

The original documents are located in Box D34, folder “Louisiana State University, January 25, 1973” 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 The Council donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections.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.

M. Office Copy

For Release On Delivery

It is said that Congress convened Jan. 3 in a defiant mood.

The Congress was reported to be angry with the President, believing that the President has encroached on legislative powers. Democrats in the Congress are threatening drastic measures to get ~~the~~ back these powers allegedly taken from them.

There has been much discussion in the press about the President taking over the powers of the Congress. If you analyze closely what has happened in the Congress and in its relations with the President, you have to conclude that this simply is not true.

There has been an erosion of congressional power in one respect--that of the power of the purse. But the President has assumed more power in this area simply because the Congress has ~~the~~ abdicated its responsibility for making the hard spending decisions necessary to maintain at least a semblance of Federal fiscal sanity.

The President late last year asked the Congress for authority to hold total Federal spending to \$250 billion. I cosponsored that legislation. The House approved the President's request. The Senate balked.

Now the President is going ~~the~~ ahead on his own to restrict Federal outlays to the \$250 billion level for fiscal 1973. He is impounding appropriated funds--simply refusing to spend them. To hold Federal outlays to \$250 billion, he is forced to impound up to \$10 billion.

~~Has the President taken the Congress for a ride?~~
Am I being a blind loyalist in speaking sympathetically of the President's ~~impoundment of appropriated funds?~~
impoundment of appropriated funds?

Listen to these words spoken by Senate Democratic Leader Mike Mansfield at a caucus of Democratic senators on Jan. 3, 1973:

"The fault lies not in the Executive Branch ~~but~~ but in ourselves, in the Congress. We cannot insist upon the power to control expenditures and then fail to do so. If we do not do the job, if we ~~continue~~ continue to abdicate our Constitutional responsibility, the powers of the ~~Government~~ Government will have to be ~~recast~~ recast so that it can be done elsewhere."

The question that is being posed is whether Congress is willing to change its archaic procedures to make itself a modern institution able to ~~deal~~ deal with the complexities of today's world.

In no area are Congress's procedures more archaic than in the consideration of the budget--the basic plan through which the Federal Government sets its ~~priorities~~ priorities.

Not once does the Congress ever consider the budget as a whole. There are 15 major appropriation bills. None of these bills is considered in relationship to another. There is no setting of priorities, except in the President's budget. Congress considers each money bill as though it were the only appropriation bill to be dealt with all year, tugging and pulling at it in response to the influence of lobbying groups. Incidentally, one of the strongest lobbies is the education lobby.

This fiscal year the Federal deficit is expected to be ^{\$25} billion, a fact which the liberal Democrats in Congress blithely ignore. Our national debt is now approximately \$444 billion, and the interest on that debt is \$23.1 billion a year.

It would not be necessary for the President to impound funds if the Congress were more responsible in its handling of the taxpayer's dollar.

A major confrontation over constitutional powers would be avoided if Congress would reform its own procedures to insure that appropriations are considered responsibly and with a broad overview of national needs and priorities. I personally pledge myself to support that kind of reform.

In the closing hours of the 92nd Congress, Congress created a Joint Committee to recommend procedures for improving Congressional control over the budget. The committee is supposed to complete its work by Feb. 15. That is proving impossible. The committee will submit an interim report to Congress, and the life of the committee probably will be extended.

The committee's task will be to formulate answers to weighty questions concerning the budget. How do we divide an overall figure among the various major priorities and programs? Who will exercise a degree of control over expenditures proposed in legislation?

There is being developed a unified computerized system for the Federal Government which may be helpful. This system will permit classifying various programs and expenditures of the Government so that the Executive Branch and the Congress will know how much is being spent for a particular purpose. This knowledge is essential if we are to achieve effective control over Federal expenditures on the basis of a system of priorities.

