

EH OPENING STATEMENT ON ROCKEFELLER INQUIRY
THURSDAY, NOV. 21, 1974

WHEN THE 25TH AMENDMENT OF THE CONSTITUTION WAS BEING CONSIDERED A DECADE AGO, IT WAS POINTED OUT THAT IN ONE PRESIDENTIAL TERM OUT OF THREE THE COUNTRY HAD BEEN WITHOUT A VICE PRESIDENT. ALTHOUGH THERE HAD ALWAYS BEEN A SUCCESSOR TO THE OFFICE OF PRESIDENT READY UNDER OUR LAWS TO ASSUME THAT OFFICE, SINCE CONGRESS HAD MADE STATUTORY PROVISION THEREFOR WHEN THERE WAS NO VICE PRESIDENT TO SUCCEED, WE IN OUR GENERATION THOUGHT IT BETTER POLICY TO FILL VACANCIES IN THE OFFICE OF VICE PRESIDENT AS THEY OCCUR. AND SO THE 25TH AMENDMENT IMPOSES UPON THE PRESIDENT THE DUTY TO NOMINATE A VICE PRESIDENT, WHO SHALL TAKE OFFICE UPON CONFIRMATION BY A MAJORITY VOTE OF BOTH HOUSES OF CONGRESS.

THE HOUSE OF REPRESENTATIVES HAS CHARGED OUR COMMITTEE TO RECOMMEND WHETHER NELSON A. ROCKEFELLER, OF THE STATE OF NEW YORK, NOMINATED BY PRESIDENT FORD TO FILL AN EXISTING VACANCY IN THE OFFICE OF VICE PRESIDENT OF THE UNITED STATES, SHOULD BE CONFIRMED AS VICE PRESIDENT BY THE HOUSE.

SINCE HISTORY HAD TAUGHT US THAT IN ONE PRESIDENTIAL TERM OUT OF THREE A VACANCY WOULD OCCUR IN THE OFFICE OF VICE PRESIDENT, CONGRESS AND THE COUNTRY WERE ON NOTICE THAT WE WOULD NOT INFREQUENTLY BE CALLED UPON TO PERFORM UNDER SECTION 2 OF THE 25TH AMENDMENT - BUT NONE COULD FORESEE THAT THE SAME CONGRESS WOULD TWICE BE CALLED UPON TO FILL A VACANCY IN THAT HIGH OFFICE. SUCH, HOWEVER, HAS BEEN OUR LOT IN HISTORY.

PRECISELY A YEAR AGO THIS COMMITTEE WAS ENGAGED IN EXAMINING THE CREDENTIALS OF GERALD R. FORD, THEN MINORITY LEADER OF THE HOUSE, TO BE VICE PRESIDENT. WITHOUT PRECEDENT TO GUIDE US, WE DETERMINED TO EXAMINE INTO MR. FORD'S PERSONAL AND POLITICAL BACKGROUND MINUTELY. AND TODAY, FOLLOWING OUR PRECEDENTS OF A YEAR AGO, WE ARE EXAMINING MR. ROCKEFELLER IN SIMILAR FASHION. I DO NOT SUGGEST THAT OUR ADVERSARIAL APPROACH AND MINUTE INVESTIGATION ARE IMPROPER. ON THE CONTRARY, I BELIEVE WE ARE ADHERRING TO STANDARDS WHICH THE

STANDARD, BECAUSE TWO YEARS HENCE OUR POLITICAL PARTIES WILL NOMINATE PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WITHOUT PUTTING THEM TO THE TEST OF AN ADVERSARIAL INVESTIGATION. AND THE ELECTORATE WILL CHOOSE AMONG THEM WITHOUT BENEFIT OF ANY INQUIRY APPROACHING IN THOROUGHNESS THAT WHICH PRESIDENT FORD AND GOVERNOR ROCKEFELLER HAVE SUBMITTED TO.

WHAT IS OUR ROLE IN THIS PROCESS? SOME BELIEVE THAT IN CONFIRMING A VICE PRESIDENT DESIGNATE, CONGRESS ACTS AS THE SURROGATE OF THE PEOPLE, THAT CONGRESS ELECTS A VICE PRESIDENT, ACTING FOR THE PEOPLE. OTHERS THINK OF IT AS THE TRADITIONAL ADVICE AND CONSENT TO A PRESIDENTIAL APPOINTMENT. PROBABLY THE PRACTICAL ANSWER IS SOME OF BOTH. BUT ONE THING IS CLEAR, FROM THE DEBATES AND REPORTS ON THE 25TH AMENDMENT: THE PRESIDENT IS ENTITLED TO A VICE PRESIDENT OF HIS OWN PARTY, ONE WHO WILL WORK WITH HIM AND NOT AGAINST HIM, ONE WHOM HE FINDS COMPATIBLE TO THE PROGRAMS AND POLICIES OF HIS ADMINISTRATION. IN ORDER TO ASSURE THAT PUBLIC POLICY, THE CONGRESS CAN THROUGH ITS FUNCTION OF CONFIRMATION PLACE IN OFFICE ONLY A NOMINEE OF THE PRESIDENT.

MR. CHAIRMAN, THIS COMMITTEE AS PRESENTLY COMPOSED HAS HAD CONSIDERABLE EXPERIENCE IN CONSTITUTIONALLY BASED INVESTIGATION AND INQUIRY. WE ARE LED TO BELIEVE THAT OUR PREVIOUS ACTIVITIES HAVE BROUGHT CREDIT TO THE HOUSE OF REPRESENTATIVES. I AM CONFIDENT THAT DURING THE PRESENT HEARING WE WILL DO NOTHING TO DIM THAT LUSTER.

EDWARD HUTCHINSON, M.C.

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