

**The original documents are located in Box D16, folder “National Coal Association Convention, New York, June 17, 1964” 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 The Council donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections.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.

*Speeches?*

June 22, 1964

Mr. A. T. Murphy  
Editor  
The Black Diamond  
Manhattan Building  
Chicago 5, Illinois

Dear Mr. Murphy,

Thank you for your complimentary letter of June 18th requesting a copy of my talk before the National Goal Association convention in New York.

Enclosed is a copy of my remarks concerning the Congress and our form of democracy. My comments on the Warren Commission were extemporaneous so that I am unable to send anything on this topic.

I appreciate your kind remarks about the speech and I hope this copy will be useful.

Kindest personal regards.

Sincerely,

Gerald R. Ford, M.C.

GRF:jb

enc.



# THE BLACK DIAMOND

CHICAGO



NEW YORK

FOR MORE THAN SEVENTY-FIVE YEARS  
THE LEADING JOURNAL OF THE  
**COAL INDUSTRY**

MANHATTAN BLDG.  
CHICAGO 5, ILL.

June 18, 1964

The Honorable Gerald R. Ford  
Congress Office Building  
Washington, D.C.

My dear Congressman:

I was greatly impressed with your address before the National Coal Association convention in New York City on June 17.

I looked in the press department but could not find any release of your address and they stated that none was available. I also inquired at the closing session and the information I received was that you did not turn in a copy of your address which you referred to continually while you were delivering it.

If it is available I should greatly appreciate having you send me a copy.

Sincerely,

THE BLACK DIAMOND

A. T. Murphy  
Editor

ATM:ew

Remarks on Warren Comm.  
were extemporaneous  
but remarks on Congress

a



Speech

1

Nath. Cool. Beech.  
June 17, 1964

Most of you probably know what the aeronautical engineer said after someone gave him the blueprint for a bumblebee. "It'll never fly," he said. Well for 188 years now a lot of people around the world, and some right here at home, have been having the same reaction when it comes to our form of government. It'll never work, they say.

Maybe in theory they have something. It's not a very efficient form of government. It not only gives every Tom, Dick and Harry the chance to express his political sentiments, it even encourages him to become a part of the political system itself.

Funny thing, though, Bumblebees do fly. And as Winston Churchill has observed, "Democracy is the worst form of government except for any other that has ever been tried." It can be said without hesitation or reservation that our form of representative government has made our people more free and more prosperous than any other people on earth.

Maybe it's about time to start thinking and thinking hard



about why it has worked and about what we can do to keep it working. Unless we do, we could easily fall prey to the glib suggestions that what America has just isn't good enough for these times, that we need streamlining to achieve efficiency, that we need new ways of government to achieve progress.

At the heart of all these suggestions is the assumption that government can be judged the same way you judge a cornfield, a coalmine, or a car factory -- by how much it produces every year.

To people who feel that way, the product of government is programs, programs, and more programs. If it produces more, it's good. If it produces less, it's bad. So these cynics say.

In our form of government - that which <sup>in less than two centuries</sup> has permitted 13 poor, struggling colonies to grow into a nation of 50 states, a most powerful and prosperous one -- we have built in a resistance to the concentration of power by the clear separation of government into three equal and coordinate branches: the

judicial, the legislative, and the executive branches. Each is assigned a specific role and responsibility. <sup>However</sup> The Constitution assigns no superiority or dominating influence - they are coordinate branches, equal in all respects.

But what do we hear today? Let me quote the exact recent words of a United States Senator, Joseph Clark of Pennsylvania. He wrote: "I have no hesitation in stating my deep conviction that the legislatures of America, local, state, and national, are presently the greatest menace to the successful operation of the democratic process." I respect and would defend the <sup>Senator's</sup> right to make the statement, but I vigorously disagree with the viewpoint.

How does the Senator propose to remove this menace? His first recommendation is that "the executive should be strengthened at the expense of the legislative." In short, says a member of the Congress of the United States, don't trust with power the federally elected representatives of the people, of

the fifty states. NO. Put that power in the hands of the executive! Don't spread power out among all the people, majority and minority alike, says Senator Clark. Put that power at the disposal of the mathematical majority, concentrate it in the single hands of a single branch of government. Does not the Senator know that "Power corrupts and absolute power corrupts absolutely?"

I respectfully say dissent and debate are the touchstones of the American experience. National unity does not mean national conformity. A difference of opinion does not mean disrespect. A responsible Congress, one which deliberates in order to produce prudent judgments rather than just flurries of statistics can never be a rubber stamp: not for this Executive Branch, not for any particular economic interest, and not even for the sudden surge of well-intentioned public emotion which sometimes are poured upon it. The dangerous notion that the work and worth of Congress can be kept like a bowler's



scorecard, misses the great point of the legislative process and of the American political genius which had its birthplace in Independence Hall.

Actually, rejecting programs and proposals, or amending them may, be as productive as any roll-over, play dead action in the Congress. But, to view it that way, you must view the role of Congress as being mainly involved in serving the general interests of the Republic, not just the selfish appetites of some particular segment of it; as serving and preserving the freedom of the American people, and not just in taking over more and more of their responsibilities.

Suppose the House and Senate just rubber-stamped everything that came before us? Would we have been serving your best interests? Would we have been serving the nation's present and future welfare?

We would not! We would, instead, have plunged this nation into a red tape nightmare of regimentation and controls, mortgaged our future and renounced our responsibility.





Then, much of the work of Congress--your Congress, never forget, is in areas other than actual legislation.

Congress is your watchdog over the entire federal bureaucracy, over the entire five-and-a-half million civilian and military personnel employed in the Executive Branch of the government, *In the Executive branch* Should be permitted to operate beyond control, beyond restraint, and beyond responsibility to the people it is supposed to serve.

Let me give you a few illustrations which bear directly upon the coal industry.

The President intervened in the recent labor negotiation between railroad management and unions. Rumors persist that in order to get management to agree to the settlement, he promised certain legislation as well as tax concessions.

Part of this legislation appears to be a transportation bill which would include provisions detrimental to the coal industry. While this issue is not yet settled, it is important for



Congress to determine whether such legislation is in the public interest, even though the Administration has promised that it will be enacted. It is significant that the Congress has thus far successfully resisted the previous attempt to impose on the coal industry transportation legislation which according to its spokesman would be adverse to its interests.

The Administration this year proposed legislation which would give the Secretary of Labor authority to select industries which would be subject to an overtime work penalty of double time or more. So far, Congress has shown no inclination to give such tremendous discretionary authority to the Executive Branch. In my opinion, this is the sort of power that Congress should retain to itself, *or more importantly leave in the hands of our people.* The collective judgment of 535 members of the House and Senate can see that this power is used wisely -- far wiser than might be the case if it were in the hands of a single appointive official who might use it for various reasons, including punitive ones.



The Department of Health, Education and Welfare has tried vigorously to establish a new administrative empire to control water pollution in the states and river basins. The Congress so far has successfully resisted this move on the grounds that such operations are primarily the responsibility of the states or the regional river authorities. Similarly, the Department of the Interior has for some time proposed a program which would inject the Federal Government into the operation of surface coal mines through an ostensible nationwide study of conditions. This legislation has remained with the committees for further review and study since opposition from the various states has been vigorously presented.

Despite clear and consisely expressed intent of Congress that mandatory control of oil imports should be based on levels that would contribute to the maintenance of a strong domestic industry, the Executive Branch in administering that law has used its authority to permit increasing volumes of imports to

the detriment of the coal industry. Here it can be argued the Congress seems to have failed to keep the Executive Branch under proper control. Perhaps Congress should enact pending bills which would take away <sup>a part of</sup> the discretionary authority in this field.

I am sure you all recall the vigorous legislative battle, stretching over several years, over the Hanford project which was the Atomic Energy Commission's pet proposal. It is enough to say that Congress resisted the effort to approve this project as proposed by the Administration, and did succeed in changing its character so as to deny the use of federal funds in its construction or operation.

Without Congress, or with a Congress that was only a rubber stamp, there is no question that the national government would be more efficient in a cold, mathematical sense. Many efforts to streamline the Congress today are aimed in that direction and based on that false premise. It is well to remember that the legislative body of the Soviet Union,



if you can call it such, is most efficient; there is no delay, no dissent, no debate -- but neither is there the life, liberty, and the pursuit of happiness which we treasure.

