

PRESIDENT GERALD FORD

PRESIDENTS AND THE CONSTITUTION

VOICE OVER:

THE MEN MEETING HERE IN INDEPENDENCE HALL IN PHILADELPHIA CONVENED IN SECRET IN THE SWELTERING SUMMER OF 1787. THEY SOMETIMES FEARED THEY COULD NOT REACH THE COMPROMISES NECESSARY TO CREATE THE FRAMEWORK FOR A NEW FORM OF GOVERNMENT. BUT, THEY WERE POLITICIANS. AND OVER THE COURSE OF 100 DAYS THEY FORGED THE DEALS AND FOUND THE WORDS TO COBBLE TOGETHER THE DOCUMENT. A PREAMBLE AND SEVEN ARTICLES OF THE CONSTITUTION WHICH ESTABLISHED THE THREE EQUAL BRANCHES OF OUR GOVERNMENT, THE LEGISLATIVE, THE EXECUTIVE AND THE JUDICIARY.

THAT THEY SUCCEEDED WAS, AS GEORGE WASHINGTON SAID, "LITTLE SHORT OF A MIRACLE." JOHN ADAMS CALLED IT "THE GREATEST SINGLE EFFORT OF NATIONAL DELIBERATION THE WORLD HAS EVER SEEN."

THE 39 MEN WHO SIGNED THE DOCUMENT HURRIED OUT OF HERE IN SEPTEMBER NOT AT ALL SURE A COUNTRY PASSIONATELY AND EVENLY DIVIDED FOR AND AGAINST A STRONG FEDERAL GOVERNMENT WOULD RATIFY THEIR CHARTER. BY SOMETIMES CLOSE MARGINS THE STATES DID AGREE AND THE CONSTITUTION REMAINS THE GLUE THAT BINDS AMERICANS OF ALL REGIONS AND BACKGROUNDS.

POLITICIANS TODAY CONTINUE TO LOOK TO THE FOUNDING FATHERS FOR GUIDANCE, PARTICULARLY THOSE VERY FEW POLITICIANS WHO HAVE SERVED IN THE OFFICE ESTABLISHED BY ARTICLE II: THE EXECUTIVE POWER SHALL BE VESTED IN A PRESIDENT OF THE UNITED STATES OF AMERICA.)

AS THE CANDIDATES FOR PRESIDENT TELL THE VOTERS WHAT THEY PLAN TO DO IN THE NEXT FOUR YEARS, THE MEN WHO HAVE BEEN PRESIDENT KNOW THERE'S NO WAY OF PREDICTING WHAT EVENTS

COULD OCCUR TO CHANGE THE SHAPE OF HISTORY. ANT IT'S THE CONSTITUTION THAT SERVES AS THE GUIDE FOR PRESIDENTS AS THE COPE WITH CHANGING CIRCUMSTANCES

OF THE FORTY TWO MEN WHO HAVE SERVED AS PRESIDENT, ONE—GERALD FORD—ACHIEVED THE OFFICE WITHOUT HAVING BEEN ELECTED

VP Swearing in: We have made history here today. For the first time we have carried out the commands of the 25th Amendment. In exactly eight weeks we have demonstrated to the world that our great republic stands solid against the bedrock of our Constitution.

Ford from interview: Ford: I wasn't elected by the people across the country but I had been properly selected by Mr. Nixon as a nominee for Vice President and I of course had to go through Committee hearings in the House which were extensive. I had to go through Senate Committee hearings which were also very vigorous. Everything that happened to me was appropriate under the constitution so I had no reluctance to assume my office and do my duties.

VOICE OVER:

THE CONSTITUTIONAL PROVISION THAT PUT FORD IN OFFICE WAS THE RELATIVELY NEW 25TH AMENDMENT—RATIFIED IN 1967

Ford: Oddly enough when I was in the House I voted for it as a constitutional amendment and then was the beneficiary of it later.

Cokie: Of course I remember when it was passed after President Kennedy was shot and there was no Vice President in Johnson's Presidency so that was the impetus for it.

Ford: That is the kickoff to get it as part of the constitution.

