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CONGRESS AND THE PRESIDENCY: THEIR ROLE IN MODERN TIMES

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The President, the Executive Branch, and Congress

by Alfred de Grazia

A perverse Roman Emperor Caligula once exclaimed: "I wish that the Roman people had only one neck" so that he might cut it off with one stroke of his sword. Nineteen hundred years afterwards, in a different setting, we have made his dream possible. We have the same kind of obstreperous people, the American people, reluctant to give up their traditional liberties. We have an officer called the President who, considering that our age is not religious, nevertheless begins to satisfy the divine aspects of the Roman Imperator. We have an executive force, one of whose arms is embracing a system for placing the whole population upon a set of computer tapes while another beckons for the universal assignment of the young from the prison of compulsory schools to a prison of compulsory adult service. Every day, millions pray that the President does not wield his sword, or as we say in modern parlance, "press the button."

It would be unworthy of Americans, who have thrived upon great responsibilities, freely assumed, to be frightened of spectres. It would be equally unworthy of Americans, who have raised the sciences of human behavior and rational planning to unprecedented heights, to cast aside the evidence

which their tools have given them regarding the trends of their society. Given the materials that are available to us -- in fact, given the information that most of us possess already, we should need only a brief schematic overview to show where we find ourselves in December 1966. With the situation sketched in the large, we can undertake a two-pronged investigation of the cult of presidential personality and of the wholesale empowering of the bureaucracy. Only then shall we be in a position to ask whether there can be a constructive alternative. Only then can we program a role for Congress, as the spearhead of the republican force of the nation.

I. The Overview

First, then, to the schematics of America today, the dynamics of our society.

The American way of life can be visualized as a system for achieving certain basic goals. There may be argument about them in detail and there are undoubtedly those who would deny them if they dared. But essentially we seek for everyone freedom of opportunity under a rule of law. We seek to guarantee widespread freedom and personal autonomy, and we seek that openness of heart, spirit and mind that can be called religiousness. If we were successful in our pursuit of these

four ideals, we should say that we had arrived at the public interest.

If we were asked by what means we had hoped in the past to arrive at this way of life, and what institutions had in fact contributed to whatever level of these ideals we have arrived at up to this point in time, we should have probably responded that it is by a republican or representative form of government that we have come as far as we have, and it is by the continuous reform of these institutions that we would seek to continue our progress into the future.

If we were furthermore asked what these peculiar institutions might be called, we should have to detail the machinery of the American system.

We begin with the public. The public of America is really a congeries of publics. In all it consists of no more than five million people who do practically all the civic work of the country and about ten million who overlap them to a considerable extent and who do most of the productive work of the country. On the maintenance of the creativity, morale, and independence of this ten to fifteen millions depends the functioning of the whole society and the achievement of its ideals.

The public is organized functionally and politically into

many thousands of associations, businesses, and units of government. They coordinate by many means -- by shared beliefs by market systems, by law and habit, and by compulsion. It is worth stressing that the most important unit of government to most Americans is their private church, occupational, or educational government. Only a portion of the rulers of America are found on the ballot; a majority of the leaders rule through non-governmental constitutions or unwritten laws, or informal agreements. Those who hold public office are not by any means all accountable to Washington; they run nearly a hundred thousand state and local governments and school systems.

To a greater or lesser extent -- and in America to a greater extent than anywhere else in the world, they operate under the principles of representative government. The total system operates mainly by consent, restrains people as little as possible and does so only within an equitably administered legal system. It is highly flexible, offering a great deal of mobility up, and down, and around, for persons so inclined.

If we wish to separate out these institutions of representative government from the public that mans them, we can call them the infrastructure of republican society. It is useless to prescribe constitutions or reorganize organs of government unless the society is basically republican and representative. Many evils can come from the complicated and particularistic infrastructure, but even greater goods, and

the system, unlike any comparable system in history, has the continous possibility of advancement and improvement. Take away any considerable portion of the infrastructure and public of the country and you diminish almost in direct proportion the meaningfulness of the purely statal organs of government.

Congressmen without independent constituencies are but pawns of the centralized party or presidency. A judiciary that is not independent, non-political, objective, and precedent-based has only small stature in a republican system. An executive establishment that replaces liberties by controls, representation by fiat, liberality by narrowness, free men by king's men is a great force against the republic. And the presidency, which no democratic movement in history has ever considered to be good in theory -- whether the Roman populists, the medieval conciliars, the English Levellers, the French revolutionaries, the Marxian socialists, the American revolutionaries, or the constitutional founding fathers -- this presidency is ever prone to the depreciation of human diversity and self-respect and to the cult of personality.

There is a way to live with these several dangers. We have had ingenious and powerful ways of doing so, but for some time we have known that they are inadequate to the threats that are being directed at the American system.

An ever-greater pressure is being exerted upon Congress

and the courts, upon the state and local governments, and upon the independent public to subject themselves to the concept of a vastly powerful chief executive and a centralized and wide-sweeping bureaucracy. The system whereby an independent public, speaking through a ramified set of institutions, governs a democratic people is being displaced by a system wherein a divinely endowed personage is offered an ever richer diet of functions and authorities that he hands back to an ever-swelling administrative establishment. The democratic public is being displaced, engorged, and absorbed into the national executive force.

There are thousands of pages of statistics on social and economic trends of all kinds in the United States. Not one of these statistics can tell a story to the contrary. If any figure falters in its inexorable trend, it risks being called a "lagging indicator." When this trend will have run for a little while longer we shall have to speak of Caesarism -- that combination of imperial divinity and centralized bureaucracy which handled the ancient world through the world's longest receivership in bankruptcy.