Those who are so critical of the Congress completely overlook, and certainly not unknowingly, that the House of Representatives probably has the closest kinship with the electorate (you, the people) of any segment of the federal government. Every one of the 435 members of the House must put his record on the line and obtain the approval of his constituents every two years. I do not mean to imply that the Congress should not be criticized or that members of any legislative body always reflect fully the views of their constituents. On the other hand, it is the House of Representatives, and all of us who are elected periodically, who do go directly to the people for a mandate. We are on the firing line and expect to receive our share of the sniping. It is not the criticism that troubles me but the aura of distrust generated by it; the

feeling that Congress is a roadblock, halting progress, and failing to fulfill its role and, therefore, should relinquish some of its authority to the executive.

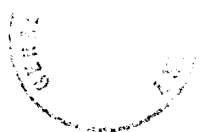
The Congress is often accused of being a negative body, of obstructing progress. From the viewpoint of those who crave power, who want to determine your destiny by their will and whim, the Constitution <sup>itself</sup> is negative. This historic document is negative in many instances -- often a "go slow" or "stop" sign.

Frequently it says "hold on a minute" to those that govern.

Its foundation is laid on the basic belief that a government not controlled by the people will control the people.

Affirmatively, this means there is a basic faith in the electorate and in elected representatives.

The accusing finger waved at the Congress frequently alleges there are evils in the seniority system for



committee chairmen. Directly or otherwise they condemn  
 Congressman Carl Vinson of Georgia, who as chairman  
 of the House Committee on Armed Services has contributed  
 significantly to the military security of America. These  
 critics also condemn a system which has produced Senator  
 Harry Byrd of Virginia, a statesman whose efforts to achieve  
 economy in government and fiscal responsibility has saved our

*In the recent past Senators Robt Taft  
 & Arthur Vandenberg were harshly criticized  
 but they were acknowledged authorities in federal finances & foreign affairs & still  
 serving as  
 chairmen of  
 two important  
 committees  
 in the Senate.*

What is offered in place of the seniority system? Each  
 alternative suggested in one way or another would raise the  
 ugly menace of behind-the-scenes politics or closed-door deals

in the selection of committee chairmen. To abandon the  
 seniority system for committee chairmen would place  
 another weapon in the hands of the executive for it could use  
 its influence to pick a chairman who would later on bow to

White House domination. All substantial evidence leads one to  
 the conclusion that a system which has given us the Vinsons, and  
 Byrds, and other renowned and respected chairmen is the best.

*Taft, Vandenberg*



Those who point the accusing finger at the elected representatives complain about the appropriation process, alleging it hamstring the operations of the multitude of federal agencies, bureaus, and departments. Of course those who seek to place maximum authority in the executive really seek authority to spend those hard-earned <sup>tax</sup> dollars without restriction or limitation.

Isn't it better for America that the Congress does scrutinize the President's budget with care and deliberation? The answer is crystal clear -- in the past 10 budgets submitted by the several President's Congress has cut over \$34 billion from the executive department spending demands. As we look back at this past decade no one would honestly contend that the bureaucrats in Washington needed that extra \$34 billion plus to run our government.

Another common criticism of the Congress involves the filibuster in the Senate and the Committee on Rules in the House. We are told that it is tragic when either House is





prevented from the immediate consideration of proposals submitted and demanded by the Chief Executive.

When I first came to Congress as a freshman Representative I voted for the so-called 21-day rule. Under this rule the Committee on Rules had 21 days within which to act on any request for a rule to bring a bill to the floor of the House.

Two years later when the question was on the repeal of the 21-day rule I voted for its retention but after 2 more years of practical legislative experience I changed my viewpoint. Experience had shown that the Committee on Rules served a most useful purpose as the traffic cop in the orderly flow of legislation to the floor of the House. I was convinced that little, if any, legislation truly desired by a majority of the members of the House and truly in the best interests of the country was ever road-blocked absolutely by the Committee on Rules.

Should the Committee remain adamant when the majority of the members of the House want in all sincerity to vote on an issue, there are alternative methods which can be used to bring

legislation to the floor.

The Committee on Rules is not an absolute dictator; actually it was set up to counteract the dictatorial tactics of Uncle Joe Cannon, Speaker of the House.

While in the House of Representatives a filibuster is impossible under the rules, action in the Senate last week is again proof that when there is genuine popular demand for action on a controversial issue a filibuster can be broken even under present Senate rules.

It is well to have sufficient delay in order that a body of public opinion can be developed so that all interested citizens and groups have sufficient time to examine proposals and suggest revisions.

It does seem to me that reasonable delay and even extended debate on extremely controversial issues is preferable in many instances to the prompt adoption of legislation which may prove <sup>or</sup> unbalance quite unsatisfactory

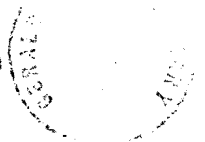


and possibly detrimental.

Unfortunately few Americans today realize the numerical strength of decision makers in the federal government. Today Uncle Sam employs approximately 2,500,000 civilians and this army of bureaucrats that operates in everyone of the 50 states and worldwide is supplemented by 2,700,000 men on active duty with the Armed Forces. The annual payroll for over 5 million federal employees is approximately \$30 billion. Unfortunately those who consistently argued for a bigger and bigger federal bureaucracy never tell our citizens that a government big enough to give us everything we want is a government big enough to take from us everything we have.

We in Michigan have recently seen a dramatic and discouraging example of the abuse of federal executive authority and the helplessness of a state government in meeting unwarranted bureaucratic power from the Nation's Capital.

At the request of Governor Romney the state legislature passed a law covering aid to dependent children of the



unemployed. The bill had been carefully drawn by experts in the field who consulted with officials in the Department of Health, Education and Welfare to make certain that the bill satisfied all departmental regulations. These officials approved the bill. Moreover, the Congress had said specifically in the basic legislation that the definition of unemployed parents was to be "determined by the states." Nevertheless, after the Michigan bill became law, Secretary Celebrezze refused to release federal funds to Michigan, alleging that Michigan's definition of an "unemployed person" was discriminatory. While it was perfectly clear from the federal law and congressional debate, that the definition was to be left to the states, Michigan to date has not received one cent of federal funds for this program of aid to dependent children solely because of the arbitrary action of a federal executive agency. The state is, however, trying to comply with federal directives.



The issue of executive absolutism, whether achieved by artifice, device, "purchase," or by our own complacency, is a great threat to our country today. Much has been said recently about the rantings and ravings and dangers that confront us from the "fanatical left" and the "fanatical right." I am not so concerned about the "fanatical left" and the "fanatical right," as I am about the "complacent center" and the "power-hungry top."

In addition to the encroachment<sup>g</sup> of the executive branch into the jurisdiction of the legislative branch, there is an increasing tendency for the Judicial Branch to get into the act of dictatorially determining public policy by stretching at this late date the long established intent of the Constitution and what was the law for generations. Whether we feel the decisions are right or wrong, our Supreme Court has recently handed down major opinions affecting and changing the ways of life and the political organizations of massive sections of our population. *An example* Examples of this are the rulings on



~~school segregation cases~~, the <sup>redistricting</sup> redistricting decision last year in the Baker-Carr case, and just this past Monday in the Alabama and other cases, the ruling that in each state legislature both houses must have representation based on population count.

Without passing judgement on the merits of these cases, *although I have strong personal feelings* we cannot escape the conclusion that the Court in each instance was doing more than interpreting the Constitution. The Court was determining public policy; it was making new law, judicial law, which has the same effect as legislative law. *Now these* *although I doubt it* decisions of the Court may be right, they may be in the public interest, they may be helpful and practical. But as Justice Frankfurter stated in his Baker-Carr dissent: "In this situation, as in others of like nature, appeal for relief ~~does not~~ does not belong here. Appeal must be an informed, civically militant electorate. In a democratic society like ours, relief must come through an aroused popular conscience that sears the



conscience of the peoples representatives." As a long time member of the Court, Justice Frankfurter recognized the necessity of judiciary restraint, and the responsibility of the voters and their representatives in our system of government.

It is worrisome to note that both the Executive and Judicial branches, who are encroaching<sup>a</sup> on the law making responsibilities of the Legislative branch are immunized from the public control at the ballot box.