VOICE OVER:

FORD WAS PICKED AS VICE PRESIDENT AT A TIME THE LIKES OF WHICH THE NATION HAD NEVER SEEN. RICHARD NIXON'S VICE PRESIDENT, SPIRO AGNEW, HAD BEEN FORCED BY TAX AND BRIBERY SCANDALS TO RESIGN.

IN THE EIGHT WEEKS BETWEEN FORD'S NOMINATION BY THE PRESIDENT AND HIS APPROVAL BY MAJORITIES IN BOTH HOUSES OF CONGRESS, THE MICHIGAN CONGRESSMAN FACED SCRUTINY BY 350 FBI AGENTS WHO INTERVIEWED MORE THAN A THOUSAND PEOPLE AND PRODUCED 1700 PAGES OF DOCUMENTATION. IN THAT SAME PERIOD, THE COURTS ORDERED NIXON TO TURN OVER THE WHITE HOUSE TAPE RECORDINGS, AND THE PRESIDENT FIRED THE SPECIAL PROSECUTOR INVESTIGATING WATERGATE, CAUSING THE OUSTER OF THE ATTORNEY GENERAL AND ASSISTANT ATTORNEY GENERAL -- THE SATURDAY NIGHT MASSACRE.

THE HOUSE OF REPRESENTATIVES BEGAN OFFICIAL IMPEACHMENT PROCEEDINGS AND SOME DEMOCRATS IN CONGRESS URGED THEIR LEADERS TO DELAY THE CONFIRMATION OF FORD AS VICE PRESIDENT, HOPING TO LEAVE THE OFFICE VACANT SO THE DEMOCRATIC SPEAKER OF THE HOUSE WOULD BECOME PRESIDENT IF NIXON WERE FORCED OUT. SPEAKER CARL ALBERT INSISTED THAT THE NOMINATION GO FORWARD.

Ford: When the vote came I got a very favorable vote in the house and then the senate but because it was a new approach to getting a vice president the democrats very properly moved cautiously until they were sure everything was being done properly and so forth. But that was the first use of the 25th amendment.

Cokie: Did you, when you went so precipitously because there was not a national campaign or the usual thing. Did you suddenly feel a shift in constitutional duties from being a member of the House to being a member of the executive branch?

Ford: That's a very good question. When I was a member of the House for 25 and ½ years I used to look at the President and the Vice President as those dictators at the other end of Constitution Avenue. How can they be so arbitrary and difficult? Then when you shift from the legislative to the executive branch of government you're at the other end of Constitution Avenue and you look at the Congress and you wonder why all of those house and senate members are so irresponsible?

VOICE OVER:

TEN MONTHS LATER RICHARD NIXON BECAME THE FIRST PRESIDENT IN HISTORY TO RESIGN. WITH NO PRECEDENT TO GUIDE HIM VICE PRESIDENT GERALD FORD WAS THEN SWORN IN AS THE 38TH PRESIDENT OF THE UNITED STATES.

Ford Swearing In remarks: Our Long national nightmare is over. Our Constitution works. Our great republic is a government of laws not of men.

Cokie: When you did become president you were keenly aware – you said many times that you had not been elected by the people. You said at one point that it was a Congressional as well as a Constitutional mandate that put you in the WH. Did you feel any sense of being beholden to the Congress because of that?

Ford: Not really.

Cokie: And you didn't feel any hesitancy to Veto for instance or something like that?

Ford: No and as you well know I set a record for the number of vetoes while I was in the White House. I think during 2 and a half years of my Presidency I vetoed 67 Or 68 measures and most of them were upheld even by a democrat house and senate. The truth is the right to veto is one of the exclusive responsibilities under the constitution for a President.

The Congress has the right to override by 2/3 majority of the House and Senate but the President's action to veto something is exclusively

President's responsibility. Now Cokie, one thing that most people don't realize is - A veto is not a negative action. Now the Press generally calls it a negative action. But it is an affirmative action by Pres to reflect views of all the people in the country. When Senator or member of the House votes for a piece of legislation it is for his state or for his district. The Veto is action taken by the chief executive to reflect views of the public as a whole.

