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THE FEDERAL GOVERNMENT

Professor Elmer E. Schattschneider

NOTICE

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Reviewed by: Colonel Tom W. Sillis, USA

Date: 21 September 1960

INDUSTRIAL COLLEGE OF THE ARMED FORCES
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THE FEDERAL GOVERNMENT

24 August 1960

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COL. BURNSIDE: General Mundy, Gentlemen: The subject of the lecture this morning is "The Federal Government."

The role of the Federal Government has been, since the very beginning of our existence, the topic of constant debate. It is today, and it will be tomorrow. In fact, we were discussing it just a few moments ago. We can't listen to a radio or see a newsreel or read the daily press or watch a TV discussion without realizing that the role of the Federal Government is the central theme of much that we talk about in national affairs. In fact, the role of the Federal Government is the topic, particularly with reference to national security problems, that we as students will be striving to get an answer to throughout the coming year.

Before us this morning to help us achieve a more comprehensive understanding of our government is a scholar and a writer on this subject, a gentleman whose entire life has been spent in the study and the teaching of government. Dr. Elmer E. Schattschneider, who is Professor of Government at Wesleyan University, Middletown, Connecticut, is before us today to give his sixth lecture to the Industrial College.

Dr. Schattschneider, we are pleased to have you with us again.

DR. SCHATTSCHEIDER; General Mundy, Gentlemen: It's a great pleasure to be here again and talk to you.

The Government of the United States requires interpretation, because,

at least superficially, it looks too amazing to be true. I am sure that all of you are acutely aware of the fact that the structure of the Government of the United States is not very much like the line of command in the military services. It doesn't look very much like it at all. If we had an army in which every private, corporal, or sergeant had the power to veto every command of his superiors, and if every regiment and every division had three commanding officers each able to veto the orders of all of his associates and superiors, we^{wouldn't} expect to win very many battles. But there is something like that in the structure of the Government of the United States superficially. An organization chart of this structure looks distressingly like a Rube Goldberg cartoon, like something that won't work, or that would surprise you if it worked.

In a way it's like a bus in which every passenger has a brick of his own--a situation made difficult by the fact that the passengers can't agree on where they want to go.

Now, it's necessary to try to understand what this complex is, what the meaning of it is, because this is what we've got. We came by it honestly. It's an historic structure and we've got to try to understand it if we're going to defend it, we ought to know what it's all about.

In the first place let me say that we came by this very complicated structure honestly, by the deliberate purpose of the authors of the Constitution of the United States. They deliberately created a very complicated government. If there is anything the authors of the Constitution believed in, it is a multitude of counselors, and the creation of a multitude of occasions

for consultation, controversy, and debate.

You can understand this thing called the separation of powers, in which the Government, like all Gaul, is divided into three parts--a Legislative Branch, an Executive Branch, and a Judicial Branch; and in which a great many things are done over and over again. We have a bicameral Congress, for instance, in which everything that is done in one house is done over again in the other house. In lots of ways, you see, this is an amazing kind of structure.

Many things about the Constitution have not worked out as the authors intended. I'm sure this is true. This is an understatement, a tremendous understatement. But government by consultation of a multiplicity of independent authorities has been achieved magnificently by this Constitution. I don't say it's a good thing. We have to make up our minds about it. But there isn't any question about it at all that we've got the consultation and the complexities and the occasion for having a lot of arguments.

Our structure is a good deal like some medieval strong box that you may have seen in the museums that can be opened only when about a dozen different keyholders each unlocks his special lock and you can finally open it up and do something. This is the kind of structure we've got. This contrasts enormously, you see, with the modern dictatorship, which has a tremendously simplified structure.

This complexity is a part of the system; and I want you to remember it when you run into some of the frustrations that are connected with it, because it's necessary to understand why we have it, what it is about, and how it

operates. One certain thing you can say about it is, in the first place, we came by it honestly, out of the Constitution itself.

In the second place, it's an old structure. It's older than the Government of the United States. Many ancient governments were formed on this pattern, by a sort of treaty among the various orders in the community, where all of them had to consent to actions. This was the basic structure of the ancient Roman Republic, and it was the basic structure of the feudal monarchy, especially the British feudal monarchy, out of which our institutions are derived. We can understand this system best if we look at it from an historical point of view.