A Supreme Court Justice and every member of the federal judiciary enjoys a lifetime appointive position. Only the President and the Vice President out of the 2½ million employees in the executive branch of government put their record to the test of the ballot box, and that once in four years. The peoples' protection and the people's authority rest primarily in the legislative branch of the federal government.

I submit that rather than change and weaken the Congress



as Senator Clark and others suggest, we should be everlasting-ly grateful to the Founding Fathers and to those today who insist on preserving the power of the elected legislature. The legislative branch rests solidly on the wisdom and judgment of the electorate. Through it we preserve the sovereignty of the people; through it we insure ourselves against dictatorship or oligarchy.

The strength of America after all <sup>lies</sup> in our people. You all can assure a continuance of our strength by wise and studied selection of your elected representatives and then by giving them your support. Congress will then continue to serve you well and effectively.



*Deficiency Draft*

*NCA Council*  
*June 17, 1964*

1

Most of you probably know what the aeronautical engineer said after someone gave him the blueprint for a bumblebee. "It'll never fly," he said. Well, for 188 years now a lot of people around the world, and some right here at home, have been having the same reaction when it comes to our form of representative government. It'll never work, they say.

Maybe in theory they have something. It's not a very efficient form of government. It not only gives every Tom, Dick and Harry the chance to express his political sentiments, it even encourages him to become a part of the political system itself.

Funny thing, though. Bumblebees do fly. And as Winston Churchill has observed, "Democracy is the worst form of government except for any other that has ever been tried." It can be said without hesitation or reservation <sup>that</sup> our form of representative government has made our people more free and more prosperous than any other people on earth.

Maybe it's about time to start thinking and thinking hard about why it has worked and about what we can do to keep it working. Unless we do, we could easily fall prey to the glib suggestions that what America has just isn't good enough for these times, that we need streamlining to achieve efficiency, that we need new ways of government to achieve progress.

At the heart of all these suggestions is the assumption that government can be judged the same way you judge a cornfield <sup>or a coliseum</sup> or a car factory -- by how much it produces every year.



To people who feel that way, the product of government is programs, programs, and more programs. If it produces more, it's good. If it produces less, it's bad. So these cynics say.

In our form of government - that which has permitted 13 poor, struggling colonies to grow into a nation of 50 states, <sup>the</sup> most powerful, <sup>and</sup> <sup>one</sup> most prosperous - we have built in a resistance to the concentration of power by the clear separation of government into three equal and coordinate branches: the judicial, the legislative, and the

executive branches. Each is assigned a specific role and responsibility.

*Constitution assigns no superiority or dominating influence - they are* *The coordinate branches, equal in all respects.*  
But what do we hear today? Let me quote the exact recent words

of a United States Senator, Joseph Clark of Pennsylvania. He wrote:

"I have no hesitation in stating my deep conviction that the legislatures of America, local, state, and national, are presently the greatest menace to the successful operation of the democratic process." I respect and would defend the right to make the statement, but I vigorously disagree with the viewpoint.

How does the Senator propose to remove this menace? His first recommendation is that "the executive should be strengthened at the expense of the legislative." In short, says a member of the Congress of the United States, don't trust <sup>with power</sup> the <sup>federally elected</sup> representatives of the people of the fifty states, ~~with power~~. NO. Put that power in the hands of the executive! Don't spread power out among all the people, majority and minority alike, says Senator Clark. Put that power at the disposal of the mathematical majority, concentrate it in the single hands of a single branch of government. Does not the Senator know that "Power corrupts and absolute power corrupts absolutely?"



I respectfully say dissent and debate are the touchstones of the American experience. National unity does not mean national conformity. A difference of opinion does not mean disrespect. A responsible Congress, one which deliberates in order to produce prudent judgments rather than just flurries of statistics, can never be a rubber stamp: not for the Executive Branch, not for any particular economic interest, and not even for the sudden surges of well-intentioned public emotion which sometimes are poured upon it. The dangerous notion that the work and worth of Congress can be kept like a bowler's scorecard, misses the great point of the legislative process and of the American political genius which had its birthplace in Independence Hall.

Actually, rejecting programs and proposals, or amending them may, be as productive as any roll-over, play dead action in the Congress. But, to view it that way, you must view the role of Congress as being mainly involved in serving the general interests of the Republic, not just the selfish appetites of some particular segment of it; as serving and preserving the freedom of the American people, and not just in taking over more and more of their responsibilities.

*The House + Senate*  
 Suppose we had just rubber-stamped everything that came before <sup>US</sup> ~~the~~?

Would we have been serving your best interests? Would we have been serving the nation's present and future welfare?

We would not! We would, instead, have plunged this nation into a red tape nightmare of regimentation and controls, mortgated our future, and renounced our responsibility.

Then, much of the work of Congress--your Congress, never forget, is in areas other than actual legislation.



Congress is your watchdog over the entire federal bureaucracy, over the entire five-and-a-half million civilian and military personnel employed in the Executive Branch of the government. Except for the President, this vast bureaucracy cannot be made directly accountable to the voters. But they can be made accountable by and through the Congress. And they should be, unless you believe that the largest business in the land, the Executive Branch of the government, should be permitted to operate beyond control, beyond restraint, and beyond responsibility to the people it is supposed to serve.

Let me give you a few illustrations which bear directly upon the coal industry.

The President intervened in the recent labor negotiation between railroad management<sup>s</sup> and unions. Rumors persist that in order to get management to agree to the settlement, he promised certain legislation as well as tax concessions. Part of this legislation appears to be a transportation bill which would include provisions detrimental to the coal industry. While this issue is not yet settled, it is important for Congress to determine whether such legislation is in the public interest, even though the Administration has promised that it will be enacted. It is significant that the Congress has thus far successfully resisted the previous attempt to impose on the coal industry transportation legislation which <sup>according to its spokesmen</sup> would be adverse to its interests.



The Administration this year proposed legislation which would give the Secretary of Labor authority to select industries which would be subject to an overtime work penalty of double time or more. So far, Congress has shown no inclination to give such tremendous discretionary authority to the Executive Branch. In my opinion, this is the sort of power that Congress should retain to itself. The collective judgment of 535 members of the House and Senate can see that this power is used wisely -- far wiser than might be the case if it were in the hands of a single appointive official who might use it for various reasons, including punitive ones.

The Department of Health, Education and Welfare has tried vigorously to establish a new administrative empire to control water pollution in the states and river basins. The Congress so far has successfully resisted this move on the grounds that such operations are primarily the responsibility of the states or the regional river authorities. Similarly, the Department of the Interior has for some time proposed a program which would inject the Federal Government into the operation of surface coal mines ~~to~~ <sup>through</sup> an ostensible nationwide study of conditions. This legislation has remained with the committees for further review and study since opposition from the various states has been vigorously presented.

Despite clear and concisely expressed intent of Congress that mandatory control of oil imports should be based on levels that would contribute to the maintenance of a strong domestic industry, the Executive Branch in administering that law has used its authority to permit increasing volumes of imports to the detriment of the coal industry. Here the Congress seems to have failed to keep <sup>it can be argued</sup> the Executive Branch under proper control, ~~and it seems to me that we should~~ <sup>Perhaps Congress</sup>



This is an example of the kind of study that is needed.

enact pending bills which would take away the discretionary authority in this field.

I am sure you all recall the vigorous legislative battle, stretching over several years, over the Hanford project, <sup>which was the Atomic Energy Commission's pet proposal</sup> It is enough to say that Congress resisted the effort to approve this project as proposed by the Administration, and did succeed in changing its character so as to deny the use of federal funds in its construction or operation.

Without Congress, or with a Congress that was only a rubber stamp, there is not question that the national government would be more efficient in a cold, mathematical sense. Many efforts to streamline the Congress today are aimed in that direction and based on that false premise. It is well to remember that the legislative body of the Soviet Union, if you can call it such, is most efficient; there is no delay, no dissent, no debate -- but neither is there the life, liberty, and the pursuit of happiness which we treasure.