Cokie: Now you say that's one of the few powers that only the President has.

Ford: That's right,

Cokie: And another one is the power of clemency.

SOT: NBC Special report: The President announced he was granting a full, free and absolute pardon for all offenses against the United States which Richard Nixon committed, may have committed or took part in during his term as President.

Cokie: the pardon of President Nixon was one of the first things that you felt called upon to do and one of the things you said there was that you were acting on preamble to the Constitution in the first place to insure domestic tranquility but then there is of course in the Constitution itself in Article II Section II the clemency power. Talk about the pardon a little bit because it's been such a huge part of your legacy.

Ford: What happened I had a press conference three weeks after I became President and I anticipated that the press in the East Room of the White House would spend a lot of their time asking me about the economy, about my trip to the Soviet Union to meet Mr. Brezhnev? There was plenty of good material for the press to ask questions.

Ford: But as I recall out of the 30 some questions that were asked of me by the White House press corps, about 2/3 of them involved what was I going to do about Mr. Nixon.

Helen Thomas: Mr. President, aside from the Special Prosecutors role, would you use your pardon authority if necessary?

Bob Schieffer: Are you saying sir that the option of a pardon for former President Nixon is still an option you will consider depending on what the courts will do?

Have there been any communications between the special prosecutor's office and anyone on your staff regarding President Nixon.?

Nina Totenberg: If an indictment is brought would you grant a pardon before any trial took place?

Ford: Was I going to pardon him etc, etc? Well when that press conference was over as I walked back to the WH I thought to myself, is this going to be the routine from then on?

Ford: So I asked Chief Counsel Phil Buchen to check to see whether I had the right to pardon... Well the net result was in the first month I was in the White House I spent at least 25% of my time listening to lawyers and others telling me what I should do about Mr. Nixon's problems, his papers, his tapes, etc. and I finally decided as a new President under very difficult circumstances I had a obligation to spend all of my time – all – on the problems of 200 million Americans and the only way to clear the deck to get to the substantive problems that I faced was to pardon Mr. Nixon and get his problems off my desk in the oval office. On that basis - It wasn't sentimental. It was purely practical, what I thought was in the best interest of all the people.

Sen. Bentsen: I think it's a disturbing precedent for the country and that concerns me.

Sen. Jackson: How do you handle the problems that are obviously raised in the minds of all Americans as it affects those individuals who carried out apparently his orders.

Sen. Brooke,: Without Mr. Nixon's full confession of his involvement in Watergate, it was a mistake, I think, a serious mistake.

I think it was a judgmental mistake.

Cokie: Did you expect the firestorm that followed?

Ford: I anticipated a lot but there was a lot more criticism than I really anticipated.

Cokie: I was reading about it and one of the prosecutors in Watergate grumbling that Nixon goes to San Clemente – the rest go to San Quentin. That sense of politicians taking care of their own – did that surprise you?

Ford: It never entered into my mind at the time I made the decision. It was predicated on that was in the best interest of 200 plus million Americans. But the press as you well know came up with all kinds of theories and issues and questions, which is legitimate.

Cokie: And the Congress called you to testify.

VOICE OVER:

Judiciary Committee

Ford – I went. Actually the House Committee on Judiciary asked me to come up and testify. I had people on my staff who said “Oh don’t you go up there.” I said I have nothing to hide so I went, took the oath and testified for a full day before the House Committee on Judiciary and I think that helped considerably in knocking down the criticism.

Cokie: The theory that there had been a deal made between you and Pres. Nixon.

Ford: Right

Rep Elizabeth Holtzman: The suspicions which were created by the circumstances of the pardon which you issued, the secrecy with which it was issued, and the reasons for which it was issued which made people question whether or not in fact there was a deal.

Ford interrupts: May I comment there? I want to assure you, the members of this subcommittee. Members of the congress, and the American people there was no deal, period, under no circumstances.