II. The Divine President

I have dealt in other places with the lush verdure of myth that surrounds the presidency in America and prevents both scholars and laymen from clear-cutting analysis of the office and its operations. Nonetheless neither I nor anyone

has put the issues sharply enough. Here I mean to name these myths of the presidency, and to point out from what psychological sources they emanate. Then I would attempt to say who provokes and promotes the myth, and what are its effects.

By a myth I mean a belief based upon a distortion of reality that is caused by subconscious wishes and that unconsciously guides mental and physical activity. Myth is good or bad depending upon our view of its effects. One does not need to be a psychologist to understand the operation of myth in politics, though my colleagues in psychology are launching a new assault upon the mysteries of the subject under the formidable name of "cognitive dissonance." An ancient playwright had a phrase that covers our interest well enough: "Those whom the gods would destroy, they first make mad."

The myth of the president ascribes to him unusual qualities, most often good, occasionally bad, but whether saintly or diabolical they are far in excess of those he had before he took office or beyond the average of those around him no matter who they may have been or are. Just about every miracle assigned by folk tales to kings and emperors of far off lands and times has been replicated by recent American

The President is believed to represent the people, not in any ordinary sense but in the most remarkable of ways, involving psychic waves, psychological projections, and even the statistical proofs of scientific professors who feel themselves immune from vulgar obsessions. With the expansion of the presidential constituency to include the world there is no possibility of a competitor short of the universal Pope or a Stalin or Mao Tse Tung.

The hard core of representation, the practical everyday rational representation, whose absence once drove American colonials to revolt against the English Crown, is left to congressmen and sundry officials to enjoy. There is an irony in the conduct of some people: on the one hand they are saying that it is terribly important for one man to have 1/200,000 of the right to elect his representative if another man has 1/200,000th of the right; on the other hand they are ready to consign all powers to a central figure in the belief that this central person stands in an intimate relationship to them and 200,000,000 others, far more than the district representatives.

A third myth is that the president is the source of good administration in government. If you called for favorable witnesses to this myth, you could line up most management experts and political science professors. It happens that there is a coincidence between the vulgar magic of one-man rule and the primitive science of administration. This executive or military concept of administration deductively subscribes to

any system of administration no matter how complicated, how vast, how intended for divergent purposes, so long as it premises a concentration of authority at the top of the pyramid.

A Committee on Economic Development report on U.S. Budget reorganization, issued earlier this year, can be fished out of the annual tides of hundreds of similar so-called studies. They all start with the same premises and end with the same conclusions. Typically, Congress is "given the wrong end of the stick" for blocking "efficient budget practice." It is widely assumed, too, that the President can handle an unlimited number of activities, both ceremonial and executive.

It is moreover contained in the myth of the President that he has a monopoly of the public interest. (To be sure he delegates it to the executive establishment, of which, more later.) This reputation stems naturally from the way in which he personalizes the nation for all people, and from the doctrines of administration that have been shaped to suit his twin role as national hero and national executive. All in all, he is, as Dennis Brogan and other foreigners have called him, "an elective emperor" of considerable power, probably greater than that of Louis XIV, famous Sun-King of France.

This mythical figure, whose depiction here can be supplemented by thousands of details, represents of course little of reality. From a purely historical point of view or

from a time-and-motion analysis, the President would not behave according to the myth: he is not hero, nor miracle-worker, nor efficient executive, nor privy to the public interest. Or, to put it another way, he is when he is, and he isn't when he isn't.

But the myth has a profoundly psychological basis in the popular mind. The President is a father figure, not a job-holder. This "fact" is most actively displayed upon the death of a President. Wehn President Lincoln died, Walt Whitman chanted,

> For you they call, the swaying mass,
> their eager faces turning,
> Here Captain! Dear father!

When President Roosevelt died, doctors observed the dreams of their patients to be suffused with the character of their father. Dr. Wolfenstein and others have investigated the psychological response to President Kennedy's death. Extra-ordinary depths were plumbed. Intellectual college students wept, while athletes envisioned tortures for Lee Oswald. Adults displayed more emotion, prolonged longer, than children. Reactions were of grief, disbelief, anger, towards people and groups, internal turmoil, blanking out, infantile reversions, somatic disturbances, and obsession with the question "How could it happen?", an illogical obsession since the Vice President is created to become President "when, as, and if". "Anxiety and apprehension of other bad things happening were widespread." There was fear of aggression at home, abroad,

and within the family, and self destructive impulses were felt. There was a great deal of posthumous "obedience" to the murdered leader, who, as you will recall, was pursuing some unpopular programs and was having much trouble in persuading congress of his ideas. The President's chief opponent suffered a precipitous decline in popularity

The President is a symbol of social unity, and the more unruly living and split up a society is, the more people yearn for a central person to stand for what is wanting. The President is a symbol of power. His mail is full of the most outlandish requests; he is Santa Claus, Batman, 007, Big Brother, Smokey the Bear, and a host of other wonder-workers. He is human, comprehensible; his complications, which are never allowed to appear excessive, are better understood than those of the impersonal bureaucracy or the Congress. Even cynical and hardened newsmen print only half the truth about the President; reluctantly they let it leak out through private conversations or let one or two exceedingly tough (or should the word be "dedicated") characters expose the ordinary, the conflictful, the incompetent, the sick, the wrong, the distasteful side that most men must have.

