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From Congressional to Presidential Government

FRANCIS GRAHAM WILSON

*At long last the liberal distortion of
American history is being corrected.*

Congress and the American Tradition,
by James Burnham. Chicago: Henry
Regnery Company. 1959.

IT IS SELDOM one encounters in these days of pragmatism and status-seeking a book that is animated by affection and scholarly enthusiasm for the great men and the political wisdom of another day. James Burnham's *Congress and the American Tradition* is, however, such a book. It is in one sense a labor of appreciation of the learning and the wisdom of those who drafted and brought about the ratification of the Constitution. But it is also an effort in sober and scientific scholarship, in the midst of ideological views that claim the right to interpret the American tradition in favor of exaggerated forms of liberalism and irresponsible claims upon the future. In his work Burnham searches out the quality of the notable men who were the American political leaders at the beginning of our republic. Because the core of their political philosophy was a belief that human nature is limited and imperfect, "the Fathers did not suppose that all social and political problems can be fully solved" (p.

19). They did not believe there was a transition from a political system to utopian order.

In contrast to such a view, the simple and vulgar economic materialism or determinism of the liberal criticism proves too much. Motives are assumed and not proved, and the egoistic motivation of those who assert the economic interpretation of politics must also be included. The economic interpretation of the Constitution is the corruption introduced into American scholarship by Charles A. Beard, who wrote *An Economic Interpretation of the Constitution* in 1913. Generation after generation of undergraduates who have studied American government have been innoculated with the Beardian toxin, though it must be said in candor that Beard himself turned to other topics. The early Beard, however, was only one of a triad of Progressive intellectuals. J. Allen Smith, in *The Spirit of American Government* in 1907, was the first to begin the formulation of the intellectual and Progressive interpretation of American history and institutions. Smith influenced Vernon L. Parrington, whose *Main Currents in American Thought* is the indispensable scripture for liberal exegesis. In Smith one finds an argument for the aristocratic and corrupt motives of the Framers, and it was thought for long that

Beard's *Economic Interpretation* was the detailed proof of the more speculative argument constructed by Smith. Smith and Beard provided intellectual formation to the Progressives, while Parrington supplied a similar dosage to the liberalism of a post-Progressive era.

Slowly, one feels, the corrupting and vulgar interpretations of the Framers have been giving way to a more intelligent appreciation of those who formulated for America its political tradition. The path seems to be opening toward an appreciation of the learning, the wisdom, and the historical insight of the Framers. It is these qualities which enabled them to become prophetic for the future of liberty, and for the circumstances in which freedom may become concrete rather than philosophically abstract. They provided the situation in which liberty might become existential rather than an aggregate or group conception which would mean little in the human situation. The economic is always with us; it is in us and around us, but that which makes life meaningful comes after the besieging anguish of the economic has been raised, and the unfolding of the spiritual has begun.

But overcoming the Beardian and Progressivist corruption has opened the way to other difficulties. If the liberal is being led to see that a vulgar economic determinism is false because it must be used to explain himself as well as his enemy, he has also seen that Freudian analysis carries too far, and that if the enemy of liberal programs must be explained in psychological terms, the liberal himself must be explained from a prone position on the analyst's couch. What I am suggesting is that for liberals as well as for Burnham, the minds of the Framers have become an intellectual and rational issue, and not a look at recorded deeds to landed property or a probing into the viscera of those who signed the Con-

stitution on September 17, 1787. What we are coming to study then are individuals and institutions, and slowly as we recover from both the weaknesses of positivism and relativistic historicism, we undertake to say what is better and what is worse about the Constitutional system of our country.

THE CORE of Burnham's argument is a statement of what the conservative and the liberal or Progressivist does with the American tradition of national government. Now a tradition is a set of values or truths handed forward through education and experience to the new generation, and in this case it is the values and experience that the political class, the officials of governments in America, have accepted in one form or another from their political forebears. I think it can be said with honesty that the liberals have believed until the quite recent past that they had won forever the right to interpret the American tradition in literature, in journalism, in the professions, and above everything else in the materials used in the schools in the study of history and politics. It is a notable characteristic of our time that there is a "new conservatism" which has challenged this presumed victory of the liberals to say what the constitutional tradition means.

Burnham forms a distinguished part of the company of those who believe that the days of the liberal distortion of American doctrine and tradition are coming to an end. And his volume is a sustained effort to say just how the differences in the interpretation of the American tradition are to be formulated. The very formulation of the issue is of great significance, for until recently there were few adequate and systematic sources to which the student might repair for a statement of the conservative position about the structure of American government. Of course, it is clear that the liberal interpretation of the Constitution

has moved step by step by the victories of the liberal revolution of 1933.

