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THE FEDERAL GOVERNMENT

Dr. Elmer E. Schattschneider

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Reviewed by: Colonel Tom W. Sills, USA

Date: 9 September 1959

INDUSTRIAL COLLEGE OF THE ARMED FORCES
WASHINGTON, D. C.

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THE FEDERAL GOVERNMENT

26 August 1959

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Reporter: Ralph W. Bennett

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COL. SMYSER: General Houseman, Gentlemen: American government has frequently been called "the great experiment." And sometimes, particularly during the early years of our national existence, it was looked upon with contempt. About the time of the Monroe Doctrine we were considered to be the apostles of sedition, spreading evil doctrines which endangered the established political institutions.

Now, although our Government is quite young in contrast with the national existence of some other countries, today we have the oldest major government with a written constitution in existence. Our Constitution has served us for 170 years, with some amendments. But it has undergone quite a bit of change.

To talk to us this morning about some of the principles of our Government, some of the changes and developments which have produced our present-day system, we are indeed fortunate to have an eminent authority in the field, a man who has made this subject his career-- Dr. Elmer Schattschneider, Professor of Government at Wesleyan University. Dr. Schattschneider is the author of several books on the problems of American Government. He has lectured here at the Industrial College for the past several years. He has also lectured at the National War College.

Dr. Schattschneider, it is indeed a pleasure to welcome you back to the Industrial College of the Armed Forces to talk to us this morning

on the Federal Government,

Dr. Schattschneider.

DR. SCHATTSCHEIDER: General Houseman, Gentlemen:

It's a great pleasure to be back to talk to you this morning.

I observe that Colonel Smyser has lectured to you in the lecture that preceded this, on the western political tradition; and that's what American government is. It's a tradition. Our Government is part of our culture. It's an extremely important part of our culture. It's not something that is separate from our culture. It's in the culture.

It's something that exists in our minds first of all. It's a way of thinking about our common problems. And, as Colonel Smyser has said, it's an old government. It's a good deal older actually than the Constitution itself.

This is perhaps the hardest dimension in which to try to understand what we have, because time is a very difficult kind of concept to get hold of. We have a faculty-^{wives}~~club~~ club at my college which has programs at which papers are read and so on; and they had a theme several years ago "The Sixteenth Century in a Nutshell ." That's what historians do to us. They telescope time for us to such an extent that by and by you can get a thousand years on a single page of history. What people don't tell us about the past is how long it took, how long a time this is. It's a very hard feeling to get.

We've got things about the Government of the United States which are older than any of us, older than anything in this room, which come

to us from the remote past. Everything has a history--words, ideas, laws, institutions, people--and we can't understand them apart from their history. This is why when we consider an appointment we want to know something about the man's background. We want to know his history, because we don't understand him aside from his history.

This is true of everything. I don't care what it is. A safety pin has a history. I remember how shocked I was the first time I saw a Roman safety pin. I thought this was something new. Justice Holmes said of this that our connection with the past is merely a necessity, not a detail. It's intelligent to realize that things have a past.

Now, one way to begin the study of American Government is to remind ourselves of the continuity of our institutions. We are in the habit of thinking that this is a new country and so on; but, actually, the Constitution of the United States is an 18th century document, full of 16th and 17th century ideas, and a lot of the ideas are a lot older than that; and we're using it to do the work of the 20th century.

This creates some kinds of situations. Our Government is like an ancient castle in a sense--made obsolete by the passage of time and used in succession in later times as a monastery, as a hospital, as an orphanage, and a university. So it's an ancient structure being put to new uses. And some of these ancient uses are astonishing if you realize what they were used for originally and how they are used now.

Our collective memory of the past is always imperfect. The process of the transmission of culture from one generation to the next is incomplete.

And it is selective. Some things get transmitted and some do not. And after a while this process produces changes of which no one is aware. This is what the Frenchman meant, I think, when he said that the more things stay the same, the more they change.

This process of transmission is enormously important, because if you stop to think about it, we are never more than one generation away from barbarism. If what we have derived from the past we are unable to transmit to the next generation, we're going to be a bunch of wild men. They've got to get it from us. That's why education is enormously important.

Now, the central concept of this Constitution is a concept of a multitude of councilors. That's the central concept. What the men who wrote the Constitution wanted was ~~that~~ a government that could move only after a lot of consultations. This is the central concept. And the best way to force the Government to do a fabulous amount of consulting was to set up a complex structure.

In this sense the Constitution of the United States is a huge success. There isn't any doubt about this at all. This has really worked. There may be other things about it about which they were confused, but they weren't confused about this. And this is an ancient concept. It's not an American invention.

