duty of the executive branch to administer laws, it is the duty of the third branch of government, the Judiciary, to interpret the laws.

Unfortunately there is evidence that the Judicial branch is now arbitrarily elbowing its way into new positions of authority, and disregarding the wise suggestion of judicial restraint made by the late Justice Frankfurter and others.

When the Supreme Court ordered the states to reapportion on the "one-man, one vote" concept, Justice Frankfurter, in a dissenting opinion, was critical of an assumption by the Court of "destructively novel judicial power."

"In this situation, as in others of like nature," Justice Frankfurter said, "appeal for relief does not belong here. Appeal must be made to an informed, civically militant electorate. In a democratic society like ours," he continued, "relief must come through an aroused public conscience that sears the conscience of the people's representatives."

Justice Frankfurter emphasized that the Supreme "Court's authority -- possessed neither of the purse nor the sword -- ultimately rests on sustained public confidence in its moral sanction."

\* \* \*

It seems to me that the major goals to be sought in the area of government are two-fold. First: a sensitive balance between executive, legislative and judicial branches; Second: a strong two-party system.

As the goals are simple and straightforward, so, too, are the means of reaching them: a renewed sense of citizen participation at all levels of government; alert, enlightened and unfettered news media; self-restraint by those in positions of public trust; a general understanding of the workings of the American governmental system, so as to be able to detect deviations from it; and, above all, constant vigilance.

#####



"Balance in Government: An Analysis of the Legislative Process"

Presented by the Honorable Gerald R. Ford

Minority Leader

The House of Representatives

Congress of the United States

Southern Methodist University

November 8, 1965

*changed*

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

This examination of the legislative process centers on the three branches of government, their balance or lack of it, with particular emphasis on the Congress.

A responsible dialogue discussing the legislative process includes the 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, best in balance when they guard against mediocrity--- always the danger of a society overly-planned.

These are relationships of paramount importance in government, which most properly must create a social order permitting every individual to live in dignity, respect law and receive justice, and exploit endlessly the best in himself.

In granting powers to the Executive Branch, drafters of the Constitution very wisely decided to carefully delineate the authority establishing a Presidential position of balanced strength.

Strength, too, was demanded in the Legislative Branch of Federal Government, giving the Congress a vital role.

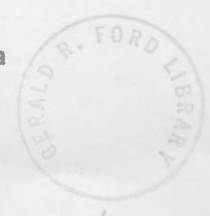
A strong judicial system under the United States Supreme Court was written into the document.

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

The second cornerstone of the Republic is the Constitutional provision that each State shall retain a pluralistic degree of sovereignty in relation to the Federal establishment.

In their fidelity to detail, the patriots who created the Constitution separate the powers and responsibilities of state and national governments.

Not Constitutionally-ordained, the third cornerstone of our Nation is a strong two-party political system.





*Dante - Hottest places in hell  
are reserved for those who in a time of  
moral crisis remain neutral.*

Early in America's history, out of the political experience of the early years there developed two major political parties. This 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 is to be a lasting bulwark against the concentration of power in any one branch of government, let us examine our political society in possibly history's most crucial and turbulent era.

The Executive branch increases in power and strength. Its manpower corps numbers more than five million, approximately half of the personnel in the military services. With this huge mass of personnel comes a total annual payroll of close to \$30 billion and the right to spend out of the Federal Treasury nearly \$127 billion each year.

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

Executive accomplishments are detailed to the Nation by the device of "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 disseminating the information 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 philosophastry.

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 could turn to 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 well assume the responsibility of ing seek/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, dissecting, 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.

From Congress itself is emerging such a study. A joint bi-partisan committee currently is conducting 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 present study is a bold move toward dissolving much 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 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 and taking action which makes new law adds to the lack of balance.

The role of the minority power in this situation should be greater than that of 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 correct then and his words are just as correct and meaningful now.

The minority power 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.



In the national interest, the strength of the minority power must have the necessary volume and substance to not only serve as a counter-weight but to initiate positive and constructive legislative proposals.

The minority party must be imaginative, dedicated, and alert. If it fails to be given needed strength and voice by the electorate, the true progress of our nation is impeded, mis-directed, or stopped short of desirable goals.

Despite the present imbalance in government with an over-abundance of power in the Executive branch, a steeply-tilted majority in the Congress, and the lack of judicial restraint in the courts, there are reasons to be optimistic.

I have a strong abiding faith in the good judgment of the American people. There is a growing realization that our political system is the finest in the history of mankind.

I see strong indications of the American people seeking to fulfill a wish expressed by Benjamin Franklin on the day work was completed in framing the Constitution.

He was asked: "What have we -- a monarchy or a republic?"

Franklin answered: "A Republic-- if you can keep it."

Americans by and large are dedicated to keeping our republic in the face of criticism at home and abroad.

There is a growing realization in America that a government big enough to give us everything we want is big enough to take from us everything we have.

# # # # #