The feudal system, out of which our Constitution evolved, was a complex system of rights and duties, fixing the status of the king, the higher nobility, the lower gentry, the higher and lower clergy, the burgesses, and the commons. Contrary to a very common impression about the Middle Ages, feudalism was a highly legalistic system. The difficulty in the system was that it was hard to make the king obey the laws. This was the riddle. And you can see British constitutional history pretty much in these terms. This was the riddle. They were working on this when they wrote the Magna Charta and made the king subscribe to it. They said to King John: "You sign this or else."

The difficulty was, you practically had to have a revolution in order to bring the king to terms. This was a problem. How might they in the long run be able to make the king obey the law short of a revolution?

Well, they got their settlement. It's a very famous settlement.

It's famous not only in the history of England, but in the history of the United States of America-- the glorious revolution settlement, so called, of 1688, in which the king was finally boxed in between a powerful and independent Parliament on the one side and a powerful and independent set of courts on the other. And they got the king boxed in there.

The glorious revolution settlement was a trap in which to catch a king. That's what it was about. It was a box. From then on they were going to proceed to make the king obey the law. You get a constitutional government. This is the settlement, this is the system, that is glorified by John Locke in his Essays on Government, which were read more widely in America than they ever were in England--read so widely that Thomas Jefferson unconsciously quoted Locke's Essays on Government in the Declaration of Independence itself. And the authors of the Constitution copied it. And Montesquieu, the Great French philosopher, rationalized it and so on; and this is where we get our ideas.

And this is how it happens that, if you look at this structure, the authors of the Constitution regarded it as axiomatic that there were three powers--a legislative power, an executive power, and a judicial power; and that each of these three powers should be vested in a separate, independent authority. This is what we call the system of separation of powers, which has introduced all this complexity into our Government. This is the germ of the notion from which our constitutional ideas are derived.

The point is that when the Constitution of the United States was written a century later, the authors were really old-fashioned Englishmen. They were more old fashioned than Englishmen of their own day, who had

meanwhile begun to evolve a system of responsible cabinet government, which was not understood in the United States at all, which Americans of the time of the Constitutional Convention regarded as a perversion of the classical model. And we hark back therefore in the Constitution of the United States to British ideas which had been pretty well developed a century earlier.

Now, the interesting thing about this is that we see that we imported from England a trap in which to catch the king. The remarkable thing about it is, we didn't have a king. But we still had the trap.

As a matter of fact, the whole structure which underlay the glorious revolution settlement no longer existed in the United States. Not only did we not have a king. We didn't have a great landed aristocracy. We had nothing like the medieval church, for instance, in the United States. We had an entirely new kind of thing. We had imported the apparatus. It's a little bit as if we imported the plot of a play but changed all the characters around. The pattern is what we got.

This is what I call putting old structures to new uses. The Government of the United States in some ways is like an ancient castle, which is made obsolete by changes in the technology of war, in the location of frontiers, which is converted into a monastery, and then into a hospital, and now houses a university. It's an old institution being used for new purposes.

So the complexity of our structure has an ancient history. That's one thing to be remembered about it. The real problem that Americans have had with this system is how to make it work. This is the problem. It's a

problem of great interest to you, as it is to every American. How do we make this thing operate?

It obviously has some enormous advantages. This is a wonderful system for producing a lot of discussion, a lot of debate, and so on, because one of the best ways to produce a good, vigorous discussion is to put a fellow in a position where he can say "No" to you if you can't persuade him. And this is what we have.

In some ways our attempt to adapt this ancient structure^{ure} to our modern needs has led to something that might be described as government by nervous prostration. It's difficult. It's not an easy government to operate. I heard Dean Acheson say right after the Bretton Woods Conference that it took him seven months to get the legislative authorizations and the appropriations through Congress--seven months of the hardest kind of work. He said his opposite number in the British Government got all his authorizations through in 45 minutes. These are two different kinds of structures.

I'm not going to say that the British is any better than ours. I wouldn't want to say. I'm not sure about this at all. I'm not sure that thoughtful Englishmen^{now} are so sure that their system is better than ours, because this process of producing debate and discussion and criticism and so on is valuable and we wouldn't want to lose it. But this is built into it; and we didn't come by it accidentally. It's in the Government of the United States.

Now, what the authors of the Constitution thought was that there were three powers--legislative, executive, and judicial. They thought that was self-evident, and that it would be relatively easy to separate them and put

each of them into a separate and independent institution. But 170 years of experience with it have indicated that there is nothing self-evident about this Constitution.