In fact, the myth of the president is provoked and promoted by the opposition. "Every knock is a boost" goes the saying. No newspaper in the country attacked President Franklin Roosevelt as continuously and sharply as did the Chicago Tribune. Yet Professor Harold Gosnell had to resort to multiple

correlation techniques to discover any relation between Tribune circulation and the Roosevelt vote. At that, Gosnell proved what most experts no longer had believed, namely that newspapers do influence elections.

Pro or con, the newspapers keep the President in the headlines, in TV and radio; and especially as the newspapers grow thin the presidential proportion grows higher. Even the New York Times, the world's bulkiest newspaper, carries as much material on the presidency as on the congress and the executive branch combined. The proportion is so huge that not even the most naive person could imagine that it would correspond to the actual power of the president. Indeed, the flood of publicity continues when the president is resting or being operated upon for an affliction. Fame completely outstrips power. Or, we should say, fame acts as the precipitator and promoter of power.

Most congressmen are by no means resentful of the paramountcy of the chief, and will often compete fiercely, regardless of party, to bask in his sunshine. They must do so, for the increasingly centralized press services and nationalized columnists can only afford to carry items on national figures. The American nation is not growing smaller; it is expanding. Its image makers are contracting, however, and whatever is local, personally meaningful, and quietly effective is ignored.

The individual grows miniscule while the figures on the national scene grow more entrancing and grotesquely huge.

Howard K. Smith has coined a term for those who oppose the President's policies in Viet Nam only until the chips are down. He calls them the "undissenters." They give the public the impression that a great debate may be shaping up and then "cut out for the tall grass." Constitutional provisions having to do with Congress' power to declare war are disregarded; no one thinks to fashion out of the junked proviso some new machinery that will at least stop a war from being a one man war. Many voices in Congress and on the outside call for ways to help the President carry his burdens. Rarely do they think to take away a burden entirely. Or if they do, they turn invariably to the bureaucracy as the storage tank of executive authority.

Again we fish in waters roiling with fish for an illustration of the passive approach: "Here Captain! Dear father!" Senator Muskie, in his capacity as Chairman of the Senate Subcommittee on Intergovernmental Relations issues a bulletin (Nov. 16, 1966). We read it carefully for its nuances of presidential omnipotence, evident even while it is denied, and for its lack of appreciation of the roots of the problem or of administrative inventiveness to cope with the problem:

We want to develop a better Federal executive structure to help the man ultimately responsible for the domestic development of the nation. The toughest job in the world is that of the President of the United States. He is head of State, Chief Executive, our chief foreign affairs spokesman, Commander in Chief of our military forces, and now chief administrator of our explorations into outer space. He works and sleeps always within reaching distance of the "hot line" and the nuclear trigger.

It is the President's constitutional responsibility to keep Congress informed on the problems of the country, and his political responsibility to offer legislative proposals for solving them. After he goes through the frustrating and energy-draining experience of guiding his proposals through Congress, he is saddled with the even more frustrating responsibility of making these proposals work. And in the domestic field he must rely primarily for the success of his program on State and local administrators over whom he has no control. But as the number of Federal programs multiply, the President's administrative responsibility stretches and the interlevel tensions become more acute.

No other democratic country on the globe expects so much from its chief executive. None is so quick to complain or criticize when things do not run smoothly. None places so much faith in one man.

It is time, then, that we fully recognize that this one man alone cannot coordinate the Federal establishment and oversee the implementation of Federal programs at the State and local levels. Constitutionally and politically, we have imposed an inordinate responsibility on the President to administer the laws that are to promote our national goals. He needs a mechanism for domestic affairs comparable to that available in foreign affairs. He needs to be brought into closer communication with the problems and needs of the local communities, and the efforts that are being exerted to develop these areas. As the country grows, he needs communication and information about our national development just as much as the community official needs it.

Few ask themselves: Why should the President or the federal government be saddled with such problems at all? There does not have to be one great glaring eye in America that knows

everything that is going on, nor need there be one hand that should involve itself in everything. It is impossible. It is stupid administrative theory. It is wholly out of keeping with American ideals.

In the world of foreign affairs, in the rest of the world, the myth of the President flourishes in proportion to the ignorance of American government. When a President dies, masses of people have hysterics; rumor is rife; expectation of catastrophic events mounts. While he lives he is god and devil. Was there ever the crowd that gathered in India to greet Eisenhower, a flowing of millions of humanity to enjoy by the remotest of contacts the mystical charisma of the Orient. Mad crushing crowds gather everywhere, Australia, Korea, and Pennsylvania.

The Roman Emperor after only a hundred years turned into a god officially. For a long time the republican forces fought against the idea. Cicero, when Praetor in Asia, was disgusted by the attempts of the people there to worship him. The first Augustus resisted the constant offers of worship from the eastern provinces. But the changing structure of the Roman Empire finally let in the natural corresponding superstitution and the only slightly mad Emperor Nero asked for divine rights while he was still alive. A few years later the conscientious and humane governor of Bithynia wondered whether he should punish, probably by death, a philosopher who had the temerity to bury his family in sacred ground where the emperor's statue

was supposed to be placed, and asked the Emperor about it. The reasonable Trajan responded, "My Dear Pliny, it is the fixed maxim of my government not to create an awe of my person by severe and rigorous measures and by construing every slight offense into an act of treason."

But why go back many centuries when we can go back a few weeks? On October 18, Tom Wicker tells us in the New York Times of how

> "Mr. Johnson's limousine could only inch through a narrow lane no wider than it was, lined with a screaming, surging, almost unmanageable herd of people on either side.
>
> Mr. Johnson leapt to the running board of the limousine, literally pressing the flesh of the crowds lunging ever closer; he waved, he smiled, he shouted, he grasped every hand he could reach, he flapped his own benevolent hand ceaselessly over the heads of the worshipers. For fully fifteen minutes he gloried in such adultation as few men receive."