The process of the formation and growth of Government has been largely a process of giving each new clan or order or whatever it is that's admitted to the community a kind of veto of the common decisions of the

community. This is really the idea that underlies the maxim "Taxation without representation is tyranny." You can tax people but you've got

community. This is really the idea that underlies the maxim "Taxation without representation is tyranny." You can tax people but you've got to consult them first.

Governments are formed by a series of treaties, if you like, among the elements of the community. This produces a complex government, which is run by negotiation, consent, consultation, and consensus. This is the kind of structure we have. The hope that underlies this kind of structure is that the will to make the Government go and the will to agree is strong enough to make government possible. This is the other half of the assumption.

You can test it for yourselves. There is a common illusion among people who think about government, and sometimes among people who write about government, that there exists somewhere in the Government someone with the power to make really important decisions entirely on his own initiative without consulting anyone else. This I think is an illusion. Theoretically such a thing exists, but actually nobody I know anything about acts this way.

The Government of the United States has been described, with some justification, as "government by nervous prostration." Or perhaps more accurately it could be described as a study in frustration and growth.

The first point I want to make with you is, as you notice this process, the message I want to get over to you is that it didn't get into our Government by accident. This is here deliberately.

Every schoolboy knows that the Government of the United States,

like all Gaul, is divided into three parts. I used to prepare applicants for citizenship for their examinations. The examination was a somewhat legalistic kind of examination; so I always taught them about the three branches of the United States Government. This used to come back that the Government consists of three parts--legislatif, the exeutif, and the judicio. And many of them became American citizens on that bit of information.

The authors of the Constitution of the United States took this as axiomatic--that there was a kind of trinity of powers, and that this magic number 3 ran through the whole thing.

The most emphatic statement of this doctrine is to be found, I think, possibly in the preamble of the Massachusetts Constitution, attributed to John Adams, written in 1780. "In the Government of this Commonwealth the Legislative Department shall never exercise the executive and judicial powers or either of them, the Executive shall never exercise the legislative and judicial powers or either of them, the Judicial shall never exercise the executive and legislative powers or either of them, to the end that this may be a government of law and not of men." Or, as the schoolboy said, a government of lawyers and not of men.

What they believed in were two propositions, namely, that there are three powers; and, second, a corollary, that each of these three powers should be vested in a separate and independent branch of the Government. And it seemed to them so self-evident that there is nothing in the Constitution that indicates ~~that~~ any feeling that any definition of this was

is just a shadow of the ancient kings reflected here.

The veto power looks like a legislative power. This again happens to be a legal power. The English formula is that the King makes law in Parliament; that he makes law by pronouncing a Norman French phrase over the bill, and it becomes a law. There was one king who got awfully bored about this and he said: "Can't you put the whole pile of bills on one table and I'll say it once for all of them? I'll speak to all the bills" and the Chancellor said: "No. You've got to speak to each bill separately." And if he refused to speak, it was a veto. It didn't become law until he spoke. And this is ours. It came from the ancient kings. The ancient kings walk around Washington here every day. They are still here.

When the Senate consents to an appointment and so on, this looks like an executive power to me. I'm just an ordinary fellow, but this looks like an executive power to me. And what is the Senate doing when it sits as a court of impeachment if it isn't acting like a court? A ^{very} high court, as a matter of fact. This is the residue of the High Court of Parliament. And it's no accident that, for instance, the State Legislature in, say, Massachusetts is called the General Court. It's a fact.

So if you are referring back into our past in order to get light on what the three powers are, what you get is confusion. Actually a lot of functions have been passed back and forth among the three departments. The naturalization of aliens, now treated as a judicial function,

has been performed by the legislative and executive branches. The legitimatization of illegitimate children has been kicked around. So have divorces, tariff rates, railroad rates, the payment of claims against the Government of the United States. That has been handled about three different ways. The Federal Register, which contains the executive orders and so on, which have the effect of law, is more voluminous than the statute books. And I don't have to tell you people about executive adjudications. There's a tremendous volume of them. Every time a court martial is held, you've got a judicial function performed by an executive department.

we have and what

What we've had is a great historical scramble. Actually, the relations between the President and Congress and the courts are not well defined in the Constitution. They only seem to be well defined. In spite of all the discussion we have had of them, the relations between the three departments in the National Government are left very largely to a kind of tug of war between these departments.

I don't think this is an illustration of what Napoleon said about constitutions. He said, "A constitution ought to be short and obscure." I think they can be long and obscure too. I think this is possible. But we've had our share of difficulties in this respect.