Those who are so critical of the Congress completely overlook, and certainly not unknowingly, that the House of Representatives probably has the closest kinship with the electorate (you<sup>the</sup> people) of any segment of the federal government. Every one of the 435 members of the House must put his record on the line and obtain the approval of his constituents every two years. I do not mean to imply that the Congress should not be criticized or that members of any legislative body always reflect fully the views of their constituents. On the other hand, it is the House of Representatives, and <sup>all</sup> those of us who are elected periodically, who do go directly to the people for a mandate, We are on the firing line and expect to receive our share of the sniping. It is not the criticism that troubles



me but the aura of distrust generated by it; the feeling that Congress is a roadblock, halting progress, and failing to fulfill its role and, therefore, should relinquish some of its authority to the executive.

The Congress is often accused of being a negative body, of obstructing progress. From the viewpoint of those who crave power, who want to determine your destiny by their will and whim, the Constitution is negative. This historic document is negative in many instances -- often a "go slow" or "stop" sign. Frequently it says "hold on a minute" to those that govern. Its foundation is laid on the basic belief that a government not controlled by the people will control the people. Affirmatively, this means there is a basic faith in the electorate and in elected representatives.

The accusing finger waved at the Congress frequently alleges there are evils in the seniority system for committee chairman. Directly or otherwise they condemn Congressman Carl Vinson of Georgia, who as chairman of the House Committee on Armed Services has contributed significantly to the military security of America. These critics also condemn a system which has produced Senator Harry Byrd of Virginia, a statesman whose efforts to achieve economy in government and fiscal responsibility has saved our nation billions of dollars.

What is offered in place of the seniority system? Each alternative suggested in one way or another would raise the ugly menace of behind-the-scenes politics or closed-door deals in the selection of committee chairmen. To abandon the seniority system for committee chairmen would place another weapon in the hands of the executive for it could use its influence to pick a chairman who would later on bow to White House domination. All substantial evidence leads one to the conclusion that a



system which has given us the Vinsons, and Byrds, and other renowned and respected chairmen is the best.

Those who point the accusing finger at the elected representatives complain about the appropriation process, alleging it hamstring the operations of the multitude of federal agencies, bureaus, and departments. Of course those who seek to place maximum authority in the executive really seek authority to spend those hard-earned dollars without restriction or limitation.

Isn't it better for America that the Congress does scrutinize the President's budget with care and deliberation? The answer is crystal clear -- in the past 10 budgets submitted by the several President's Congress has cut over \$34 billion from the executive department spending demands. As we look back at this past decade no one would honestly contend that the bureaucrats in Washington needed that extra \$34 billion plus to run our government.

Another common criticism of the Congress involves the filibuster in the Senate and the Committee on Rules in the House. We are told that it is tragic when either House is prevented from *the immediate consideration of* ~~considering~~ proposals submitted and demanded by the Chief Executive.

When I first came to Congress as a freshman Representative I voted for the so-called 21-day rule. Under this rule the Committee on Rules had 21 days within which to act on any request for a rule to bring a bill to the floor of the House.

Two years later when the question was on the repeal of the 21-day rule I voted for its ~~repeal~~. *retention but after 2 more years of practical legislative experience I changed my* Experience had shown that the Committee on *orderly* *viewpoint.* Rules served a most useful purpose as the traffic cop in the flow of





legislation to the floor of the House. I was convinced that little, if any, legislation truly desired by a majority of the members of the House and truly in the best interests of the country, was ever <sup>road-</sup> blocked <sup>absolutely</sup> by the Committee on Rules.

Should the Committee remain adamant when the majority of the members of the House want <sup>in all sincerity</sup> to vote on an issue, there are alternative methods which can be used to bring legislation to the floor.

The Committee on Rules is not an absolute dictator; <sup>actually</sup> it was set up to counteract the dictatorial tactics of Uncle Joe Cannon, Speaker of the House.

While in the House of Representatives a filibuster is impossible under the rules, action in the Senate last week is again proof that when there is genuine popular demand for action on a controversial issue a filibuster can be broken even under present Senate rules.

It is well to have sufficient delay in order that a body of public opinion can be developed <sup>so that</sup> and all interested citizens and groups have sufficient time to examine proposals and suggest revisions.

It does seem to me that <sup>reasonable</sup> delay and <sup>over</sup> extended debate on extremely controversial issues is preferable in many instances to the prompt adoption of legislation which may prove <sup>unbalanced</sup> quite <sup>un-</sup> satisfactory and possibly detrimental.

Unfortunately few Americans today realize the numerical strength of decision makers in the federal government. Today Uncle Sam employs approximately 2,500,000 civilians and the <sup>army</sup> of bureaucrats <sup>that operate in every one of the 50 states & worldwide</sup> is supplemented by 2,700,000 men on active duty with the Armed Forces. The annual payroll for over 5 million federal employees is approximately



*Unfortunately* 10

\$30 billion. Those who consistently argued for a bigger and bigger federal bureaucracy never tell our citizens that a government big enough to give us everything we want is a government big enough to take from us everything we have.

We in Michigan have recently seen a dramatic and discouraging example of the abuse of federal executive authority and the helplessness of a state government in meeting unwarranted bureaucratic power from the Nation's Capital.

At the request of Governor Romney the state legislature passed a law covering aid to dependent children of the unemployed. The bill had been carefully drawn by experts in the field who consulted with officials in the Department of Health, Education and Welfare to make certain that the bill satisfied all departmental regulations. These officials approved the bill. Moreover, the Congress had said specifically in the basic legislation that the definition of unemployed parents was to be "determined by the states." Nevertheless, after the Michigan bill became law, Secretary Celebrezze refused to release federal funds to Michigan, alleging that Michigan's definition of an "unemployed person" was discriminatory. While it was perfectly clear from the federal law and congressional debate, that the definition was to be left to the states, Michigan to date has not received one cent of federal funds for this program of aid to dependent children solely because of the arbitrary action of a federal executive agency.

*SM*

*comply with federal directives*

*The state is, however, trying to*

The issue of executive absolutism, whether achieved by artifice, device, "purchase," or by our own complacency, is a great threat to our country today. Much has been said recently about the rantings and



ravings and dangers that confront us from the "fanatical left" and the "fanatical right." I am not so concerned about the "fanatical left" and "fanatical right." as I am about the "complacent center" and the "power-hungry top."

In addition to the encroachment of the executive branch into the *jurisdiction of the legislative branch* ~~public policy~~ area, there is an increasing tendency for the Judicial Branch to get into ~~this act~~ *the* ~~act~~ *of dictatorially determining public policy by stretching at this late date* Whether we feel the decisions are right or wrong, our Supreme ~~the~~ Court has recently handed down major opinions affecting and changing the ways of life and the political organizations of massive sections of our population. Examples of this are the rulings on school segregation cases, the redistricting decision last year in the Baker-Carr case, and just this past Monday in the Alabama <sup>and other</sup> cases, the ruling that in each state legislature both houses must have representation based on population count.

*what was the cause for population?*  
*Constitution of the*  
*long subsequent*

*Conclusion*  
~~fact~~ Without passing judgment on the merits of these cases, we cannot escape the ~~fact~~ that the Court in each instance was doing more than interpreting the Constitution. The Court was determining public policy; it was making new law, judicial law which has the same effect as legislative law. Now these decisions of the Court may be right, they may be in the public interest, they may be helpful and practical. But as Justice Frankfurter stated in his Baker-Carr dissent: "In this situation, as in others of like nature, appeal for relief does not belong here. Appeal must be an informed, civically militant electorate. In a democratic society like ours, relief must come through an aroused popular conscience that sears the conscience of the peoples representatives." As a long time member of the Court, Justice Frankfurter recognized the necessity of judicial restraint, and the responsibility of the voters and their representative in our system of government.



It is worrisome to note that both the Executive and Judicial branches, who are encroaching on the law making responsibilities of the Legislative branch are immunized from the public control at the ballot box.

A Supreme Court Justice and every member of the federal judiciary enjoys a lifetime appointive position. Only the President and the Vice President out of the 2-1/2 million employees in the executive branch of government put their record and proposals to the test of the ballot box, and that once in four years. The people's protection and the people's authority rest primarily in the legislative branch of the federal government.

I submit that rather than change and weaken the Congress as Senator Clark and others suggest, we should be everlastingly grateful to the Founding Fathers and to those today <sup>who</sup> ~~we~~ insist on preserving the power of the elected legislature. The legislative branch rests solidly on the wisdom and judgment of the electorate. Through it we ~~preserve~~ the sovereignty of the people; through it we insure ourselves against dictatorship or oligarchy.