This was in America. A few days later he was in Asia, receiving a similar treatment. President Park of Korea hailed him as "the foremost political leader of the world in this century." When I wrote in a book that the constituency of the President extends overseas and that there is a considerable impact on American elections and policies from our foreign constituents, a critic accused me of conjuring facts. The world <u>is</u> the "virtual constituency" of the President. Thus we find the following passage in a recent history of the Kennedy Administration. The writer is assessing the political costs of President Kennedy's forcing a roll-back of

steel prices in April, 1962:

> And, if the domestic cost was significant, in foreign policy his triumph over steel was an unmixed gain. Newspapers applauded his action around the globe. Wilson, Roosevelt and Truman had won world confidence in part because their domestic policies had established them as the critics, and not the instruments, of American business. Now Kennedy had left the world no doubt that he was equally independent of the American business community -- and in a world indoctrinated with fears of aggressive American capitalism this won new trust for his leadership in foreign affairs.

The foreign constituency may not be a strong constituency at this time, but its distorting and irresponsible conditions should be noticed.

By far the most active factor in American life leading to the aggrandizement of the President is the executive establishment. The leaders of the several million people of the civil and military services, like other Americans, want to make their operations "bigger and better". They would have a far more difficult time expanding were it not for the fact that the President acts as a lightning rod that attracts a constant stream of new activities that he must turn over to them. The President personifies and animates the bureaucracy. All live symbiotically. The President could not ask for new powers if he could not get rid of the old to them; they could not get new powers if they had to go to the people on their own account. He needs re-election and fame as an activist in order to be called great by the historians; they desire to fill more and more wants of the population. So the bureaucracy hangs the photograph of the President in all the office buildings; talks

of "the President's program," which is a collection of proposals that it has helped to generate, and, locked out as it is, by geography, by function, and by psychology, from many of the more human and earthy connections of the smaller social organizations and communities, attends with some fervidity to the doings of the man in the White House.

This and all other forces that tend to create and elevate the presidential myth to a leading role in American government have largely bad effects.

The drive for personal power which can be assumed to be present in many men is encouraged. I have elsewhere described the conditions under which America might develop its own despots. I do not believe, however, that we should think in simplistic terms; that is, we should not worry about whether we shall get a non-elective despot or whether we shall get an evil despot. My position is that despots are bad, whether elective or usurpers, evil or good. It is probably correct also that most despots are popular. What is inherently evil in despotism is depriving people of the self-respect and dignity that comes from self-government. What is inherently evil in despotism is the amassing of monopolies of all kinds of values through prolonged bureaucratic rule.

We have experienced tragedies in the past in America. The study of Woodrow Wilson by Dr. and Mrs. Alexander George has documented clearly how the obsessive rigidity and megalomania

of the President interfered with his work and with his own health. The American system of government, which Wilson tried so hard to change, was the cause of his downfall. I think too that the old image of Andrew Jackson as a potential tyrant was a correct one, and that his "poor white power" was no better than "black power". And Jefferson was right in suspecting and hounding Aaron Burr.

Franklin Roosevelt had a good-natured contempt for constitutional principle and human beings that, though it could never accomplish in the time allotted him by fate the conquest of the American system, nevertheless has transformed somewhat the nature of the system. In his book on Constitutional Dictatorship, Clinton Rossiter lists the suppressive and regimenting acts of the American President in World War II (in some cases passed, or approved afterwards, by Congress). He cites

> the Price Control Act, through which Congress handed over lawmaking power to the executive branch of the government; the history-making "destroyer deal," in which the President disregarded several statutes; the strict control of the American free economy by a host of temporary governmental agencies, most notably the WPB and the OPA; the direct invasion upon the freedom of the individual effected by rationing, the draft, and almost confiscatory taxes; military rule in Hawaii; the forcible removal of tens of thousands of American citizens from their homes on the Pacific Coast; the arbitrary suppression of the seditious words and periodicals of other American citizens; and the spectacular Army seizure of Montgomery Ward and Company.

Professor Rossiter comments afterwards,

> whatever individual injustices and hardships may have been worked -- the pattern of free government was left sufficiently unimpaired so that it functions today in full

> recognition of the political and social liberties of the American people, and in substantial accord with the peacetime principles of the constitutional scheme. We have fought a successful total war, and we are still a democracy.

However, neither Professor Rossiter nor anyone else, has really looked into the heritage of those wartime acts. Were they so cleanly dissolved after the war? (Did their dissolution, by the way, not involve some fierce struggles?) Is not New York City today, for example, laboring under the rent control legislation that was instituted in that period? My opinion is that we should be able to find a heavy sediment of hurt people, permanent strains, and evil precedents in those wartime actions. Yet perhaps not one of those steps had to be accomplished by illegal or unconstitutional procedures. If we had kept our heads, very little could not have been done by regular means.

The charismatic haze in which the President functions, while it may win powers for him, and make him chief administrator of an enormous empire, cannot but hurt the decision-making process itself in some ways. Like any king, he is sure to have more men around him who would hide the truth than reveal it, more flatteres than sober advisers. Like any manager of great enterprises, he will be pressed for time to make decisions, and bereft of time to plan ahead. And like only his unique self, the president as king-manager will have both sets of problems at the same time, plus the problem of wooing constantly an enormous electorate and the world at large.