The Supreme Court of the United States hasn't been able to shed a great deal of light on this subject. Some legislation has been declared unconstitutional on the grounds that it made an improper delegation of legislative power to the executive. But I can tell you the thesis of this.

Judging by the overall consequences, it works. I don't say it works beautifully. It isn't neat. It isn't very tidy. I don't say that it's even thrifty. But we have survived an enormous growth in the functions of the Government and we're still here. We're still in business.

Actually it probably doesn't make so much difference that the theory of the separation of powers is ~~maintained~~ ^{confusing.} We can afford to have some confusion at this point. If that's the only casualty, we're not in very serious trouble. The use of a complex structure to force a wide consultation before anything is done has on the other hand been extremely successful. There isn't any doubt about this at all.

What we have done here is, we have picked up something very old and have applied it to our own uses. We've used the feudal structure that existed a long time before the Constitution of the United States was written.

The riddle of the medieval system was that it wasn't ~~done~~ ^{feudal times} that in feudal times they were lawless. It has sometimes been described as organized lawlessness. But this is an inaccurate description of the Middle Ages. It was a highly legalistic system. The difficulty was, they couldn't make the king obey the laws. That was the trouble with them. Or the only way they could make the king obey the law was to have a revolution. And when they had him where the barons had King John at Runnymede, they could then extort terms from him, something like this. This was about the only way you could make the king obey the law, and it was an awkward system. If you execute too many kings, you run out of material. It is not a good

day-to-day system for operation.

Well, what they did in order to make the king obey the law is, they trapped him. They got the king caught. They boxed him in between on the one side the independent courts and on the other side the independent Parliament. They put him in the squeeze. And this is the system after a lot of struggle and a lot of confusion and a lot of bloodshed and so on. By the time of the ~~glorious~~ glorious "Revolution Settlement" of about 1688 they had the king where they wanted him. They had him pretty well boxed in.

There was a very famous Englishman, who had an enormous influence in the American colonies, John Locke, who was the defender of the glorious revolution. In his essays on government he celebrated this idea. He developed a theory about it. He was the sort of fellow who, instead of telling the story of the glorious revolution, he said: ^{does} "When in the course of time a king such and the people do this and so on"--this got to be a way of writing a little bit kind of dull book about an interesting subject. But this book had a great influence over on ^{this} ~~the other~~ side of the Atlantic. It was the favorite book on government that was read. Over here it had an enormous influence. And this is how it happened that when the Constitution of the United States got written in 1787 we borrowed the English model of 1688.

The authors of the Constitution were really old-fashioned Englishmen. That's what they were. You know, when James Robinson was asked to make a list of the dozen great Americans, he didn't put

Washington on his list because he said he wasn't an American; he was an Englishman. These are old English ideas. They were old at the time the Constitution was written.

As a matter of fact, they were more old-fashioned than contemporary Englishmen were, because the English by the time 1788 rolled around were far advanced toward the development of another kind of government--the responsible cabinet system of government--which was not well understood on either side of the Atlantic, which was kind of a trade secret of the people who were running the government. You can't blame the Americans for not understanding it. And when they brought Montesquieu over to England to ^{watch} ~~work~~ it, he had been well briefed on Locke. He thought he was describing the English Government of his day, but he was really describing the English Government as it existed a hundred years before; and this is how we got the modern formulation of the theory of the separation of powers. This is a rationalization of an older structure.

Well, ~~was imported into~~ what we imported into the United States was the ancient English trap in which to catch a king. And the joke is that we didn't have a king. It showed our great aptitude for using an old piece of apparatus to do a new kind of job. And it was just as useful for the new kind of job as it had been for the old job.

What the authors of the Constitution were afraid of was that Congress would get to be too powerful. And so they boxed Congress in between the President and the courts. And the President was not popularly

to be
elected. He was/elected by Presidential electors, who were to be
appointed in such a manner as the State legislatures might indicate.
And the Court, of course, was appointed by the President with the con-
sent of the Senate.

And then they divided Congress in two and hitched the House,
which was the popular branch, to the Senate, which was elected by the
State legislatures. And they pretty well had Congress fixed. This was
the trap. It's the same piece of apparatus. And we'll use it for other
things in due time. The march of history is remarkable in this regard.

There were a number of things that went haywire about this. One
is that we hadn't had the Constitution very long before we decided, by
a sort of common consent, hardly aware of what really was happening,
to interpret it as a democratic document. Especially after the election
of 1800 we began to increasingly interpret this document as a democratic
document. And after that we began increasingly to give the government
to the people. And we've been giving the government to the people for
a long time, and by and by the people have claimed more; and they now
think they own the Government.