Returning to the matter of Presidential impoundment of funds appropriated by the Congress, let me emphasize that President Nixon is not the first President to have taken such action. As a matter of fact, Presidents have been impounding appropriated funds ever since the days of Thomas Jefferson. Members of Congress have complained. There have been threats of action against the Executive. But there has never been a court decision on the legality of Presidential impoundment. Currently, there is a legal challenge to funds impoundment by Nixon pending in the courts.

There are, in fact, 15 Democratic [redacted] committee chairmen in the Senate who have joined in the suit.

This is highly interesting, inasmuch as Presidents Harry Truman, [redacted] Jack Kennedy and Lyndon Johnson also impounded funds. I know of no serious challenge by Democrats to funds impoundment by those Presidents.

Harry Truman refused in 1949 to spend money [redacted] appropriated by Congress to increase Air Force strength from 48 to 58 groups. He had the support of his Air Force Secretary--Stuart Symington--who currently is among the U.S. senators joined with other Democratic senators as friends of the court in the suit challenging Nixon's impoundment of appropriated funds.

Presidents Kennedy and Johnson impounded funds largely in the area of weapons systems development.

Another area of conflict between Congress and the Executive Branch--and this, again, is nothing new--involves the refusal of certain high Government officials to appear before Congressional committees.

To hear it told now, you would think President Nixon had [redacted] invented the practice of invoking "Executive Privilege"--the President's asserted right to [redacted] withhold information from Congress.

The facts are that Nixon has invoked Executive Privilege only three times during his first four years in office.

And the facts are that [redacted] Presidents since George Washington have been invoking Executive Privilege and refusing to tell all.

George Washington invoked Executive Privilege when he refused a House request for correspondence dealing with the controversial [redacted] Jay Treaty with Great Britain in 1796.

The device of Executive Privilege has been used by at [redacted] least 18 of Washington's successors.

The most common reason given for invoking Executive Privilege is the need for secrecy in diplomatic and military activities.

In a town notorious for news leaks, it is pretty difficult for a President to believe he can trust [redacted] members of Congress with a high State secret.

I believe there are times when a President is justified in invoking Executive Privilege. I think even the Democratic senators who are currently kicking up a fuss about Nixon's use of Executive Privilege recognize this. But they are going ahead with a new series of challenges [redacted] aimed at the White House. The Senate Democratic Policy Committee voted unanimously Jan. 16 to require Executive Branch [redacted] witnesses to testify before Senate committees whenever summoned, with only limited rights to claim Executive Privilege. This is a tempest in a teapot. Much ado about nothing.

✱

President Nixon is not being excessive in his use of the Doctrine of Executive Privilege. And, as the Democratic senators themselves have recognized, each individual case has to be considered on its merits. Mike Mansfield has said this publicly, and Mike has noted that it is absolutely necessary to exempt somebody like Henry Kissinger from interrogation by congressional committees.

Mike also agrees with me that "Congress can't end the war; it's up to the President."

That's a direct quote from Mike Mansfield, made during an appearance on "Face The Nation" on Jan. 14.

~~That Mansfield statement prompts me to ask of Mike and of everyone else who has supported so-called congressional end-the-war resolutions:~~ Have such resolutions served any useful purpose? I think not.

Certainly the President was determined to end the war at the earliest possible moment, consistent with carrying out United States foreign policy objectives in Southeast Asia and furthering ^{our} longrange peace aims.

I think rather than helping to end the war, the so-called end-the-war efforts in Congress have tended to prolong the war. They have led the Communists to believe that the United States would simply withdraw from Vietnam or would agree to a peace agreement couched entirely in Communist terms. I realize there are many Americans who believe we should have done exactly that--should have withdrawn or signed a peace of capitulation. But the vast majority of Americans do not--and they made their views known when they reelected Richard Nixon last Nov. 7 with one of the greatest ^{endorsements} in political history.