It is Burnham's Framers of the Congress to occupy a place in the American system of government. The revolution has consisted of Congress, and the powers of the President present when civil liberties are the Federal Courts, to the courts, the branch of the government executive as the concrete political society. "The position of Congress in the political system," says Burnham, "is not enough: Congress is probably the largest of power possessed by the government; and now it is merely smaller but still of a different order. It is equivalent to say that the American revolution has taken Congress has been reduced to a subordinate rank."

Burnham cites as the most notable of the George B. Galloway Congress: "The architect of 1787, keenly conscious of the existence of Congress expressly vested the new national authority in the Congress of the place of prominence of the vast powers of the framers evidently to the public." It is, then, and evident enough, that the Constitution has lost its great place

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It is Burnham's contention that the Framers of the Constitution intended Congress to occupy a central position in the American system of government. But the revolution has consisted in the denigration of Congress, and the exaltation of the powers of the President. In times like the present when civil liberties are decreed by the Federal Courts, the liberal has turned to the courts, the bureaucracy—the fourth branch of the government—and to the executive as the concentrated powers of our political society. "The coarse fact about the position of Congress in the American political system," says Burnham, "is simple enough: Congress once held a large, quite probably the largest, share in the total sum of power possessed by the central government; and now it holds a share that is not merely smaller but so much smaller as to be of a different order of magnitude. This is equivalent to saying that in the American governmental system a constitutional revolution has taken place, through which Congress has been reduced from a coordinate or predominate to a secondary and subordinate rank" (p. 259).

Burnham cites in his support one of the most notable of the students of Congress, George B. Galloway of the Library of Congress: "The architects of the Grand Design of 1787, keenly conscious of the incompetence of Congress under the confederation, expressly vested the primary powers of the new national and federal government in the Congress of the United States. From the place of prominence they gave it and the vast powers they conferred upon it, the framers evidently intended to make Congress the central department of the new republic." It is, thus, to Burnham a notable and evident enough fact that Congress has lost its great place, and that those who have

been liberal have distrusted it, and have turned to the President and the Courts with assurance that they can secure through these a larger share of the political goals their ideology proclaims.

Apparently Americans have always been engaged in debate about the nature of their system. While there has been debate concerning the concentration of power in the national government in our time, the desire to effect an ideological and economic collectivism has made it necessary to turn against the right of both state and local governments to construct their own social policy. The so-called "truth" of the welfare state admittedly stands above the desires of the people as they have expressed themselves in local policy. That public opinion has been unwilling to accept, say in local matters, what the high bureaucrats of educational organizations and the national government have wanted, has merely made it seem all the more necessary that there should be both federal financing and federal administrative control.

One is tempted to say that from the unlimited assertion of war powers in the twentieth century, the Constitution as a limit on the powers of government has been all but destroyed. But this destruction has opened the way for all kinds of centralized social policy that can hardly be thought honestly to be related to national military victory or to security against destruction in Armageddon. Congress works more slowly than bureaucrats, but it has greater capacity to respect what people may wish, simply because each member must go back to the voters for approval.

At one time it was said that the businessman was the enemy of the legislature, state or national, because the legislature passed bills regulating business. Now one can say that executives, fourth branch civil servants, and professional groups seeking power and money, and that amorphous but power-

ful class, the "liberal intellectuals," have also turned against law-making bodies as archaic, horse-powered vehicles in an age of flaming atoms. So is a case made against Congress, in a contemporary age of notable debate about its place in the American political system.

Burnham argues (pp. 263-64): "The stereotyped contrast between a creaking, horse-drawn Congress and a streamlined, jet-propelled administration is a myth without much substance. The huge executive bureaucracy is a swollen, arthritic, half-paralyzed cripple, about a third of whose time is spent taking care of itself (on "housekeeping," as it is called) and another third in ducking responsibility. The Congressional decision process is cumbersome . . . but it does not suffer when compared to the bureaucratic decision process, which can take up to ten years to order production of a new weapon system or a change in the type of pen on post-office desks."

Indeed, there has been much concern with the "reform of Congress," and in 1946 a reform bill was passed which has resulted, no doubt, in greater efficacy in the daily labors of Congressmen. What would be a more efficient Congress? Is it possible to reform Congress? Would it be possible to restore Congress to the share in government the Framers contemplated for it? The author remarks: "The uneven, bumpy but persistent fall of Congress from the high estate described by Woodrow Wilson in *Congressional Government* began with the turn of the 20th century, and shifted to a faster rate in 1933" (p. 333). By paradox, as the democratist, liberal ideology has dominated, a plebiscitary or numerical majority has seemed the only proper political system. Congress, argues Burnham, has been dominated by this ideology only when it has submitted to executive dictation. Such a long-run situation

explains in measure why the "liberals" and left intellectuals have favored the President and denounced Congress as an instrument from a remote and agrarian age.