And if you told the man on the street that the only organ of govern-
ment that really belongs to him ^{is} ~~was~~ the House of Representatives, he
wouldn't know what you meant. So when I say that our collective memory
is imperfect, and that the knowledge of the past is transmitted to us by
a selective process, this is what has happened to us. We praise the
authors of the Constitution/^{vastly}for the kind of thing they tried to prevent.

This is the process. This is our substitute for having revolution. We invent a lot of bad history as a substitute for having revolution. And it's a relatively painless process, and gives lots of employment to a lot of professors of history.

It's an old trick. The British had been doing it for a long time before we did, and so on. The Magna Charta wasn't really what it gets described as now. The barons weren't so much interested in the common man. They were interested in the barons. You see, now, you and I and ordinary people like us think that the Magna Charta is our document. We've appropriated it. That's all right.

The Government of the United States--what has survived of this structure is complex. It's still complex. This is the durable thing. And if this gives you heart failure or nervous prostration, just remember this: that the Government of the United States is full of people who do not exercise all of the power they have. They exercise a great deal less power than they have, because the political system makes a tremendous demand on the good sense of everybody. That's really what we live on. It's our good sense. Believe me, I'm very grateful. We have a great historical debt that we owe to the authors of the Constitution of the United States, and I'm not belittling their tremendous contribution to our life and history. But what we're living on nowadays is our own good sense.

You can find this out for yourself. The President of the United States has the power to empty all the Federal prisons with a stroke of

a pen. No President ever dreamed of exercising all that power. He could veto all the bills that were passed by Congress. The Senate could refuse to confirm all Presidential appointments. The House ~~xxx~~ could refuse to pass any appropriation bills. The House and Senate could reject all bills passed in the other house. The Supreme Court could declare all Acts of Congress unconstitutional. The President could refuse to enforce any law. And the Senate could really go on a binge to impeach everybody.

A student asked me one time: "Professor, what would happen if the President and the Vice President and all the members of the Cabinet and all the members of the Senate and House went insane?" I said, "There are some assumptions that you have to make. When you build a house, you have to assume that the law of gravity isn't going to be repealed." As long as we operate under the understanding, now widely shared, that the system ought to be allowed to operate, we can make it work, even though it looks like something that wouldn't work.

Now, the second key to the understanding of this system is it is a system under an historic tension. If we wanted a Constitution in which this is not true, we ought to get a new Constitution every decade or so. If you're going to use an old Constitution, you've got to realize that this tension is going to exist. It's a mixed situation. It is a situation which has been enormously complicated by the fantastic growth of the Government of the United States.

You could conceivably work out a neat balance between the three

branches of the Government if you could have a static situation. But at the rate at which the Government of the United States is growing, the preservation of a neat balance is a very difficult thing to do.

Most of us don't realize how much it has grown. This is another thing of which we are so slightly aware. The Government of the United States, as it existed, say, as recently as when Grover Cleveland was President of the United States, would break down under its burdens today in fifteen minutes. It couldn't possibly survive. It's a new kind of government. The Armed Forces since, say, the Spanish American War, or maybe I ought to say since 1940, are a new structure. Most of us are unaware of it. We think this is the same old thing that we've had all the time.

There is a continuity to it but the connection of the Government of the United States with the Government in the time of George Washington is a little bit like the connection of the Ford Motor Company to Henry Ford's old bicycle repair shop which you can see over in that museum/ in Dearborn Village. When George Washington was President of the United States, he made a budget on one sheet of paper. It was ~~that kind of~~ a tiny government. When they moved the Government from Philadelphia down to Washington, they hauled the whole records and everything else in fourteen wagon loads. You couldn't run a little international conference on fourteen wagon loads of paper nowadays. It was a tiny Government which was created under the Constitution. It has now become a tremendous kind of thing. The Department of State consisted of Mr. Jefferson and six clerks. The

War Department consisted of Mr. Knox, the Secretary, and one clerk.

And even in more recent times, James Bryce, when he wrote his "American Commonwealth" at the end of the nineteenth century, wrote a famous chapter on why great men are not chosen President. He said: "It's obvious that the President has a clerical job and that's all."

Admiral Dewey got into trouble at a time when they were talking about running him for President because he said it would be easy; that all you did was take orders from Congress. You wouldn't recognize it, would you ?

Woodrow Wilson, writing in 1888, said that Congress was unquestionably the predominant and controlling force in the country and the center and source and motor of all regulatory power; and that the President, except for his veto power, might as well be a permanent civil servant.

