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**"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

Los Angeles Junior Chamber of Commerce

March 7, 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 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.

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.

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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?"

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