Under the circumstances are we to be surprised if the president is often deluded, often deluged, and often dabbling? Franklin Roosevelt, Harry Truman, John F. Kennedy, and Lyndon Johnson have all been poor administrators as Presidents. The presidency has no recourse except the bureaucracy, and it may be that, only by taking a great many final executive decisions out of his hands and entrusting them to others, can we help the situation. I am about to say some things not very complimentary to the administrative establishment, but there are many cases where the position of the President as decision-maker is so unrepresentative, uninformed, and unconscionable, that it would be better to give final authority to bureaucracy to do them.

What reforms of the presidency can be contemplated to restrain its excesses of pride and power is a question that is best answered after we understand the nature of that bureaucracy. For the executive branch still seems to a great many Americans as the logical answer to whatever may ail the President: simply let the civil service handle all problems.

III. The Executive Force

In dealing with the problem of bureaucracy in America we are up against the same sort of general problem of disbelief as we face with respect to the presidency. Bureaucrats are normal and likeable Americans; how can their work arouse suspicion, opposition, even hatred? It is a matter of circum-

stances, not personalities. Institutions have to be changed; rights have to be redistributed: these require that burdens and powers be placed where they have not been borne before, and that officials be annoyed.

It is statistics that warn of the need for reform, statistics and the piling up of individual cases and experiences of countless people with the administrative state. The large fact is that by all measures of power, the administrative establishment of the federal government is growing rapidly and has grown to the point where strong measures must be taken to contain it and reform it. One seventh of the working population serves some government, and the federal government is tied up in a complex manner with all the other governments. Probably another third of the population is tied up with the federal government through licenses, concessions, contracts, grants-in-aid and other respects. In fact, probably every American can be traced into the Federal Budget or the Federal Register in some manner.

There is some merit in the vast bureaucracy and regulatory machinery that is imposed upon the people and the economy. A great many tasks have been performed that would not have been performed in the same way or not so soon. The federal agencies prevent a lot of skullduggery that would otherwise occur in a wide range of occupations and activities. In many monopolistic activities of the federal government,

typical monopoly savings are made -- from costs of advertising and sales or from large-scale performance of routine operations. Some classes of innovations and inventions seem to be more cheaply and quickly performed by government agencies. Certain deprived and disadvantaged groups are cared for by the federal government in ways that would not be thought desirable or possible by private or local agencies. We should not underestimate these in the total social cost accounting of the welfare state. Still the costs of these operations are very large, and there is no reason why the government should not be continually asked the question which it is the pride of the American mind always to ask, even when it hurts: "Is there a better way of doing this?"

On the demerit side of bureaucracy stand several major problems which are particularly relevant to the continuance of republican government. Leaving to another occasion the comparative costs in material and human energies of federal collectivism, I should like to direct attention to the deficiencies of bureaucracy as representative government.

In every bureaucracy, not excepting our own, the conditions of recruitment, training, tenure, promotion and relations with the world outside create something that can be called an occupational personality. In the federal civic service, this personality has been best described by Professors Warner and Van Riper in a study based upon intensive interviews of several hundred high civil servants and on questaire responses by

several thousand high civil service, foreign service, and military officials. According to the authors, civil servants appear to depend for much of their happiness upon membership in a very large organization. They did not seem to have strong innovation needs. They had a strong respect for authority. They were intensely idealistic and sought to serve their causes through work. Their insulated work environment seemed "free" to them, although to the scholars and the outside world it seemed to be largely constrained by rules and limits. Caution, persistence, and honesty were their paramount virtues. They tended to feel morally superior to the non-governmental world.

There is a superior-inferior complex, therefore, that would undoubtedly provoke dissatisfaction with the world of outsiders and tend to repulse efforts of outsiders to get sympathetic hearing. There was also a narrowness of view that would come from the normally limited bureaucratic environment. The American bureaucracy is more penetrable than that of any major developed country; there is more freedom of opportunity within it and more access to it than elsewhere. Still there is a long way to go before it can claim to represent all there is in the mind, heart, will and skill of America.

Given its idealism, its suspicion that motives are less than pure in the outside world, and the effects of being closely associated in mind and heart with the President, the claims that bureaucrats make to being custodians of the public interest should not arouse great surprise. What is perhaps

more worthy of surprise is that the world and especially students of politics should accept routinely these claims.

Any useful member of contemporary society must exist in a condition of "conflict of interest." It is one of numerous ironies of the behavior of scholars of our day that they denounce according to their political ideology what they discover in their scientific studies to be inevitable and functional.

Thus, it is universally considered to be an achievement of sociology of the past hundred years to develop the theory of social roles and reference groups. Every student nowadays is informed that modern man is a man of multiple affiliations, that he cannot avoid these affiliations, and that if he does manage to narrow down his perspectives to one role, either in reality or psychologically, he is an incomplete man, even a menace to the social circles that he touches. A man is affiliated with his country, his state, his city, his neighbor, his family, his college, his union, his company, his party, his church, and even the world -- for, while we applaud patriotism, we would shun a man who has no sympathy with humanity as a whole and, in fact, despite disadvantages of other kinds, we see an achievement in the Nuremberg trials in asserting that a man is inhuman, a criminal, in the world, if he does not maintain a minimum of decent behavior towards his kind within and outside his nation.

While all this is said and done, there is a continuous agitation in public circles against men asserting or retaining ties with any part of society, any different part of themselves so to speak, whenever they are awarded public office. I speak now not of agitation against the commission of crimes in office -- not of bribery, thievery, or peculation. I speak of the agitation against men of diverse interests, men who are known to be tied in many ways to the living, working, profitting, and politiking groups of society.