There are those who argue that Congress has not had its say on the Vietnam War. This simply is not true. There have been so-called end-the-war votes in both the House and Senate. The Senate approved a funds-cutoff resolution. The House upheld the President's policy. But nobody has been denied the right to be heard or the right to vote on funding the war.

Congress cannot negotiate an end to the Vietnam War; only the President can do that. Instead of ~~interfering with~~ the President in his conduct of the war and his negotiations to end it, Congress should have been supporting him in all of his efforts to bring about an honorable peace.

One might, of course, question the wisdom of our initial involvement in Vietnam. I personally have always believed that the basic commitment was right and proper--that of thwarting Communist aggression. I criticized Lyndon Johnson's conduct of the war because I believed the war was being run badly. But as to the morality of the war, it has always been the actions of North Vietnam that have been immoral.

It is those actions which should be condemned by all who value human life and respect the right of every human being to exist free from tyranny. It is the Communists who have caused all of the bloodshed in Vietnam. They have had the power to end all of the killing at any time merely by ceasing their aggression and agreeing to a peace settlement.

It is preposterous to claim that the U.S. bombing of Hanoi last December was immoral and that President Nixon should be compared with Adolf Hitler. To claim this is to sanction the actions of the aggressor--in this case, North Vietnam--by giving him a moral status equal to that of his victims--those against whom he has committed aggression. It is this placing of the cloak of morality around the aggressor that has enabled North Vietnam to attack others without wide spread public opposition and condemnation. Judging by the outcry against the December bombing attacks, you would think the North Vietnamese had been conducting a Holy War. It is this attitude which is in large part to blame for the bloodshed that has resulted from the war in Vietnam.

I hope someone someday will write the real story of these years in Washington and President Nixon's single-minded determination to achieve peace with honor in Vietnam and to bring about the first full generation of peace in this world.

I have marveled at the ability of the President to pursue a course involving the most delicate negotiations while under fire from the left and the right at every step of the way.

The success achieved by the President is most remarkable, considering the handicaps imposed upon him by his own countrymen. He has as of this moment virtually ended U.S. involvement in the Vietnam War, giving South Vietnam a decent chance to survive as a non-Communist entity. He has opened the doors of understanding between the U.S. and mainland China. He has achieved a degree of nuclear arms control through the SALT Agreement with the Soviet Union. On many other fronts and through many separate initiatives, President Nixon has patiently laid the groundwork for the first real peace in the world since 1913. Whether you believe it or not, Americans should be thankful they have this quiet, hard-working, resourceful man in the White House.

I think we have, in effect, won the Cold War--with Vietnam as the last pivotal battle of that war.

Many Americans see Vietnam as a miserable adventure, a meaningless mess. I think historians ultimately will view it in an entirely different light. I think they will see it as a conflict which confirmed the success of our policy of containment of Communism.

I think the war was badly fought--but if we had not intervened, ~~South Vietnam~~ South Vietnam would have fallen to North Vietnam before the middle Sixties. Cambodia then would have been forced to come to terms with the Communists and might even have been absorbed by Vietnam. Laos would have gone under, too. Thailand might well have switched sides under increased Communist pressure. Indonesia would have gone Communist or at least firmly aligned itself with the People's Republic of China. Leftists throughout the world would have been encouraged and would have sought advice from China and Vietnam on how to ~~achieve~~ achieve their goals. This certainly would have had great impact in ~~Latin America~~ Latin America.

So not only would Southeast Asia have gone Communist but the psychology of Communism as the wave of the future would have been given tremendous forward motion. This would have encouraged the extremists both in the Peoples Republic of China and in the Soviet Union. The world today would have been an entirely different place.

If we have succeeded in preserving a non-Communist South Vietnam, we may have brought the world to the threshold of a new era of stability. We may, indeed, be on the edge of a generation of peace.

#####

For Release On Delivery

It is said that Congress convened Jan. 3 in a defiant mood.

The Congress was reported to be angry with the President, believing that the President has encroached on legislative powers. Democrats in the Congress are threatening drastic measures to get ~~the~~ back these powers allegedly taken from them.