Cokie: This whole question though of the pardoning power is an interesting one because it does keep coming under criticism. When President Carter gave clemency to the Vietnam evaders – and then President Bush pardoned people at the end of his presidency who were involved in the Iran Contra situation and certainly President Clinton at the end of his presidency

Ford: His significant number and some controversial people raised a lot of questions.

Cokie. Why is the pardoning power there? Why does the Constitution have it?

Ford: I have not read the discussions about the pardoning power in the deliberations by our forefathers, but I'm told that they debated extensively and there were many questions raised whether it should be absolute or whether it should be qualified by the right of the Congress to exercise veto. But in the final analysis it is total, it cannot be challenged by the Congress or the Courts - it is an unusual provision in the Constitution.

Cokie: Do you think that the pardoning power is important? Is it good to have it there?

Ford: I do – I do. I know in most cases it's controversial but I think it is a provision that exists in most state constitutions as well as the federal constitution and I would not advocate its repeal.

Cokie: Do you think it defeated you – the pardon of President Nixon?

Ford: It probably had an impact because there were people in this country who had a bitter hatred of Mr. Nixon and anything that made him look better – they resented and in my case that was a vote against me in 1976.

Cokie: It was such a difficult time and I think some of us have forgotten how hard it was and when you took the oath of office that day after President

Nixon left on the helicopter and you said the Constitution worked. I was living abroad at the time and I remember a member of Congress coming over and saying – this was in Greece – “If you, for a minute, question the strength of American democracy just keep in mind that the Commander in Chief was forced to leave office and not one soldier left his barracks to defend him.” Now of course we just took that for granted but isn’t that extraordinary and is it the Constitution that makes that happens?

Ford: It’s a clear indication that our Constitution works. There was no rebellion. There was no problem about succession. It was done properly. Our Constitution is a magnificent document. Now most people don’t remember their civics classes but the Constitution is a system of checks and balances. You have the executive branch to carry out the law. You have the legislative branch to enact the legislation and you have the judiciary branch to interpret the laws. They are coequal and coordinate branches of government. We’re so blessed that we have this Constitution, now occasionally we get comments, well it’s not very efficient. Our forefathers, they didn’t desire to enact a Constitution that was efficient or some money saving thing. They were interested in something that protected freedom and liberty and the net result is liberty and freedom prevailed over economics.

VOICE OVER:

Committee

SENATOR SAM ERVIN HEADED THE SENATE COMMITTEE INVESTIGATING THE WATERGATE SCANDAL. AS A RESULT OF NIXON’S TENURE, DUBBED THE IMPERIAL PRESIDENCY,

A DEMOCRATIC CONGRESS ENACTED TWO LAWS DESIGNED TO WREST POWER AWAY FROM THE EXECUTIVE—ONE, THE BUDGET AND IMPOUNDMENT ACT, TOOK AWAY THE POWER OF THE PRESIDENT TO IMPOUND—NOT SPEND—MONEY CONGRESS HAD APPROPRIATED FOR VARIOUS PROGRAMS

Ford: Well I had mixed emotions. I was not in favor of an imperial presidency. But on the other side of coin I wasn’t in favor of an imperiled presidency. And that’s the major asset of our constitution. There is a good

balance in the language between the three branches. Now there are times, Cokie, when a presidency is too powerful. For example during World War II when we were fighting on a global basis Hitler and Mussolini the Presidency was all important and very dominant. But on other occasions back in the Civil War era the Congress was by far the more dominant, the more controlling. So even though the language is aimed at getting a perfect balance between all three equal branches, it doesn't happen that way in practicality and that's understandable. The good thing is that the practicality makes it workable. The Budget impoundment act which you mention, that was a pain in the neck so to speak, for the White House because of the way Congress could handle appropriations bills even after they had been enacted....

Cokie: Took away your ability to get rid of some of that spending.

Ford: That's right – It limited the White House capability to save money, so to speak, now very controversial but that legislation did to a degree upset the balance– still in effect – but Congress and the White House have gotten so used to it they can live with it.