Our author thinks its improbable that Congress will survive as a forceful, autonomous agency—certainly not, if Western society succumbs to war, and only if Congress learns to concentrate on essential problems. From the gallery one does feel, indeed, resentment against the petty Congressional ego using time by unanimous consent to campaign for re-election. But the plain truth is that Congress is unable to supervise the bureaucracy; it cannot control the expenditure of the taxpayers' dollars; and it cannot force the executive to give information on many issues of government which by executive order have been made secret. I am sure a Congressman must feel little and alone when he stands against the orders coming down from the White House and the vast bureaucratic organizations associated with the executive office of the President. In the incredible inertia of organization, political courage enough for Congress to assert its right of control over money and administration is perhaps a utopian concern.

Americans must cherish their Congress, Burnham wisely says, if they would preserve their liberty (p. 352). But the trends of the age are massive, in truth, and there are few examples in the rest of the world to point to amid the ruins of so many legislative systems since World War I. Should not a Congressman know that there are times when public opinion, acting through elected officials, has the right to tell the man in the office that the arrogance of his knowledge must bow before the wisdom of the man in the street?

ONE FINAL TOPIC should be considered. During the introductory discussions Burnham develops what he calls liberal and

conservative syndromes. I think the latter has been introduced into the world by those concerned with the future. It is a position; it suggests a tropism rather than a syndrome. Burnham's views which tend to be of history and a lack of consistency or persistence (pp. 22).

The liberal has a capability of rational ideology, while the conservative the existence of non-government and he has ideology. The liberal limited potentiality the conservative and the impossibility of utopias. For the liberal a presumption in favor of the conservative while the conservative in his respect for the worthy values have in the past. The liberal limited power in the progressive goals, but to the diffusion of limitations on power and substitution.

While liberals are in a democracy, conservatives and mediated government state rights in the ridiculous, while conservatives. Liberals have a diffusion of powers and the customary branches of government because their ideological syndromes believe that the of the three branches the soundest and

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conservative syndromes in relation to Congress. I think the word "syndrome" has been introduced into social science language by those concerned to deny that conservatives have really an intelligible political position; it suggests that conservatism is tropism rather than the life of reason. But by syndrome Burnham means a series of views which tend to cluster together. Out of history and analysis thirteen elements of consistency or pattern in the views of conservatives and liberals appear (pp. 121-22).

The liberal has confidence in the saving ability of rational science and democratic ideology, while the conservative accepts the existence of non-rational factors in government and he has a distrust of abstract ideology. The liberal believes in the unlimited potentiality of human nature, while the conservative understands its corruption and the impossibility of achieving terrestrial utopias. For the liberal there is no presumption in favor of traditional usage, while the conservative's nature is expressed in his respect for tradition as a system of worthy values handed forward from the past. The liberal will waive diffused and limited power in order to attain his progressive goals, but the conservative holds to the diffusion of sovereignty and the limitations on power embraced in the Constitution.

While liberals accept plebiscitary democracy, conservatives stand for representative and mediated government. Liberals think state rights in the federal system are ridiculous, while conservatives are for them. Liberals have a distaste for the separation of powers and the autonomy of the three customary branches of the national government because they would hurry toward their ideological solutions, while conservatives believe that the customary autonomy of the three branches is compatible with the soundest and most enduring reform

policies. Liberals tend to oppose limitations on government, while conservatives believe in them, as they were contained in the traditional American Constitution.

The political tradition is purely instrumental for the liberal, while the conservative believes that our tradition embodies principles that are intelligible and of permanent value. Liberals hold that decentralization and local solutions interfere with the solution of modern problems, while conservatives hold that decentralization and localization contribute in the end to sound solutions. Though private enterprise is severely criticized by liberals and they exhibit a belief in government control or ownership, conservatives are generally sympathetic with private enterprise. Though a sophisticated conservatism like that of the late Senator Robert A. Taft might accept certain governmental controls, the trend toward private enterprise is clear.

Liberals, therefore, believe that the expansion of governmental activity nourishes the good life, while the conservative is concerned with individuals, and especially in their private capacity, rather than with the nation or other collectivities. And, finally, the liberal accepts a presumption in favor of the executive against Congress, while the conservative has favored Congress in matters of social policy against the dominance of the executive.

Burnham has written a volume that may not be read by the liberals, but it is surely one from which the conservative can draw courage in our raucous debates over national policy. The conservative is often laughed into silence by the liberal, to whom the funniest thing in the world is often a person who does not agree with him—or perhaps even more comic, a conservative who thinks he is intelligent. At least the conservative can do himself a good turn by reading this well-written, courageously written, and withal brilliant volume.