The essence of representative government is the conciliation of interests. The idea of representation is to mold one form many with the expectation that the new unity will be one that the new unity will be one that is superior to the monolithic unity that would come from men who are janissaries and eunuchs, so to speak, of the state.

There is a direct connection between this narrow and unilateral view of "the interests" and the allegiance to a single head, the antipathy to any collegial body such as the legislature, and the inclination to rid society of the special interests that are in fact the warp and woof of the republic. It is not at all accidental that the same aforesaid Governor Pliny of the Province of Bthynia of the Roman Empire should write to his same Emperor Trajan another letter having to do with the question of local groups in Roman society.

A bad fire had broken out in the City of Nicomedia and Pliny reports indigantly to his chief that people stood around and watched the flames instead of assisting. "Pray determine," he asks the Emperor, "whether you think it well to institute a guild of firemen, not to exceed one hundred and fifty members." And the Roman bureaucracy under the name of the Emperor sends its answer, in the negative. "Whatever title we give them, and whatever our object in giving it, men who are banded together for a common end will all the same become a political association before long."

Not the least of the reasons for the decline of the Roman Empire was its increasing bureaucratization, the opposite side of the coin from the increasing divinization of the ruler. The burden of carrying the centralized and worldwide operations of government fell upon the ever fewer productive individual farmers, businessmen, and local communities. The cult of personality and the dispersion of the associational and local interests of the citizenry can be connected in America in the same way as they were in the Roman Empire, or in the Soviet Russia of Josef Stalin.

It is common both to aristocratic and bureaucratic societies for the leaders, often corrupt in their own way, to denounce people who "want to get something out of politics" and "who are using office to promote their private interests". What we should object to, and only that lest we be anti-democratic in effect, is the quality and nature of the

"something" and the "private interests." If we arrive at the moment when there is nothing in politics for ordinary private people it will be the moment when everything in government is for the official class.

Therefore, if it be a republic that we want we should suspect persons who would require everyone to strip themselves of their interests and motives before applying for office or petitioning the government or acting as public bodies. The official of the state has nothing ab initio of the public interest about him. He has to earn a reputation for the public interest in every single human interaction. in which he participates. The fact that he is paid by the public treasury is irrelevant in every single instance.

One astonishing feature of this process of transforming the republic into a bureaucratic state is that the very same private interests, which are abjured, shunned and persecuted under the ideology of the public interest as being selfish, are invited to return by the back door in the name of the service state and the welfare state. The condition is that they lay down their political arms, their associations that is, and come as naked petitioners.

Millions of Americans now have a direct private interest in federal programs. But these private interests are calmly assumed because they are attended to by officials who are said to have no private interests. In other words, "private interests"

are in the "public interest" when they are catered to by officials! Can there be any more striking demonstration of how language becomes an instrument in behalfof the transformation of society, -- this time moving towards bureaucratic collectivism?

I would mention two more tied-in concepts that the executive force uses to chisel more power. Both are related to the abuse of the concept of public interest. I refer to the commonly accepted idea that there exists a distinction between politics and administration. Politics is supposed to be the handling of the big questions of public policy, administration the handling of all others.

Since Professor Frank Goodnow advanced this notion as a scientific principle of administration in the last century, it has gained universal currency, and only recently has been refuted by some scholars. Actually, whatever people say <u>should</u> be political and have the <u>power</u> to make political <u>is</u> political, and what is left to lesser powers may in this sense, be called "administrative".

The conclusions and its applications to our subject are clear. Congressmen, local politicians, association leaders, journalists and everyone else should be alert to the way all kinds of powers can be conveyed beyond recall to unrepresentative or scientific and technical personnel on grounds that they are non-political in nature. It is a way of freezing out opposition

and enhancing bureaucratic dominance, going all the way from military strategy to congressional casework. The question of who shall decide what issue can and must in a republic be viewed as a perennial open question.

The second related point deals with nonpartisanship of bipartisanship on foreign affairs. One can always find, on a matter of foreign affairs, some members of an opposing party to agree with him. (The same is true of domestic policy.) That is normal and acceptable. What is mistaken is the gagging of political dispute. In an age when people speak of continual crisis, and when the foreign commitments of the nation reach back into many aspects of American life, to abandon partisanship at the water's edge is close to abandoning it altogether. Certainly we can catch spies and hang traitors without ending the larger part of public discussion of politics. The beneficiaries of silencing dissent on world issues must be obvious -- again the presidency and the relevant departments of the national government.

The general motions of the Caesarean force should now be plain. The central personality attracts with the unwitting assistance of the press and television, a monopoly of attention for an unending procession of programs, and, while claiming responsibility for them as the general manager of the government, hands them over to the executive establishment. The administrative agencies spread out over the society, expanding the scope, domain and weight of their power. As the local and

associational life of the people becomes debilitated, the constituencies of local and associational representatives wither and are merged into the very large presidential constituency. The process then repeats itself, enlarged.

IV. The Programmatic Response

What remedy can there be for problems of such bast scope?

I do have a kind of elixir on the shelf back here. It is the Congress -- rather old-fashioned, I admit, but a proven remedy in some cases and when it is refined and some new ingredients are added to it, we shall have a new kind of governing formula.

Most of my suggestions, then, involve in some way the Congress, so I shall not go about explaining its nature as I have the President and Executives. Rather the nature of the new Congress can emerge from the presentation of remedies having to do with the political parties, the presidency, and the bureaucracy.

The political party occurs to some experts as a way out. If the political party can be strengthened, some believe, it may stand for the people as a means of controlling both the presidency and the executive branch. Let the party stand for issues, let it be well-organized, let it control its candidates, and a sturdy opposition to all centralizing tendencies can form and win at the polls.