There has been much discussion in the press about the President taking over the powers of the Congress. If you analyze closely what has happened in the Congress and in its relations with the President, you have to conclude that this simply is not true.

There has been an erosion of congressional power in one respect--that of the power of the purse. But the President has assumed more power in this area simply because the Congress has ~~the~~ abdicated its responsibility for making the hard spending decisions necessary to maintain at least a semblance of Federal fiscal sanity.

The President late last year asked the Congress for authority to hold total Federal spending to \$250 billion. I cosponsored that legislation. The House approved the President's request. The Senate balked.

Now the President is going ~~the~~ ahead on his own to restrict Federal outlays to the \$250 billion level for fiscal 1973. He is impounding appropriated funds, simply refusing to spend them. To hold Federal outlays to \$250 billion, he is forced to impound up to \$10 billion.

~~Am I being a blind loyalist in speaking sympathetically of the President's impoundment of appropriated funds?~~
Am I being a blind loyalist in speaking sympathetically of the President's impoundment of appropriated funds?

Listen to these words spoken by Senate Democratic Leader Mike Mansfield at a caucus of Democratic senators on Jan. 3, 1973:

"The fault lies not in the Executive Branch ~~the~~ but in ourselves, in the Congress. We cannot insist upon the power to control expenditures and then fail to do so. If we do not do the job, if we ~~the~~ continue to abdicate our Constitutional responsibility, the powers of the ~~the~~ Government will have to be ~~the~~ recast so that it can be done elsewhere."

The question that is being posed is whether Congress is willing to change its archaic procedures to make itself a modern institution able to ~~the~~ deal with the complexities of today's world.

In no area are Congress's procedures more archaic than in the consideration of the budget--the basic plan through which the Federal Government sets its ~~the~~ priorities.

Not once does the Congress ever consider the budget as a whole. There are 15 major appropriation bills. None of these bills is considered in relationship to another. There is no setting of priorities, except in the President's budget. Congress considers each money bill as though it were the only appropriation bill to be dealt with all year, tugging and pulling at it in response to the influence of lobbying groups. Incidentally, one of the strongest lobbies is the education lobby.

This fiscal year the Federal deficit is expected to be ^{\$25} billion, a fact which the liberal Democrats in Congress blithely ignore. Our national debt is now approximately \$444 billion, and the interest on that debt is \$23.1 billion a year.

It would not be necessary for the President to impound funds if the Congress were more responsible in its handling of the taxpayer's dollar.

A major confrontation over constitutional powers would be avoided if Congress would reform its own procedures to insure that appropriations are considered responsibly and with a broad overview of national needs and priorities. I personally pledge myself to support that kind of reform.

In the closing hours of the 92nd Congress, Congress created a Joint Committee to recommend procedures for improving Congressional control over the budget. The committee is supposed to complete its work by Feb. 15. That is proving impossible. The committee will submit an interim report to Congress, and the life of the committee probably will be extended.

The committee's task will be to formulate answers to weighty questions concerning the budget. How do we divide an overall figure among the various major priorities and programs? Who will exercise a degree of control over expenditures proposed in legislation?

There is being developed a unified computerized system for the Federal Government which may be helpful. This system will permit classifying various programs and expenditures of the Government so that the Executive Branch and the Congress will know how much is being spent for a particular purpose. This knowledge is essential if we are to achieve effective control over Federal expenditures on the basis of a system of priorities.

Returning to the matter of Presidential impoundment of funds appropriated by the Congress, let me emphasize that President Nixon is not the first President to have taken such action. As a matter of fact, Presidents have been impounding appropriated funds ever since the days of Thomas Jefferson. Members of Congress have complained. There have been threats of action against the Executive. But there has never been a court decision on the legality of Presidential impoundment. Currently, there is a legal challenge to funds impoundment by Nixon pending in the courts.