John W. Burgess, a famous political scientist of his day ~~and~~ at the turn /of the century, said: "The Government of the United States ~~is~~ is an aristocracy of the robe," meaning that we had a government by justices. I don't it would occur to anybody that this is really true. Even when I was in graduate school, judicial review was described as the central feature of American Government. That's not terribly long ago.

Mr. Taft, after he got through being President, became a kind of professor and lectured. He lectured on the Constitution. He said that it's true that under this system occasionally you can get a stalemate between the President and Congress. And I heard him say this--I can

still hear him say it--Mr. Taft was a large person and he had a delightful way of laughing at his own jokes. He said: "A stalemate between Congress and the President is a good thing because then we have an enforced rest from legislation for two years," which was not bad. "It affords a proper opportunity for the digestion of recent legislation and the detection of its defects."

That's the authentic voice of the past. It goes with that incredible age which is now--I can't explain this to my students, but I was a grown boy before I saw soldiers in uniform. The last thing we thought of was the possibility of having any war when I was a kid.

Well, the budget of the United States, you know, Mr. Taft said he looked forward with horror to the time when we might have a billion dollar Congress. The budget in the first eleven years under the Constitution averaged \$5,700,000. Even during the Civil War period it was about two-thirds of a billion. In 1917, at the beginning of World War I, we got the first billion dollar Congress. And in the early New Deal years do you remember all that stuff you heard about spenders and this fellow Roosevelt and the New Dealers and how they were bankrupting the country? Do you know what those budgets looked like? They averaged between 6.7 and 9 billion a year.

Look at where we are now. This reminds me of President Lowell, who said that people complained about how much students at Harvard forgot. He said: "When a student goes to Harvard, in four years he eats so many hundred pounds of meat, potatoes, bread, and vegetables.

And," he said, "where is it now?"

Well, whatever you say about this complex system, it didn't prevent the Government from growing. It just didn't stop the growth. I would say that the achievements of the regime have been fantastic.

Now, in this period of growth the adaptability of the three branches to grow has been very different. The Presidency has been the most easily able to adapt itself to increase in the size of its job. This has been the branch of the Government that has had the least difficulty.

Congress has had the greatest difficulty in adapting itself to its new role as a top governing agency in an enormously expanded Government. And this has been due to a number of factors. One is that Congress has got really very little direction on its job out of the Constitution. It's all well and good to say that the function of Congress is to legislate. But the enactment of a bill, legislation by bill, can be used to do almost anything.

You can change a fellow's name. In the Montana Legislature there was one member who got to be kind of a character around the place and had to be home for a week or so and when he came back, he found that the Legislature had changed his name. It was done in the name of the legislative process.

You can legitimize an illegitimate child in a territory of the United States. You can pay a claim. Congress has passed bills authorizing the Secretary of the Treasury to strike a special memorial fifty-cent piece in memory of the birth of the first white child in Indiana.

They have doubled the fine for bathing by unauthorized persons in White Sulphur Springs. This was an act of Congress. It's a little bit like using a steam boiler to warm up a cup of coffee. But it can be done. It's a terrific amount of machinery.

But the trouble with it is Congress can act as a body, a house, ^{only} ~~just~~ by voting on a motion following debate, one motion at a time; and it can hear only one speech at a time. So all business has to go through the House in single file. It isn't any different from what it was in the day of Thomas Jefferson. The capacity of Congress to transact business has not really increased very much.

It's true, you can divide Congress up into committees and so on and you get more of it done. I know there are ways of doing this. But, nevertheless, this is the great problem. And this is one of the great problems of the future as far as American Government is concerned-- how to get Congress into a position where it can spend its time doing important things.

I don't mean to say that Congress is not able to do its job. It just can't do its job and a whole lot of other things too. This is impossible. Congress can do enough, it can make enough decisions, to do its business, provided it reserves its time for important things. It can run the whole world on ten decisions a year or ten decisions a decade or even less. This is just a question of how you organize your business. This has been the problem. It's an unsolved problem in our political system.

I think the solution of this problem is the only real answer for

the ability of Congress to share the power of the Government with the President. This is the only real answer.

Somehow or other we've got to cope with this. As it is, any Member of the House or Senate, by the mere act of dropping a bill on the clerk's desk, can start the ponderous machinery of legislation going. We've had as many as 30,000 bills introduced in a single session of Congress. That's more than any Congress can do. We can't solve this problem by keeping Congress in session longer, because it's already in session nearly the whole year round. There's no solution there.