The strength of America after all lies in our people. You all can assure a continuance of our strength by wise and studied selection of your elected representatives and then by giving them your support. Congress will then continue to ~~not~~ serve you well and effectively.



NATIONAL COAL ASSOCIATION CONVENTION SPEECH - June 17, 1964

Most of you probably know what the aeronautical engineer said after someone gave him the blueprint for a humbeben, "It'll never fly," he said. Well for 188 years now a lot of people around the world, and some right here at home, have been having the same reaction when it comes to our form of government. It'll never work, they say.

Maybe in theory they have something. It's not a very efficient form of government. It not only gives every Tom, Dick, and Harry the chance to express his political sentiments, it even encourages him to become a part of the political system itself.

Funny thing, though, Humbebens do fly. And as Winston Churchill has observed, "Democracy is the worst form of government except for any other that has ever been tried." It can be said without hesitation or reservation that our form of representative government has made our people more free and more prosperous than any tother people on earth.

Maybe it's about time to start thinking and thinking hard about why it has worked and about what we can do to keep it working. Unless we do, we could easily fall prey to the glib suggestions that what America has just isn't good enough for these times, that we need streamlining to achieve efficiency, that we need new ways of government to achieve progress.



At the heart of all these suggestions is the assumption that government can be judged the same way you judge a cornfield, a coalmine, or a car factory -- by how much it produces every year.

To people who feel that way, the product of government is programs, programs, and more programs. If it produces more, it's good. If it produces less, it's bad. So these cynics say.

In our form of government - that which in less than two centuries has permitted 13 poor, struggling colonies to grow into a nation of 50 states, a most powerful and prosperous one -- we have built in a resistance to the concentration of power by the clear separation of government into three equal and coordinate branches: the judicial, the legislative, and the executive branches. Each is assigned a specific role and responsibility. However, the Constitution assigns no superiority or dominating influence - they are coordinate branches, equal in all respects.

But what do we hear today? Let me quote the exact recent words of a United States Senator, Joseph Clark of Pennsylvania. He wrote: "I have no hesitation in stating my deep conviction that the legislatures of America, local, state, and national, are probably the greatest menace to the successful operation of the democratic process." I respect and would defend the Senators right to make the statement, but I vigorously disagree with the viewpoint.



At the heart of all these suggestions is the assumption that government can be judged the same way you judge a cornfield, a coalmine, or a car factory -- by how much it produces every year.

To people who feel that way, the product of government is programs, programs, and more programs. If it produces more, it's good. If it produces less, it's bad. So these cynics say.

In our form of government - that which in less than two centuries has permitted 13 poor, struggling colonies to grow into a nation of 50 states, a most powerful and prosperous one -- we have built in a resistance to the concentration of power by the clear separation of government into three equal and coordinate branches: the judicial, the legislative, and the executive branches. Each is assigned a specific role and responsibility. However, the Constitution assigns no superiority or dominating influence - they are coordinate branches, equal in all respects.

But what do we hear today? Let me quote the exact recent words of a United States Senator, Joseph Clark of Pennsylvania. He wrote: "I have no hesitation in stating my deep conviction that the legislatures of America, local, state, and national, are presently the greatest menace to the successful operation of the democratic process." I respect and would defend the Senators right to make the statement, but I vigorously disagree with the viewpoint.



How does the Senator propose to remove this menace? His first recommendation is that the "executive should be strengthened at the expense of the legislative." In short, says a member of the Congress of the United States, don't trust with power the federally elected representatives of the people, of the fifty states. No. Put that power in the hands of the executive! Don't spread power out among all the people, majority and minority alike, says Senator Clark. Put that power at the disposal of the mathematical majority, concentrate it in the single hands of a single branch of government. Does not the Senator know that "Power corrupts and absolute power corrupts absolutely?"

I respectfully say dissent and debate are the touchstones of the American experience. National unity does not mean national conformity. A difference of opinion does not mean disrespect. A responsible Congress, one which deliberates in order to produce prudent judgments rather than just flurries of statistics can never be a rubber stamp: not for this Executive Branch, not for any particular economic interest, and not even for the sudden surge of well-intentioned public emotion which sometimes are poured upon it. The dangerous notion that the work and worth of Congress can be kept like a bowler's scorecard, misses the great point of the legislative process and of the American political genius which had its birthplace in Independence Hall.

Actually, rejecting programs and proposals, or amending them may, be as productive as any roll-over, play dead action in the Congress. But to view it that way, you must view the





How does the Senator propose to remove this menace? His first recommendation is that the "executive should be strengthened at the expense of the legislative." In short, says a member of the Congress of the United States, don't trust with power the federally elected representatives of the people, of the fifty states. No. Put that power in the hands of the executive! Don't spread power out among all the people, majority and minority alike, says Senator Clark. Put that power at the disposal of the mathematical majority, concentrate it in the single hands of a single branch of government. Does not the Senator know that "Power corrupts and absolute power corrupts absolutely?"

I respectfully say dissent and debate are the touchstones of the American experience. National unity does not mean national conformity. A difference of opinion does not mean disrespect. A responsible Congress, one which deliberates in order to produce prudent judgments rather than just flurries of statistics can never be a rubber stamp: not for this Executive Branch, not for any particular economic interest, and not even for the sudden surges of well-intentioned public emotion which sometimes are poured upon it. The dangerous notion that the work and worth of Congress can be kept like a bowler's scoreboard, misses the great point of the legislative process and of the American political genius which had its birthplace in Independence Hall.

Actually, rejecting programs and proposals, or amending them may, be as productive as any roll-over, play dead action

to the Congress. But to win it that way, you must win the



role of Congress as being mainly involved in serving the general interest of the Republic, not just the selfish appetites of some particular segment of it; as serving and preserving the freedom of the American people, and not just in taking over more and more of their responsibilities.

Suppose the House and Senate just rubber-stamped everything that came before us? Would we have been serving your best interests? Would we have been serving the nation's present and future welfare?

We would not! We would, instead, have plunged this nation into a red tape nightmare of regimentation and controls, mortgaged our future and renounced our responsibility.

Then, much of the work of Congress--your Congress, never forget is in areas other than actual legislation.

Congress is your watchdog over the entire federal bureaucracy, over the entire five-and-a-half million civilian and military personnel employed in the Executive Branch of the government. Should it, the Executive Branch, be permitted to operate beyond control, beyond restraint, and beyond responsibility to the people it is supposed to serve?

Let me give you a few illustrations which bear directly upon the coal industry.

The President intervened in the recent labor negotiation between railroad management and unions. Rumors persist that



role of Congress as being mainly involved in serving the general interest of the Republic, not just the selfish appetites of some particular segment of it; as serving and preserving the freedom of the American people, and not just in taking over more and more of their responsibilities.

Suppose the House and Senate just rubber-stamped everything that came before us? Would we have been serving your best interests? Would we have been serving the nation's present and future welfare?

We would not! We would, instead, have plunged this nation into a red tape nightmare of regimentation and controls, mortgaged our future and renounced our responsibility.

Then, much of the work of Congress--your Congress, never forget is in areas other than actual legislation.

Congress is your watchdog over the entire federal bureaucracy, over the entire five-and-a-half million civilian and military personnel employed in the Executive Branch of the government. Should it, the Executive Branch, be permitted to operate beyond control, beyond restraint, and beyond responsibility to the people it is supposed to serve?

Let us give you a few illustrations which bear directly upon the coal industry.

The President intervened in the recent labor negotiation between railroad management and unions. Rumors persist that



in order to get management to agree to the settlement, he promised certain legislation as well as tax concessions. Part of this legislation appears to be a transportation bill which would include provisions detrimental to the coal industry. While this issue is not yet settled, it is important for Congress to determine whether such legislation is in the public interest, even though the Administration has promised that it will be enacted. It is significant that the Congress had thus far successfully resisted the previous attempt to impose on the coal industry transportation legislation which according to its spokesman would be adverse to its interests.