NBC NEWS ARCHIVES:

TITLE: SENATORS MORSE AND DIRKSEN ON THE TONKIN RESOLUTION

VOICE OVER:

THE OTHER MAJOR LAW—THE WAR POWERS ACT—REQUIRES THE PRESIDENT TO REPORT TO CONGRESS ANY TIME AMERICAN TROOPS ARE INTRODUCED INTO CONFLICT. EVERY PRESIDENT HAS OBJECTED TO THE LAW, BUT FOLLOWED IT.

Ford: When I was in the Congress I didn't vote for it. I voted against it so I was at least consistent. The War Powers legislation requires the president before he commits US military personnel to a conflict has to go through certain procedures. I've forgotten the exact number but I think up until a year or two ago there had been 17 instances where Presidents, Democrat or Republican, have committed US military forces in conflict overseas and if I recall correctly not one of the Presidents, either Democrat or Republican, has ever really lived up to terms of war powers act. Now Barry Goldwater, when he was in the Senate, was a vigorous opponent of that legislation voted against it, as I did when we were in the Congress. But it's still on the statute

books. I don't think any president in the future is going to abide by the precise terms but its there...

Cokie: But they do report to Congress and....

Ford: Well it's not the kind of report that Congress had in mind.

Cokie – but the consultation is also there. But you talked about how difficult it is, for instance you said during the time of the evacuation of Danang in 1975 it was Easter recess in Congress and you tried to reach members to consult.....

Ford: Laughs – They were all over the world. That illustrates the impracticality of the war powers resolution. I think it will always be on the statute books because it's sort of a symbol but it's not a realistic piece of legislation.

Cokie: But then you told a funny story about the evacuation of Lebanon in 1976 and they had gone for the day and you tried to reach one and his press secretary wouldn't give you the phone number.

Ford: Laugh – that's right I had forgotten that. But you know Congress had all good intentions Cokie, but the practicality of managing a war when you have a crisis doesn't relate particularly to language in the constitution.

Cokie: And now we're in a situation where congress and the president are sort of pulling at each other but Congress has given the President the authority.

Ford: They have enacted a resolution that authorizes the President to proceed. He has done the right thing by going to congress and getting that authority.

I'm often asked, Cokie, is the military challenge different now than when you were in the White House? The answer is yes. When I was in the White House, or Kennedy or Johnson or Nixon or Reagan or Carter were in the White House we faced one enemy, the Soviet Union. It was a formidable

enemy. We knew what their military capabilities were and they knew a lot about our military capability. And the net result was that when I met with Mr. Brezhnev in Vladivostok or in Helsinki, both of us knew it would be catastrophic to engage in a military conflict so we never did. Today, President Bush has a multifaceted enemy. He's got the terrorist threat in Yemen. He's got one in the Pacific. He's got it in Europe. He's got it in the Middle East. He has no single enemy he can sit down and resolve the problem with. So this president has a much more difficult, more dangerous challenge than I or the others during the Soviet conflict so I have sympathy for President Bush or whoever follows him.

Cokie: So you do think it's a good thing for him to go to Congress. You think that Presidents when they're committing troops to get Congressional authority is a useful thing?

Ford: It depends on the circumstances and you can't always foresee something happening that requires immediate action, something that would justify some delay. Now President Truman in June of 1950 was faced with North Korea invading South Korea, he didn't have time to go through a Congressional Hearing, a Congressional action. Now he used the UN resolution as his justification but that was only I think a cover-up. He committed US military personnel overnight. Congress never really had a chance to act in that case directly.

Cokie: Do you think Congress will ever declare war again? They haven't since World War II.

Ford: That's a good question. I hadn't thought – all the time I was in the Congress and that was from 1949 until '73, we were never faced with the challenge to vote for or vote against a declaration of war. All the time that the War in Vietnam was underway there was never a declaration of war. Now you may remember that President Johnson at one point got a Congressional action justifying his action but it was not a declaration of war.

Cokie: But so, so that's a place where the Constitution seems to not actually be working right now. The Congress doesn't really do that any more.

Ford: Well circumstances change and I think we have to recognize that the world is different than it was in 200 some years ago. And what we have done has been effective in our national interest. A president when he's faced

with a military challenge under the Constitution has the authority to commit US military troops or forces even though it's not a declaration of war it's a commitment of our, in our national interest and a declaration of war is a formality in some cases as I'm sure it was in World War II.