But this cannot happen under the American system of government. The party has to remain decentralized or it falls into the hands of the presidental faction. Encourage the public to contribute

its dollars to the national committee of the political party for expenditure in presidential campaigns under the dictates of the presidential candidate and a blow against the republican system has been struck. Yet see how easily and with what little debate this very procedure has been written into the law in the last few weeks. We can only hope that people will be too apathetic to give a dollar, or that a party and its candidate will denounce the law and refuse to accept its terms. Better a rich man's party than a tight national machine, if that must be the choice.

So too goes my reasoning with respect to the timing of presidential and congressional elections. To hold separate elections at different times would abet Congressional independence; to hold presidential and congressional elections for the House at the same time each four years would pass the control of the parties and of Congress over to the President.

The solutions to the problems of the executive state must lie elsewhere than in a centralized system of political parties.

Let a party be strengthened -- yes, locally.
Let a party stand for issues -- yes, on the basis of consensus nationally.
Let a party control its candidates -- yes, catch-as-catch-can, the way it is now.
Let a party be well-financed -- yes, if it can, and preferably at the grass roots.

Let the president and the national committess control the parties -- no, but let them have their own generous constituencies.

More striking changes can be foreseen with respect to the Presidency. His term of office should be limited to one term of six years. This is enough for him to plan and execute a series of schemes, and will dampen the continuous electioneering that goes on at present. He should not be eligible for further office at the end of that time, except on a local level.

His war powers should be modified. He should share the power to retaliate against foreign aggression with a congressman who would be elected by the whol Congress for this assignment. His power to commit troops to combat should be limited by standing legislation, in lieu of a declaration of war, whichever he may prefer to employ or seek. The President needs to be protected from pressures towards engaging in foreign adventures. The President should not go overseas without the consent of Congress nor without a representation of Congress.

A review of all existing wartime powers of the executive branch is in order as the basis for a new law that will provide, after full national discussion, whatever minimal basis of preparation is required.

The newspaper owners and television concessionaires of the country should consult on means of presenting civic and political news in greater amount, scope and depth. Social inventions of an ingenious kind are needed here to offset what I think many newsmen will recognize to be a harmful imbalance.

The presidency is a corporate body distinct from the President in some ways. Congress should consider whether the presidency forms a better topping off of the administrative pyramid of government than some new kind of organizational concept. It is not at all certain, for example, that the Committees of Congress should abstain from direct policy-making as a matter of right and efficiency -- something that many tend to engage in anyhow actually.

Congress should cause to be prepared at the beginning of each year and at intervals thereafter, through the medium of a newly created Plenary Council of the two chambers, various messages to the nation. These would be similar in character to those which represent the views of the President. They need not be unanimously adopted and can carry more or less the same descriptive and hortatory material as do the papers of the President.

Exemplary laws should be passed at the beginning of each session of Congress. These would deal with subjects of small substance but major principles, asserting, lest they be ignored

or forgotten, the rights of congress to employ legislative vetoes, to impose personnel restrictions, to investigate,to obtain classified information, to reorganize units, and other procedures reflecting the broadness of its powers and its control over the executive branch.

Congressional tribunes should be set up. Designated from a panel of qualified persons serving under Congress, a tribune would be assigned to each agency of government. He would report to the appropriate committee of Congress each year in the role of a devil's advocate. He would propose that various of the agency's activities, personnel, jurisdiction, and budget be eliminated, devolved to local governments or non-governmental groups, or otherwise reorganized. Contraction, devolution, and termination would be their operating instructions.

Congress might also wish to create an All-Agency Council of Administrative Representation. This Council, led by Congress, would be the guiding structure of the vast number of councils, advisory boards, and other devices that have come to represent the clientele of agencies inside the agency. Agencies should in turn be encouraged to maximize the potentialities for dealing with the myriad publics that form their clientele according to consultative and representative principles. In the past these councils have often been used as an agency pressure group against congressional or the presidential policy. Yet they are

too valuable to dissolve. They stand for the future theory of administration, administration by involvement, consent and cooperation all the way down the lines of government.

I would visualize, therefore, the future of the American national bureaucracy as always a large body but diminished very much from its present number, and making up in its decrease by a much more sophisticated meshing with clientele in nongovernmental and governmental entities of local types. It would be more representative in structure as well as in thought; its officials would be amply provided with opportunities for enlarged experiences throughout their career, and there would be a pluralistic structure right up to the very top. It is mainly a fiction that one man, the President, is the only person suited in law, in administration, or even in psychology, to run the vast federal empire. This fiction would be replaced by a doctrine that would give the President an eminently respectable role to play but would engage congress and other group, commission, and agency leaders in prominent roles as well.

I have already mentioned the idea of setting up a Plenary Council of Congress. This joint committee, with an imposing stature and aggregate of responsibilities, would assert the corporate image of Congress before the nation. It would direct

generally the public realtions of the whole body and prepare the messages to the people.

A permanent Joint Committee of Congress, perhaps an outgrowth of the present Joint Committee on Organization of Congress might have to be set up to manage what I visualize as three distinct research type operations, a central computerized data collection, storage and retrieval service for all congressmen and committees. The same committee would establish an institute for the study of sanctions and the maintenance of an inventory of the freedoms and restrictions affecting all Americans. The Committee would act also as the governing body of a Center for Behavioral and Social Research that would step up greatly the quality and pace of research work being done presently in the Legislative Reference Service and the Committees of Congress. Another research and analysis operation that could be operated by this Center but which should be co-sponsored by the Appropriations Committees would be a Program Budgetting Center that could automate the presentation and analysis of fiscal and performance data. Assisted by the latest mechanical improvements, the Congress should be enabled to present a constantly updated budget in any one of several forms -- including "line " and "function" perspectives immediately upon demand.