The Administration this year proposed legislation which would give the Secretary of Labor authority to select industries which would be subject to an overtime work penalty of double time or more. So far, Congress has shown no inclination to give such tremendous discretionary authority to the Executive Branch. In my opinion, this is the sort of power that the Congress should retain to itself or more importantly leave in the hands of our people. The collective judgment of 535 members of the House and Senate can see that this power is used wisely -- far wiser than might be the case if it were in the hands of a single appointive official who might use it for various reasons, including punitive ones.

The Department of Health, Education and Welfare has tried vigorously to establish a new administrative empire to control water pollution in the states and river basins. The Congress



in order to get management to agree to the settlement, he promised certain legislation as well as tax concessions. Part of this legislation appears to be a transportation bill which would include provisions detrimental to the coal industry. While this issue is not yet settled, it is important for Congress to determine whether such legislation is in the public interest, even though the Administration has promised that it will be enacted. It is significant that the Congress had thus far successfully resisted the previous attempt to impose on the coal industry transportation legislation which according to its spokesmen would be adverse to its interests.

The Administration this year proposed legislation which would give the Secretary of Labor authority to select industries which would be subject to an overtime work penalty of double time or more. So far, Congress has shown no inclination to give such tremendous discretionary authority to the Executive Branch. In my opinion, this is the sort of power that the Congress should retain to itself or more importantly leave in the hands of our people. The collective judgment of 535 members of the House and Senate can see that this power is used wisely -- far wiser than might be the case if it were in the hands of a single appointive official who might use it for various reasons, including punitive ones.

The Department of Health, Education and Welfare has tried vigorously to establish a new administrative empire to control water pollution in the states and river basins. The Congress



so far has successfully resisted this move on the grounds that such operations are primarily the responsibility of the states or the regional river authorities. Similarly, the Department of the Interior has for some time proposed a program which would inject the Federal Government into the operation of surface coal mines through an ostensible nationwide study of conditions. This legislation has remained with the committees for further review and study since opposition from the various states has been vigorously presented.

Despite clear and concisely expressed intent of Congress that mandatory control of oil imports should be based on levels that would contribute to the maintenance of a strong domestic industry, the Executive Branch in administering that law has used its authority to permit increasing volumes of imports to the detriment of the coal industry. Here it can be argued the Congress seems to have failed to keep the Executive Branch under proper control. Perhaps Congress should enact pending bills which would take away a part of the discretionary authority in this field.


I am sure you all recall the vigorous legislative battle, stretching over several years over the Hanford project which was the Atomic Energy Commission's pet proposal. It is enough to say that Congress resisted the effort to approve this project as proposed by the Administration, and did succeed in changing its character so as to deny the use of federal funds in its construction or operation.



so far has successfully resisted this move on the grounds that such operations are primarily the responsibility of the states or the regional river authorities. Similarly, the Department of the Interior has for some time proposed a program which would inject the Federal Government into the operation of surface coal mines through an ostensible nationwide study of conditions. This legislation has remained with the committees for further review and study since opposition from the various states has been vigorously presented.

Despite clear and concisely expressed intent of Congress that mandatory control of oil imports should be based on levels that would contribute to the maintenance of a strong domestic industry, the Executive Branch in administering that law has used its authority to permit increasing volumes of imports to the detriment of the coal industry. Here it can be argued the Congress seems to have failed to keep the Executive Branch under proper control. Perhaps Congress should enact pending bills which would take away a part of the discretionary authority in this field.

I am sure you all recall the vigorous legislative battle, stretching over several years over the Hanford project which was the Atomic Energy Commission's pet proposal. It is enough to say that Congress resisted the effort to approve this project as proposed by the Administration, and did succeed in changing its character so as to deny the use of federal funds in its construction or operation.



Without Congress, or with a Congress that was only a rubber stamp, there is no question that the national government would be more efficient in a cold, mathematical sense. Many efforts to streamline the Congress today are aimed in that direction and based on that false premise. It is well to remember that the legislative body of the Soviet Union, if you can call it such, is most efficient; there is no delay, no dissent, no debate -- but neither is there the life, liberty, and the pursuit of happiness which we treasure.

Those who are so critical of the Congress completely overlook, and certainly not unknowingly, that the House of Representatives probably has the closest kinship with the electorate (you, the people) of any segment of the federal government. Every one of the 435 members of the House must put his record on the line and obtain the approval of his constituents every two years. I do not mean to imply that the Congress should not be criticized or that members of any legislative body always fully reflect the views of their constituents. On the other hand, it is the House of Representatives, and all of us who are elected periodically who do go directly to the people for a mandate. We are on the firing line and expect to receive our share of the sniping. It is not the criticism that troubles me but the aura of distrust generated by it; the feeling that Congress is a roadblock, halting progress, and failing to fulfill its role and, therefore, should relinquish





Without Congress, or with a Congress that was only a rubber stamp, there is no question that the national government would be more efficient in a cold, mathematical sense. Many efforts to streamline the Congress today are aimed in that direction and based on that false premise. It is well to remember that the legislative body of the Soviet Union, if you can call it such, is most efficient; there is no delay, no dissent, no debate -- but neither is there the life, liberty, and the pursuit of happiness which we treasure.

Those who are so critical of the Congress completely overlook, and certainly not unknowingly, that the House of Representatives probably has the closest kinship with the electorate (you, the people) of any segment of the federal government. Every one of the 435 members of the House must put his record on the line and obtain the approval of his constituents every two years. I do not mean to imply that the Congress should not be criticized or that members of any legislative body always fully reflect the views of their constituents. On the other hand, it is the House of Representatives, and all of us who are elected periodically who do go directly to the people for a mandate. We are on the firing line and expect to receive our share of the sniping. It is not the criticism that troubles us but the aura of distrust generated by it; the feeling that Congress is a roadblock, halting progress, and failing to fulfill its role and, therefore, should relinquish



some of its authority to the executive.

The Congress is often accused of being a negative body, of obstructing progress. From the viewpoint of those who crave power, who want to determine your destiny by their will and whim, the Constitution itself is negative. This historic document is negative in many instances -- often a "go" slow" or "stop" sign. Frequently it says "hold on a minute" to those that govern. Its foundation is based on the basic belief that a government not controlled by the people will control the people. Affirmatively, this means there is a basic faith in the electorate and in elected representatives.

The accusing finger waved at the Congress frequently alleges there are evils in the seniority system for committee chairmen. Directly or otherwise they condemn Congressman Carl Vinson of Georgia, who as chairman of the House Committee on Armed Services has contributed significantly to the military security of America. These critics also condemn a system which has produced Senator Harry Byrd of Virginia, a statesman whose efforts to achieve economy in government and fiscal responsibility has saved our nation billions of dollars. In the recent past Senators Robert Taft and Arthur Vandenberg were harshly criticized but they were acknowledged authorities in federal finances and foreign affairs while serving as chairman of two important committees in the Senate.

What is offered in place of the seniority system? Each alternative suggested in one way or another would raise the ugly menace

some of its authority to the executive.

The Congress is often accused of being a negative body, of obstructing progress. From the viewpoint of those who crave power, who want to determine your destiny by their will and whim, the Constitution itself is negative. This historic document is negative in many instances -- often a "go slow" or "stop" sign. Frequently it says "hold on a minute" to those that govern. Its foundation is based on the basic belief that a government not controlled by the people will control the people. Affirmatively, this means there is a basic faith in the electorate and in elected representatives.

The accusing finger waved at the Congress frequently alleges there are evils in the seniority system for committee chairman. Directly or otherwise they condemn Congressman Carl Vinson of Georgia, who as chairman of the House Committee on Armed Services has contributed significantly to the military security of America. These critics also condemn a system which has produced Senator Harry Byrd of Virginia, a statesman whose efforts to achieve economy in government and fiscal responsibility has saved our nation billions of dollars. In the recent past Senators Robert Taft and Arthur Vandenberg were harshly criticized but they were acknowledged authorities in federal finances and foreign affairs while serving as chairman of two important committees in the Senate.

What is offered in place of the seniority system? Each alternative suggested in one way or another would raise the ugly menace



of behind-the-scenes politics or closed-door deals in the selection of committee chairman. To abandon the seniority system for committee chairman would place another weapon in the hands of the executive for it could use its influence to pick a chairman who would later on bow to White House domination. All substantial evidence leads one to the contention that a system which has given us the Vinsons, Tafts, Vandenberges, and Byrds, and other renowned and respected chairman is the best.