I don't think it's a safe solution or a desirable solution for Congress to delegate more of its power to its committees. I'm sure that Congressmen and Senators are very hard-working people, and they're very earnest people, and I'm not reflecting on them when I say this. But making due allowance for everything else that Congress has to do, and all the other work that has to be done, the House of Representatives in the 1950 session was in session only 796 hours. That's about as much time as a college freshman spends in class. That's about all they can stand, and maybe college it's all that a/freshman can stand. I don't know.

The solution doesn't lie in having longer sessions and so on. The solution lies in reconceiving the job. And I think those scholars and political philosophers and politicians and Congressmen who think that Congress makes itself important by detailed intervention in the executive process are wrong. I think they're leading Congress up a blind alley. The real problem is how to distinguish between what is important and

what is unimportant.

Now, the Government of the United States, as I said a moment ago, looks like something that wouldn't work; and it does work in spite of all this because of the rise, I think it might justly be said, of a fourth power; and this is the people's power. The people's interest in this Government is to see to it that it works. This is what is behind the feeling that none of the branches ought to use its power in such a way as to obstruct the Government. This is what's really behind it.

In other words, if two of the branches get the support of the public, the third branch probably has lost the power to obstruct. This is about the way it's been happening.

What the American public wants is a Government that is able to function. And I think this is what lies behind the feeling that, however entrenched in the language of the Constitution any one of the branches may be, it does not now have the power for any great length of time to obstruct the operation of the Government.

COL. SMYSER: Gentlemen, Dr. Schattschneider is ready for your questions.

QUESTION: You made the point right at the end of your talk, Doctor, about the fact that our Government was so complex that it existed primarily due to the fourth power, which is the power of the people. Would you care to comment on whether or not you think a system of government like ours would function in a setting which didn't have a common law system?

DR. SCHATTSCHEIDER: Well, I don't quite know how to answer that question. I'll say this: that along with the common law and a great many other things, there has to be a pretty wide consensus within the system, within the community, and within the culture. And this isn't usually talked about, but if I might use this, and I think maybe this is what you mean. Maybe we see eye to eye on the common law system. It's not only the common law that we have in common. The attitude toward people is pretty important.

A democracy gets described as a system of government, but it might also be called a moral system. That's extremely important. This is taken for granted. Throughout it's been taken for granted.

I think this has to exist: There has to be a pretty wide agreement about the great ends of our society. You can have a lot of controversies in a community provided you have even more agreement. Our quarrels are essentially like family quarrels. Within a family people can speak to each other very plainly, very vigorously, knowing that when the argument is over, they are still going to be members of the same family, because the family bonds of unity are very strong.

I think the bonds of unity within our society are tremendously strong, much stronger than most of us realize, because usually we don't talk about these things. We take them for granted.

It has been one of our difficulties in explaining our system to other people, that we have been almost unaware of this extremely important thing, which makes us the day after a Presidential election have a

where
Presidential honeymoon, / You get a kind of closed season on criticizing
the guy, which enables us to recover from all kinds of things because
we are part of a strong common culture.

The law, or respect for the law, I am sure has a great deal to
do with it--an understanding of the way in which we use the law, and
which
respect for the individual, ~~which~~ is involved in the whole legal system.--
a profound respect.

I am sure there are societies in which very little of this is under-
stood and I wouldn't be sure that the system could operate. You've got
to say that these bonds of unity are very strong in this system because
superficially it looks as if we had maximized our difficulties. We have
created an enormous number of opportunities for obstruction and so on
within the system.

QUESTION: Doctor, the point has been made that there are no
clear-cut lines of responsibility between the three sections of our Govern-
ment. Do you suppose this lack of clear delineation between responsibil-
ities was done purposely by the framers of our Constitution? Or was
that something that they just didn't have the proper foresight in or that
came about by accident?

DR. SCHATTSCHEIDER: It was not altogether an accident that
it's scrambled, because, obviously, they gave the President the veto
power, which is a legislative power. They gave the Senate the power
to consent to appointments and to try impeachments. And they gave the
President the judicial power of pardon. This was done in the Constitution

itself. So there was superimposed on the system of separation of powers a system of checks and balances. That was done in the Constitution itself.

I think, however, that the authors did think that the classification of functions was simpler than it turned out to be. They were a bit enamored of the theory of the separation of ^{the three} powers. They thought this was easier than it turned out to be. So that it's partly accident and partly intent.

Madison discusses this in the Federalist Papers. He discusses the use of checks and balances and does a beautiful job on it. They talked of this, but I don't think anyone foresaw anything remotely like, say, the Federal Register.

QUESTION: Doctor, do you feel that there is in the Congress a recognition of this so-called anchor role that they are playing? If so, what are they or anyone else doing about it?