Other means for improving the operations of Congress are available or can be invented. Nor is there any obstacle in theory to the creative redesign of the bureaucracy or presidency.

There must, however, be a confrontation of obstacles of a psychological natuer which are of the most difficult kind. Whether we shall go into the twenty-first century with a republic or a bureaucratic monarcy depends less upon ingenuity than it does upon diffuse attitudes towards government and authority among a great many millions of people. We face spiritual crisis.

V. The Spiritual Tangle of the Age

If all persons who perceived the nature of Caesarism were to be mobilized for a program of reform, no doubt they would compose a considerable multitude, and they would be exceedingly well-placed. I can say from my own experience, and I talk to executive force devotees nine-tenths of the time, that the process of conversion is easy and there is an enthusiasm in the air that seeks a hard and clear program.

I believe that the vocal exponents of the executive force, concentrated as they are in educational circles, do not understand the ideas and feelings of republicans at all. They surely cannot prevail much longer by mere contempt. I have in mind many writings that contain passages such as this one, culled from a brand new book on Congress in Crisis, by three young Dartmouth College Professors. They speak of a

> "pro-Congress contingent.. which looks to Capitol Hill for the reversal of the long-term trends of centralism and paternalism. This 'republican force,' as Alfred de Grazia has termed it, has gathered many recruits during the past generation: economic conservatives, who are hostile to post-New Deal social-welfare legislation; advocates of 'states' rights, who find local autonomy threatened on every front by the courts and the executive; fundamentalists, who are confused and dismayed by modernism, and secularism; and the rural folk -- rural and small-town interests who felt themselves being plowed under by the alien trends of urbanism."

By limiting the democratic forces of the nation to southern colonels and country-music boys, these striplings hope to cut off debate on America's future. They might more truthfully have reported that I managed to number in my writings a huge

majority of the nation among the many groups whose ultimate welfare dpended upon the survival of the republic. I challenged the accepted beliefs that negroes would in the end profit from the executive state. I declared that the hardly won freedom of the Jews as individuals would be discriminated against in the executive state. I indicated that the independent businessman would be greatly handicapped; slowly and surely he would be collapsed into his primitive status as a rug-trader of the Ottoman Empire or a fruit-vendor under the Soviets. I said very much more about the ways in which the variegated and creative social and economic groups in the population would be reduced to faceless mass. Not the least of such groups would be the academic servants of the state.

What my Dartmouth colleagues and others like them must be brought to realize is that the future they espouse is not inevitable. It they realize that it is not predetermined, then they will, I suspect, discover that it is not so good a future either. Then they may, if they still believe in the search for a better society, reconsider the new plans for representative government we have been elaborating.

But it is not only the executive force advocates whose views cannot suffer so extensive a revision of social norms and practice as we have provided. There is in America today a large element especially among the young, whom I would call Tertullious. Let me read you a passage from Tertullian, and I believe that you will understand the phenomenon:

> "I owe no obligation to forum, campus, or senate. I stay awake for no public function, I make no effort to monopolize the platform, I pay no heed to any administrative duty, I shun the voters' booth, the juryman's bench ... I serve neither as magistrate nor soldier, I have withdrawn from the life of secular society ... My only concern is for myself, careful of nothing except that I should have no care ... Man who is destined to die for himself is not born for another...
>
> For us nothing is more foreign than the commonwealth. We recognize but one universal commonwealth, that is the world."

In this beautiful passage, Tertullian resigns from politics. He lets Caesar win without opposition and without applause. He also lets the barbarians in. We have millions of Tertullians in America. They are more of the republican persuasion, naturally, than of the executive stamp. But they cannot be of help except faintly.

There is a second group. I call them the Gorgians. They fit into American culture very well too. Gorgias was a cynic and completely relativistic Sophist of classical Greece. He said:

> "Nothing exists.
> If it did exist, we couldn't know it.
> If we did know it, we couldn't communicate it to anyone.

This very cynicism, transported into politics in our age, is also on no man's side directly. It seems useless, very often, to wage a battle of political reason. The forces are quite meagre in quality and resources.

Indeed, sometimes it may appear that the real bulwark of the freedom of Americans is not the good sense of the public, not the devotion to principle of American liberals, nor the formidable array of laws and pious declarations of virtue. The real bulwark of American freedom is the concatenation of frivolity, nonsense and greed.that fills the mass media.

Perhaps it is the soup cans, cigarette labels, beer bottles and underarm odor preventives that stand in the way of one-man rule, or for that matter any intelligent rule. More Americans are exhorted more of the time by handsomer and clever people to fight over the name of a cigarette than are urged to devote their energies to public purposes and the achievement of worthwhile lives: Not Congressional leadership, nor illuminated editors, nor any and all of the expected and anticipated heroes of the constitution stand in the way of totalitarianism. Beer cans and cigarettes are the only kibbitzers on the image of despotism. They alone make everything serious seem trivial, and prevent the triumph of the serious but bad force. They crack up things before they can come to a head. That is one reason why, given the failures of civic virtue in America, we should preserve and countenance the clowns who are the voices of society.

But I believe that something exists and that we know something. And I believe that we can communicate it, and there are still a lot of Americans around who are not ready for the

leg irons of Leviathan, and who can kick aside the beer-can, step over the beatnik, and go on in search of constructive freedom.

I commend them to your care.