Those who point the accusing finger at the elected representatives complain about the appropriation process, alleging it hamstring the operations of the multitude of federal agencies, bureaus, and departments. Of course those who seek to place maximum authority in the executive really seek authority to spend those hard-earned tax dollars without restriction or limitation.

Isn't it better for America that the Congress does scrutinize the President's budget with care and deliberation? The answer is crystal clear -- in the past 10 budgets submitted by the several Presidents, Congress has cut over \$34 billion from the executive department's spending demands. As we look back at this past decade no one would honestly contend that the bureaucrats in Washington needed that extra \$34 billion plus to run our government.

Another common criticism of the Congress involves the filibuster in the Senate and the Committee on Rules in the House. We are told that it is tragic when either House is



of behind-the-scenes politics or closed-door deals in the selection of committee chairman. To abandon the seniority system for committee chairman would place another weapon in the hands of the executive for it could use its influence to pick a chairman who would later on bow to White House domination. All substantial evidence leads one to the contention that a system which has given us the Vinsons, Tafts, Vandenberg, and Byrde, and other renowned and respected chairman is the best.

Those who point the accusing finger at the elected representatives complain about the appropriation process, alleging it hamstring the operations of the multitude of federal agencies, bureaus, and departments. Of course those who seek to place maximum authority in the executive really seek authority to spend those hard-earned tax dollars without restriction or limitation.

Isn't it better for America that the Congress does scrutinize the President's budget with care and deliberation? The answer is crystal clear -- in the past 10 budgets submitted from the several Presidents, Congress has cut over \$34 billion from the executive department's spending demands. As we look back at this past decade no one would honestly contend that the bureaucrats in Washington needed that extra \$34 billion plus to run our government.

Another common criticism of the Congress involves the filibuster in the Senate and the Committee on Rules in the House. We are told that it is tragic when either House is



prevented from the immediate consideration of proposals submitted and demanded by the Chief Executive.

When I first came to Congress as a freshman Representative I voted for the so-called 21-day rule. Under this rule the Committee on Rules had 21 days within which to act on any request for a rule to bring a bill to the floor of the House.

Two years later when the question was on the repeal of the 21-day rule I voted for its retention but after 2 more years of practical legislative experience I changed my viewpoint. Experience has shown that the Committee on Rules served a most useful purpose as the traffic cop in the orderly flow of legislation to the floor of the House. I was convinced that a little, if any, legislation truly desired by a majority of the members of the House and truly in the best interests of the country was ever road-blocked absolutely by the Committee on Rules.

Should the Committee remain adamant when the majority of the members of the House want in all sincerity to vote on an issue, there are alternative methods which can be used to bring legislation to the floor.

The Committee on Rules is not an absolute dictator; actually it was set up to counteract the dictatorial tactics of Uncle Joe Cannon, Speaker of the House.

While in the House of Representatives a filibuster is impossible under the rules, action in the Senate last week is again proof that when there is genuine popular demand for action on a



prevented from the immediate consideration of proposals submitted and demanded by the Chief Executive.

When I first came to Congress as a freshman Representative I voted for the so-called 21-day rule. Under this rule the Committee on Rules had 21 days within which to act on any request for a rule to bring a bill to the floor of the House.

Two years later when the question was on the repeal of the 21-day rule I voted for its retention but after 2 more years of practical legislative experience I changed my viewpoint. Experience had shown that the Committee on Rules served a most useful purpose as the traffic cop in the orderly flow of legislation to the floor of the House. I was convinced that a little, if any, legislation truly desired by a majority of the members of the House and truly in the best interests of the country was ever road-blocked absolutely by the Committee on Rules.

Should the Committee remain adamant when the majority of the members of the House want in all sincerity to vote on an issue, there are alternative methods which can be used to bring legislation on the floor.

The Committee on Rules is not an absolute dictator; actually it was set up to counteract the dictatorial tactics of Uncle Joe Cannon, Speaker of the House.

While in the House of Representatives a filibuster is impossible under the rules, action in the Senate last week is again proof that when there is genuine popular demand for action on a



controversial issue a filibuster can be broken even under present Senate rules.

It is well to have sufficient delay in order that a body of public opinion can be developed so that all interested citizens and groups have sufficient time to examine proposals and suggest revisions.

It does seem to me that reasonable delay and even extended debate on extremely controversial issues is preferable in many instances to the prompt adoption of legislation which may prove on balance quite satisfactory and possibly detrimental.

Unfortunately few Americans today realize the numerical strength of decision makers in the federal government. Today Uncle Sam employs approximately 2,500,000 civilians and this army of bureaucrats that operates in everyone of the 50 states and worldwide is supplemented by 2,700,000 men on active duty with the Armed Forces. The annual payroll for over 5 million federal employees is approximately \$30 billion. Unfortunately those who consistently argued for a bigger and bigger federal bureaucracy never tell our citizens that a government big enough to give us everything we want is a government big enough to take from us everything we have.

We in Michigan have recently seen a dramatic and discouraging example of the abuse of federal executive authority and the helplessness of a state government in meeting unwarranted bureaucratic power from the Nation's Capital.





controversial issue a filibuster can be broken even under present Senate rules.

It is well to have sufficient delay in order that a body of public opinion can be developed so that all interested citizens and groups have sufficient time to examine proposals and suggest revisions.

It does seem to me that reasonable delay and even extended debate on extremely controversial issues is preferable in many instances to the prompt adoption of legislation which may prove on balance quite satisfactory and possibly detrimental.

Unfortunately few Americans today realize the numerical strength of decision makers in the federal government. Today Uncle Sam employs approximately 2,500,000 civilians and this army of bureaucrats that operates in everyone of the 50 states and worldwide is supplemented by 2,700,000 men on active duty with the Armed Forces. The annual payroll for over 5 million federal employees is approximately \$30 billion. Unfortunately those who consistently argued for a bigger and bigger federal bureaucracy never tell our citizens that a government big enough to give us everything we want is a government big enough to take from us everything we have.

We in Michigan have recently seen a dramatic and discouraging example of the abuse of federal executive authority and the helplessness of a state government in meeting unwarranted bureaucratic power from the Nation's Capital.



At the request of Governor Romney the state legislature passed a law covering aid to dependent children of the unemployed. The bill had been carefully drawn by experts in the field who consulted with officials in the Department of Health, Education and Welfare to make certain that the bill satisfied all departmental regulations. These officials approved the bill. Moreover, the Congress had said specifically in the basic legislation that the definition of unemployed persons was to be "determined by the states." Nevertheless, after the Michigan bill became law, Secretary Celebrezze refused to release federal funds to Michigan, alleging that Michigan's definition of an "unemployed person" was discriminatory. While it was perfectly clear from the federal law and congressional debate, that the definition was to be left to the states, Michigan to date has not received one cent of federal funds for this program of aid to dependent children solely because of the arbitrary action of a federal executive agency. The state is, however, trying to comply with federal directives.

The issue of executive absolutism, whether achieved by artifice, device, "purchase," or by our own complacency, is a great threat to our country today. Much has been said recently about the ramblings and ravings and dangers that confront us from the "fanatical left" and the "fanatical right." I am not so concerned about the "fanatical left" and the "fanatical right," as I am about the "complacent center" and the "power-hungry top."

In addition to the encroachment of the executive branch into the jurisdiction of the legislative branch, there is an



At the request of Governor Romney the state legislature passed a law covering aid to dependent children of the unemployed. The bill had been carefully drawn by experts in the field who consulted with officials in the Department of Health, Education and Welfare to make certain that the bill satisfied all departmental regulations. These officials approved the bill. Moreover, the Congress had said specifically in the basic legislation that the definition of unemployed persons was to be "determined by the states." Nevertheless, after the Michigan bill became law, Secretary Celebrezze refused to release federal funds to Michigan, alleging that Michigan's definition of an "unemployed person" was discriminatory. While it was perfectly clear from the federal law and congressional debate, that the definition was to be left to the states, Michigan to date has not received one cent of federal funds for this program of aid to dependent children solely because of the arbitrary action of a federal executive agency. The state is, however, trying to comply with federal directives.