DR. SCHATTSCHEIDER: Of course you know that they passed legislation in the 1940's simplifying the committee structure. It wasn't very successful, because they reduced the number of committees and increased the number of subcommittees.

In some ways it looks as if they don't recognize it. I asked Mr. Rayburn what he thought of the procedure of the House of ~~Representatives~~ Representatives and he said, "It's perfect." Well, you can't improve on that.

However, there are a lot of processes going on that are not so bad. The system isn't as atrocious as it looks. That is because Senators and

Congressmen are learning how to use staffs. And to a considerable extent they place themselves in the hands of their staffs. The chief clerk of one of the Senate committees said to me: "I have a sort of fiduciary relation to the Senators on my committee. I could let them down. I could tell them 'This is a good bill' and they would believe me and take my word for it. But I have a responsibility like a fiduciary responsibility, and I will tell them the truth."

Now, this is a relation of confidence that the Senator has to the committee staff and to his own staff. That relation of confidence enables him to get through a lot of work which he couldn't get through otherwise.

This is true in the executive departments. The Secretary of State has to rely on his staff. He signs lots of things that he couldn't possibly read. He has to leave it to them. He couldn't live if he didn't. The President of the United States does this also.

So the system hasn't broken down. I don't want to tell you that this system has broken down. This would not be true. I think it would work better if we got rid of a lot of the stuff that clutters up the life of a Congressman and Senator. It's not very easy to do. The public expectation of what it gets out of a Congressman or Senator is now very large. They write to them for all kinds of things, as you know. They advise them. If a fellow is in trouble with his girl, he writes his Senator. All kinds of things of this sort have grown up in this system. It's a fantastic sort of system.

I don't think the system will die of this sort of thing. We learn

how to handle it. The system is full of this kind of compromise. Think of all the people in the country who want to see the White House. They want to see where the President lives. So they go to their Senators and the Senators call up the White House and they get a pass and the fellow is taken through the public rooms of the White House. He's under the impression that he's seen where the President lives. Well, what he doesn't know is that the White House is a good deal like a hotel. The President lives upstairs and these are the public rooms. This is a kind of compromise between the necessities of life of the President and a kind of a feeling that the President is the property of all the people and they ought to be able to see where he lives and all this kind of stuff.

We do this all over the place. There are a multitude of things. Senators write a fabulous number of letters, and most of them they don't see. This is done for them. So a Senator has to learn how not to look too surprised when a constituent says to him "Thank you very much for what you did for me" and so on, and he never heard of it. He has to pretend that he does remember all of this. This is how we live.

QUESTION: I think we all share a growing concern over the continual growth in size of the Government and the amount of money that it takes to operate it. Do you feel that the Government is going to continue to grow at the present rate, or do you think that the force of public opinion may eventually place some curbs on it?

DR. SCHATTSCHEIDER: You are looking at the wrong source of growth. The Government of the United States grows because other

power systems have grown, principally abroad. The Government of the United States is now struggling for survival in an entirely different kind of world from that world that I described when I referred to my boyhood.

The real answer to this question is, What is the fellow named Khrushchev going to do? If this continues to look dangerous, then the Government of the United States is going to continue to grow in order to meet the challenge. That's why most of us aren't aware of the fact that we've had a revolution in the Government--because we're so unanimous on this point that we have to meet the challenge to maintain some kind of power equilibrium in a world in which the whole international system has undergone a profound revolution, with the collapse of whole state systems around the world. You have something now that looks a little bit like a two-power system.

Now, if these things change, I think the Government of the United States will respond ^{gladly} ~~gradually~~ to it. The great element in the growth of the Government of the United States is national defense. This is the biggest thing. This is something like three fourths of it. The civilian departments are relatively small. They are dwarfed by this enormous development. We don't see this unilaterally. But this is where the impulse comes.

Now, there are some other elements in growth. The Government of the United States has a role with reference to the economy. Changes in the nature of the economy have changed the nature of the functions of

the Government of the United States. In other words, as you develop big business, you develop a Government that is capable of managing the governmental end. You can't put a little bit of a Government up against these great corporations.

Back in Connecticut they talked some time ago of bringing in a steel mill. I was on the Governor's commission to look into the possible impact of this steel mill on the community, this quarter of a billion dollar steel mill. It was to be located in a little town named Waterford. Waterford had a tax assessor who was paid \$300 a year. Well, you can imagine what was going to happen when this \$300 -a-year tax assessor got up against the attorneys and the accountants of a quarter of a billion steel corporation. I would lay you odds on who was going to win on this one. You can't do this. You can't operate successfully when you get this kind ^{of} imbalance.

But the big imbalance hasn't been this imbalance. It's been the new world situation, and I don't know the future of that.