Cokie: Did you find that Congress meddled too much in Foreign policy from your point of view from the constitutional office of the Presidency?

Ford: It depended on whether I was in the Congress or the White House. (laughs) if I was in the Congress I thought Presidents meddled too much in some of the details and got involved too deeply in the amount of money that they wanted. On the other hand when I was in the White House I thought those 535 members of the House and Senate were a pain. They were trying to run foreign policy when they were not equipped as an organization to do so.

VOICE OVER:

THEN THERE WERE CONGRESSIONAL INVESTIGATIONS OF EXECUTIVE DEPARTMENTS, MOST FAMOUSLY SENATOR FRANK CHURCH'S INQUIRY INTO THE ACTIVITIES OF THE CIA—WHERE HE CONCLUDED THAT SECRECY WAS INVOKED TO AVOID CONGRESSIONAL SCRUTINY

Ford: I had reservations about that. There was a House committee along with the Church Committee in the Senate. I thought they got into things that were inappropriate. They got into top secret matters that inevitably leaked and that was not helpful to the execution of policy. But as a former member of Congress I understood because members of the House and Senate, both Democrat and Republican, they like publicity and those leaking stories often times make it possible to have a little publicity.

Cokie: Well, you said at one point about this balance between the Congress and the executive that it must lie in a frank recognition of the strengths and weaknesses of both the executive and legislative branches of government, in the institutional capabilities and limitations imposed by the Constitution and by common sense.

Ford: laughs

Cokie: Is it sometimes common sense that falls apart, not the Constitution?

Ford: Well I don't recall off hand an answer to that but I'm sure there are incidents, cases where you get a conflict between common sense and the language precise in the Constitution.

Cokie: Another difficulty for an American President and an American government again built into our system that is different is federalism and you have the 10th amendment reserving rights to the states that are not in the federal constitution. Does that make it hard to govern, the fact that sometimes you, you're blamed for crime, for instance, and it's really a states issue?

Ford: Well we have 50 states and they are all proud of their heritage and their operational capability. They like the money coming from the federal government. They don't like the limitations and restrictions that Congress often imposes on how that money should be spent. Now I never served in the state legislature or in state government, so I'm prejudiced. I think if Uncle Sam makes the money available they ought to have the prerogative, the right to put some limitations and control. Now that's not a very popular point of view when the Governors get together and come down to Washington demanding more freedom but from my point of view I think that Uncle Sam if he puts the money up he ought to have some control.

Cokie: It's a complicated document this Constitution and you presided over the bicentennial of the country when there was a lot of talk about the Constitution and who had been left out in the early days when the founders met. Do you see it as a living growing document that has to keep including new people?

Ford: From my study of the Constitution and having been a working member under it I look at its history and for a document that was drafted 200 plus years ago it has a remarkable career of working on a day to day basis. Now the amendment process gives us, we citizens, the right to change and we've had 20 some amendments as I recall. We had one that we repealed – prohibition. So we have a way of changing it if we want to. But on the other hand our Supreme Court has been able to find a course where it can

interpret the laws or the provisions of the Constitution so we come up with workable answers.

Cokie: You're not a fan of amending the Constitution easily.

Ford: I certainly am not Cokie. I think it would be a mistake in an emotional era to make a drastic change in the Constitution.

Cokie: You said once, you said it's a good thing that it's hard because otherwise our sacred Constitution might more nearly resemble the bylaws of your local garden club.

Ford: Laughs.

Cokie: But there are always these impetuses – the balanced budget amendment to the Constitution, a term limits amendment to the Constitution. But those are things that you have fought against.

Ford: Fortunately the Congress has never succumbed to term limits. Term limits would be the worst thing I could imagine. If you had term limits you would turn the government over to the bureaucrats, to the lobbyists and to the staffs of the members of Congress. And I can't imagine a worse group to ruin the country. I want the elected people and you can throw them out if you want to – the House every two years, every six years for the Senate but term limits are fundamentally unsound and I hope and trust we can eventually get rid of all of them.