The issue of executive absolutism, whether achieved by artifice, device, "purchase," or by our own complacency, is a great threat to our country today. Much has been said recently about the ramblings and ravings and dangers that confront us from the "fanatical left" and the "fanatical right." I am not so concerned about the "fanatical left" and the "fanatical right," as I am about the "complacent center" and the "power-hungry top."

In addition to the encroachment of the executive branch into the jurisdiction of the legislative branch, there is an



increasing tendency for the Judicial Branch to get into the act of distorcially determining public policy by stretching at this late date the long established intent of the Constitution and what was the law for generations. Whether we feel the decisions are right or wrong, our Supreme Court has recently handed down major decisions affecting and changing the ways of life and the political organizations of massive sections of our population. An example of this is the rulings on the redistricting decision last year in the Baker-Carr case, and just this past Monday in the Alabama and other cases, the ruling that in each state legislature both houses must have representation based on population count.

Without passing judgment on the merits of these cases, we cannot escape the conclusion that the Court in each instance was doing more than interpreting the Constitution. The Court was determining public policy; it was making new law, judicial law which has the same effect as legislative law.

Now these decisions of the Court may be right, although I doubt it, they may be in the public interest, they may be helpful and practical. But as Justice Frankfurter stated in this Baker - Carr dissent: "In this situation, as in others of like nature, appeal for relief does not belong here. Appeal must be an informed, civically militant electorate. In a democratic society like ours, relief must come through an aroused popular conscience that sears the conscience of the people representatives." As a



increasing tendency for the Judicial Branch to get into the act of dictatorially determining public policy by stretching at this late date the long established intent of the Constitution and what was the law for generations. Whether we feel the decisions are right or wrong, our Supreme Court has recently handed down major decisions affecting and changing the ways of life and the political organizations of massive sections of our population. An example of this is the rulings on the redistricting decision last year in the Baker-Carr case, and just this past Monday in the Alabama and other cases, the ruling that in each state legislature both houses must have representation based on population count.

Without passing judgement on the merits of these cases, we cannot escape the conclusion that the Court in each instance was doing more than interpreting the Constitution. The Court was determining public policy; it was making new law, judicial law which has the same effect as legislative law.

Now these decisions of the Court may be right, although I doubt it, they may be in the public interest, they may be helpful and practical. But as Justice Frankfurter stated in this Baker - Carr dissent: "In this situation, as in others of like nature, appeal for relief does not belong here. Appeal must be an informed, civically militant electorate. In a democratic society like ours, relief must come through an aroused popular conscience that sears the conscience of the people representatives." As a



long time member of the Court, Justice Frankfurter recognized the necessity of judiciary restraint, and the responsibility of the voters and their representatives in our system of government.

It is worrisome to note that both the Executive and Judicial branches, who are encroaching on the law-making responsibilities of the Legislative Branch are immunized from the public control at the ballot box.

A Supreme Court Justice and every member of the federal judiciary enjoys a lifetime appointive position. Only the President and the Vice President out of the 2½ million employees in the executive branch of government put their record to the test of the ballot box, and that once in four years. The people's protection and the people's authority rest primarily in the legislative branch of the federal government.

I submit that rather than change and weaken the Congress as Senator Clark and others suggest, we should be everlastingly grateful to the Founding Fathers and to those today who insist on preserving the power of the elected legislatures. The legislative branch rests solidly on the wisdom and judgment of the electorate. Through it we preserve the sovereignty of the people; through it we insure ourselves against dictatorship or oligarchy.

The strength of America after all, lies in our people. You all can assure a continuance of our strength by wise and studied selection of your elected representatives and then by giving them your support. Congress will then continue to serve you well and effectively.



long time member of the Court, Justice Frankfurter recognized the necessity of judicial restraint, and the responsibility of the voters and their representatives in our system of government.

It is worrisome to note that both the Executive and Judicial branches, who are encroaching on the law-making responsibilities of the Legislative Branch are insulated from the public control at the ballot box.

A Supreme Court Justice and every member of the federal judiciary enjoys a lifetime appointive position. Only the President and the Vice President out of the 2½ million employees in the executive branch of government put their record to the test of the ballot box, and that once in four years. The people's protection and the people's authority rest primarily in the legislative branch of the federal government.

I submit that rather than change and weaken the Congress as Senator Clark and others suggest, we should be everlastingly grateful to the Founding Fathers and to those today who insist on preserving the power of the elected legislatures. The legislative branch rests solidly on the wisdom and judgment of the electorate. Through it we preserve the sovereignty of the people; through it we insure ourselves against dictatorship or oligarchy.

The strength of America after all, lies in our people. You all can assure a continuance of our strength by wise and studied selection of your elected representatives and then by giving them your support. Congress will then continue to serve you well and effectively.



DRAFT

1964  
Speech

Suggested Material For  
Representative Gerald Ford's NCA Convention Remarks

The President intervened in the recent labor negotiation between railroad managements and unions. Rumors persist that in order to get management to agree to the settlement, he promised certain legislation as well as tax concessions. Part of this legislation appears to be a transportation bill which would include provisions detrimental to the coal industry. While this issue is not yet settled, it is important for Congress to determine whether such legislation is in the public interest, even though the Administration has promised that it will be enacted. <sup>It is significant</sup> I wish to point out that the Congress has thus far successfully resisted the previous attempt to impose on the coal industry transportation legislation which would be adverse to its interests.

The Administration this year proposed legislation which would give the Secretary of Labor authority to select industries which would be subject to an overtime work penalty of double time or more. So far, Congress has shown no inclination to give such tremendous discretionary authority to the Executive Branch. In my opinion, this is the sort of power that Congress should retain to itself. The collective judgment of 535 members of the House and Senate can see that this power is used wisely -- far wiser than might be the case if it were in the hands of a single appointive official who might use it for various reasons, including punitive ones.

The Department of Health, Education and Welfare has tried ~~very~~ vigorously to establish a new administrative empire to control water pollution in the states and river basins. The Congress so far has successfully resisted this move on the grounds that such operations are primarily the





responsibility of the states or the regional river authorities. Similarly, the Department of the Interior has for some time proposed a program which would inject the Federal Government into the operation of surface coal mines ~~from~~ <sup>through</sup> an ostensible nationwide study of conditions. This legislation has ~~been~~ <sup>remained</sup> ~~confined within the appropriate~~ <sup>with the</sup> committees for further review and study since opposition from the various states has been vigorously presented.

Despite clear and concisely expressed intent of Congress that mandatory control of oil imports should be based on levels that would contribute to the maintenance of a strong domestic industry, the Executive Branch in administering that law has used its authority to permit increasing volumes of imports to the detriment of the coal industry. Here the Congress seems to have failed to keep the Executive Branch under proper control, and it seems to me that we should enact pending bills which <sup>would</sup> take away the ~~discretionary~~ authority in this field.

The Administration has vigorously pushed numerous public power projects such as Burns Creek, Devils Jump, Knowles Dam, and many others. These hydroelectric power projects are an intrusion upon the investor-owned utilities which are the mainstay of the hopes of an expanding coal industry. The Congress thus far has resisted authorizing these large-scale public power projects.

I am sure you all recall the vigorous legislative battle, stretching over several years, over the Hanford project. It is enough to say that ~~the~~ Congress resisted the effort to approve this project as proposed by the Administration, and did succeed in changing its character so as to deny ~~the~~ use of federal funds in its construction or operation.

For years, the Atomic Energy Commission has been spending several billion dollars annually, with only a minor portion -- less than 20 per cent -- subject to scrutiny by the Joint Committee on Atomic Energy.



Last year, Congress passed a law making all AEC expenditures subject to review by the Joint Committee on Atomic Energy. There are encouraging signs that Congress will exercise an increasing amount of control over the vast expenditures of this Commission which affects one of coal's fast-rising competitors.

The Administration has in fact attempted to obstruct the promotion of free enterprise projects that might in any way interfere with progress of public power. Duke Power Co. has proposed to build a steam plant next to the Savannah River, but the public power crowd has prevailed upon the Administration to support a competitive, federally-subsidized hydroelectric project farther down the stream. I might add that the Duke Power plant would burn 3-1/2 million tons of coal from the Appalachian area each year. Thus far, friends of private power in Congress have not overcome the Administration opposition to authorization for Duke Power to build the diversion dam necessary to the operation of its plant, but I am confident that we are going to be able to muster the strength necessary to permit this free enterprise project to go forward.