QUESTION: You and several other speakers in the last few days have referred to the great size of our Government. I would like you to comment, sir, if you will on whether you think our Government has grown big enough fast enough to deal with the complexities of life in the United States today, or whether you think it has grown too big too fast.

DR. SCHATTSCHNEIDER: If I answer that question fully, I'll give you a full array of my political prejudices. There are a variety of

answers to this question.

I think there are some things in which it should grow. I am convinced of this. I come from a State which is being urbanized so rapidly that it frightens me. Professor Conerd, of Yale, has been teaching a seminar on what he calls "Vertical City" or "Route 1 City," in which he says that all of the United States from Richmond and Norfolk, Virginia, to Portland, Maine, is turning into a single city. That process is going on and Connecticut is right in the middle of this thing. It looks as if it's turning into a city.

We are not handling this problem ^{well} at all. We tend to do nothing about this until it's too late. If I were to bet money on it, my bet would be that the State of Connecticut as a desirable place in which to live is in process of being destroyed. And this isn't because it's necessary, but because the State has extreme difficulty in coping with this thing, because we are the prisoners of a rotten barrel system in which representation on the State Legislature ~~hasn't~~ hasn't been reapportioned in three hundred years. These towns were Indian trading posts when the system was set up and we've still got it. In Connecticut they argue that this is a compact between the towns. This is how the State got established, and a compact is a compact, after all. I have argued with them that one reason you have a government is so that every three hundred years this can be re-examined.

But, obviously, we ought to do something about it. I suspect that you can't just push this whole thing over to the State and on to the towns;

that the Federal Government plays a role in it, as it does in this program of urban redevelopment. Uncle Sam performs miracles with the little finger of his left hand in a program of this sort.

This is in a population, you see, which is now becoming increasingly urban. Two-thirds of the population of the United States now live in metropolitan districts, not just cities, but metropolitan districts. Meanwhile fewer farmers are able to produce more and more food. This urbanization of the population is being forced at both ends.

It's possible that this is the politics of the future. The politics of the future is going to deal with the frustrations of urban life. There are big frustrations and big issues in the making. So far neither of the major parties has yet understood how to exploit this issue.

QUESTION: Doctor, I want to talk about the Government getting into things. Right now the Government is in the farming business, the insurance business, the housing business, the highway-building business, the utilities business, and almost everything you can mention. We are flirting with the socialization of medicine. We're talking about security from the cradle to the grave. This is a far cry from the States running things and the founding fathers' ideas of the least amount of government being the best government. Would you care to comment on how close we are approaching socialism?

DR. SCHATTSCHNEIDER: I honestly don't think that we are in process of becoming socialists. It depends a little on how you define your terms. We've got a pretty vigorous capitalist system in the United

States today. It's bigger, more productive, and richer than it has ever been before. It's the biggest, richest, most productive economy in the world; and it's a private economy.

The Government plays a role in this economy. I think, however, that it's an illusion to think that the Government is somehow conspiring to get control. I think if you look at the history of every one of the policies and instances you have mentioned, you would find that the Government has moved in rather reluctantly as a consequence of pretty urgent demand, sometimes by business itself.

This is especially true of the National Government. You remember that the President talked to a conference of governors a couple of years ago in which he suggested that maybe it was time that the States take back some of these functions and operate them themselves. There was no visible enthusiasm for it. They tell me, as a matter of fact, that I am overstating their reaction to it. They don't want to take on these jobs. They're not anxious for them. They're not anxious at all.

I think what lies behind this thing is a change in the structure of the society, in the structure of the economy, which is vastly more complicated than it was when the Constitution of the United States was written.

Now, in Middletown, Connecticut, where I live, 99 percent of the things that were consumed in Middletown were produced there, and only a few things, like maybe sugar and spices and silk, were brought in from the outside. Everything else was produced there. I've tried this on my students. I have said, "Find me anything in this room which was

produced in Middletown." Usually they can't do it. I guess I might try this on you. There isn't anything here in this room that is produced in Washington. It's a vastly more complicated system than it was.

There's a German proverb which I think applies, which says: "No tree ever grew the whole way up into heaven." I think that's true here too. It won't grow all the way up into heaven. I don't think it will expand without limit. If some day we get a happier world situation, I could imagine a very considerable diminution of the budget, a peaceful one. I think that's conceivable. I don't know whether it's ever going to happen. My opinion on that isn't worth very much.

COL. SMYSER: Dr. Schattschneider, I speak for all of us here at the Industrial College when I say that we appreciate your visit with us very much. Thank you for a fine lecture and a fine discussion period.

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