Cokie: And a balanced budget amendment, something that a lot of Republicans have endorsed.

Ford: As far as I recollect I never endorsed it. If I did I made a mistake. I voted for appropriations bills that I hoped would result in a balanced budget but I never was in favor of one of these iron clad impositions of a balanced budget because that's an impractical solution to a serious problem.

Cokie: Now one of the ways that I, that when I think about it and think about this question of amendments to the Constitution and I agree with you, we don't want very many, but when they're used to expand rights they tend to be desirable and when they're used to contract rights, not. And Mrs.

Ford, for instance was very interested in expanding the rights of women under the Constitution.

International Women's Day Speech – Video from Ford Presidential Library

Ford: Smiles – I know that story very well because I had a lot of pressure not only politically on the outside, but in our own family. Mrs. Ford was a very ardent supporter of equal rights for women and I used to get a lecture quite frequently and I got pushed to act on the floor of the house in favor of it and I did. I voted for it and I think it's a good approach but it was a very controversial provision and it, it had a life of its own. And of course we've achieved a lot of those benefits of the equal rights amendment without having to go through the process.

Cokie: The – another amendment that's been so used is the 14th amendment trying to expand rights and equal protection under the law and I notice a few years ago you wrote an article supporting the University of Michigan, your alma mater in it's diversity exercises. Just recently we're seeing the White House come out against that program. Were you disappointed at that?

Ford: I was because I had contacted the White House urging them to take an affirmative position on the proposition. Unfortunately the White House opposed the University's point of view. Coughs drinks water. I, like the University am against quotas, numerical quotas. But I do think it's appropriate under the Bakke Supreme Court decision to consider in a general way race as reason for admission to the University or the law school. Under the – when I was asked to support the University I checked into their system and I found that they used race as an issue out of eight as I recall and they usually would allocate 150 points to every person and that out of the 150 points for admission, 20 of them involved race and they felt that as a component of the total that was a permissible criteria for admission to the University. I happen to think that diversity in the student body is beneficial not only to those who are Hispanic or those who are black Americans but to everybody in the Student body.

Cokie: So as far as you're concerned it is Constitutional.

Ford: I think it's a Constitutional approach. Now it's interesting in the Bush administration as I understand it, Colin Powell and Condoleezza Rice differ with the President on this, so I think I'm in pretty good company. Laughs

VOICE OVER:

THE SUPREME COURT DID IN FACT RULE THAT UNIVERSITIES COULD CONSIDER RACE AS A FACTOR IN CREATING A DIVERSE STUDENT BODY

Cokie: The other issue to come down the pike soon is nominations and probably a Supreme Court nomination or two. You're Justice who is still there, Justice Stevens was your one shot at this and you, you managed to ignore the loud voices in both parties when that nomination came along. Why did you decide to do that?

Ford: Well, my attorney General, Ed Levy, former dean of the University of Chicago Law School, as my attorney general, when the vacancy appeared I asked him to give me a list of maybe ten who might be potential Supreme Court Justices. And he came up with some professors and some working lawyers and some judges and on that list was John Paul Stevens who had been a district federal judge and a cca federal judge and I finally winnowed it down to Justice John Paul Stevens and one or two others and Ed Levy and I spent a weekend going over the papers of each one of them and on the basis of that analysis both Ed Levy and I agreed that John Paul Stevens would make a first class justice. Now I didn't ask him how he was going to vote on this, how he was going to vote on that but I knew enough about his legal training and his legal experience and his legal action that I was confident that he'd be a good member of the Supreme Court.

Cokie: Now here it is nearly 30 years later and he's still there.

Ford: That's right

Cokie: It shows how the President lives on after he leaves the White House. Have you been pleased with his tenure?

Ford: I've had some differences with him but he has a job to do as he sees fit and I've never been critical publicly of his decisions. He has turned out

to be one of the more liberal members of the current court, which is different than I envisioned but he's a very good legal scholar and I support him.

Cokie: You wanted so hard during your tenure in the White House and the pardon was part of this, to restore faith and trust in government. We still see people not showing up at the polls for an election and thinking that money rules everything in politics. Is there any way around this?

Ford: Unfortunately not. Let me illustrate. When I was in the Congress there was a great demand, publicly, to change the Constitution so 18 year olds could vote in federal elections. I agreed with that. The Congress passed a Constitutional amendment moving the voting age from 21 to 18. We were guaranteed that if we did that, 18 year olds, 19 year olds, 20 year olds would go to the polls in huge numbers. Unfortunately that age group, from 18 to 21, has the worst voting record of any segment of our society. That's a terrible disappointment. They have the biggest stake and they have the least interest in participating. Now as nation we don't do very well because in the last Presidential election I think only 50% of the Americans as a whole who were eligible to vote, voted. But the younger people were poorest of that group and I think that's most unfortunate.

Cokie: You, when you ran in 1976, it was the one year that the campaign finance law was really in effect, and then the Supreme Court said it was against the first amendment. Did it help to run with those limitations? How, how much is money the problem?

Ford: Well, money is a problem if it's given for the wrong reasons. If people give money to politicians to get a favor return, that's fundamentally wrong. I don't know how you can control that but in the last few elections it has been a bad trend to have so much money made available to candidates and so forth. Let me illustrate. The first eleven elections I had for Congress, I spent \$10,000 for each election for my campaign. The last two elections I had a very attractive Democrat lady lawyer. I thought she was going to really give me a hard time, so I spent \$20,000. In that same district today, or in the last election, both the Democrat and Republican candidates spent over a half a million dollars. I don't know where they spend it all. They say television, radio, etc. But it's wrong for a candidate for Congress to have to raise that kind of money. It's fundamentally wrong morally.

Cokie: Well does it also keep some people out? Would you be able to run for Congress in the – as the boy you were then?

Ford: Well, when I first ran in 1948, and our district then was a Republican district so you had to win in the primary. I think I spent about \$8,000 in the primary, very little in the general election. But Betty and I had just gotten married, so we went to Congress and we had borrowed most of the money because I was a challenger and I had no background. But the amount of money you would have to raise today, I couldn't run as an outsider in this day and age.

Cokie: You, you talked about how the Constitution's career has really been remarkable and when you think about it, there was this bunch of farmers basically and this little bitty country, these colonies along the east coast. And here's this great big country now 225 years later. Are there challenges the Constitution can't meet in this new world?

Ford: I think our Constitution as it exists today is a proper vehicle to meet any domestic or foreign challenges we might have.

Cokie: And that's phenomenal to be able to say that.

Ford: It is – as you say delegates from 13, I think it was, original states or colonies put together this document and it's lived 200 plus years and we've handled all our problems at home and abroad and done pretty darn well.

Cokie: And when you were in the presidency did you find yourself turning to the Constitution to make decisions?

Ford: Oh yes. Whenever I had a specific problem that I thought related to a provision in the Constitution, I had my General Counsel or White House Counsel give me in writing an interpretation of my rights or problems.

Cokie: But at some point you also talked about the Constitution and your conscience are the things that guide you. At some point do you stop reading the Constitution and start saying your prayers?

Ford: Absolutely. I say my prayers every night and I'll never forget the night before I took the oath of office. I held Betty's hand and we repeated together our proverbs, etcetera. It's always been a guidepost.

SOT Carter: Thank you Mr. Ford for healing our nation

VOICE OVER:

GERALD FORD'S ATTEMPT TO WIN ELECTION AS PRESIDENT IN 1976 FAILED, AT LEAST IN PART, BECAUSE OF THE PARDON HE HAD GRANTED RICHARD NIXON.

HE LOST TO GEORGIA GOVERNOR JIMMY CARTER BY ONLY TWO PERCENT OF THE VOTE.

Carter. Thank you Mr. Ford for healing our nation.

BUT FORD RESTS CERTAIN THAT HE DID THE RIGHT THING BY REMOVING THE DEBATE OVER NIXON'S FATE FROM POLITICS. THANK YOU FOR BEING WITH US. I'M COKIE ROBERTS.