What we've got is a gloriously scrambled set of powers, in which the President of the United States has become the chief legislator. Mr. Howard Lee McVane a generation ago pointed out that this was really the most important job the President had, in which Congress performs a host of administrative functions, and in which the Supreme Court does a good deal of legislating, for instance, among other things. Professor Farriner once described the Supreme Court of the United States as a constitutional convention in continuous session. No less a man than Charles Evans Hughes, who later on became Chief Justice of the Supreme Court, said, before he became Chief Justice, that we have a Constitution in the United States; but, after all, the Constitution means what the courts say it means. And this power of interpretation has been an enormously important power.

One reason we have the oldest Constitution in the world in continuous operation in the United States is ^{because} ^{of interpretation} this process has been possible; and we are renewing this Constitution day by day ^{and} the process of interpretation and growth and reconsideration is going on all the time. You can look at almost any of these powers, or aspects of power, and notice how they have changed in the course of time. When George Washington was President of the United States, his idea of the veto power was that he should exercise it only if he thought legislation adopted by Congress was unconstitutional.

Well, there was a fellow named Andrew Jackson who had a different

concept of the veto. He began to use it to veto legislation that he didn't like. And I don't think the President of the United States now thinks at all the way President Washington did about the veto power.

The treaty power has been changed enormously, from the time that the United States Senate was treated as a counsel to the President. Some time ago I visited Congress Hall in Philadelphia, where Congress met while Washington was still President of the United States, and the custodian took me into the Senate chamber. It's a very small chamber. There were only 26 Senators. There was a very small balcony overhead, to which you could get only by way of the Vice President's office. In other words, you could get into the balcony only by invitation of the Senate. That's about what it amounted to.

The Senate met largely in executive session, which means it was closed to the public. Obviously that's an entirely different kind of body. One day Washington, with his Secretary of War, went to the Senate chamber, which was only down the corridor about from here to that door from his office, to submit to the Senate some treaty with an Indian tribe; and he wanted to discuss the treaty with the Senators. This was about the way they thought the Senate would operate. And the Senators didn't want to discuss this treaty in the presence of the President. And so there ^{were} motions made to refer the treaty to committee and so on.

By and by the President began to realize that he wasn't going to get his action, and he got angry and strode out, and one of the Senators heard him say to General Knox: "I'll be God damned if I'll ever come back to this

place." And the Presidents haven't.

This was the beginning of the evolution of the modern Senate. The modern Senate is a very different kind of structure from the ancient, the original, Senate. And this led to the evolution, you see, of the President's Cabinet.

Well, I don't need to tell you a lot of these things. I think you know them. I think you know that the Federal Register, in which the executive orders and so on of the President and of the executive departments are published and codified and so on, is now more voluminous than the statute books. This is executive legislation.

These powers, these legislative, executive, and judicial powers, have been very largely scrambled; and what you could say about the relations of the three branches to each other is that they have been engaged in a kind of scramble for power, in which each branch has exercised very largely the kinds of powers that it could get away with.

Now, I don't say this by way of condemnation of the system at all. It's admirably successful from the point of view of producing the kind of discussion that the authors of the Constitution wanted--a running, continuous process of discussion and consultation. This is that they wanted to accomplish, and the rest of it really doesn't matter very much.

The next thing that we need to understand about this complex structure is that it has been subjected to an enormous growth. The Government of the United States resembles the Government that was established in 1789 about the same way in which the Ford Motor Company resembles the bicycle

repair shop that was organized by Henry Ford originally before he began to manufacture automobiles.

The Government of the United States in Washington's day was a tiny operation. Washington made his budget on one sheet of paper. General Knox, Secretary of War, had a secretary and one clerk in his department. The Department of State consisted of Mr. Jefferson and six clerks. Jefferson and John Adams regarded the Presidency as strictly a part-time job. They didn't like Philadelphia and Washington, and they spent as little time there as possible and got out. Even later, in Polk's administration, during a hot summer in Washington, when several of his Cabinet members left town, he personally ran two or three departments in addition to his Presidential duties during their absence. President Taylor had two assistants and a few clerks. Even President McKinley had eight or ten members in his staff and a few secretaries. Those are the very small beginnings of a system of a very small Government.

Our ideas about these institutions have changed enormously. James Bryce, writing toward the end of the 19th century, wrote a famous chapter on why great men are not chosen Presidents. He went on to explain that four-fifths of his work is the same kind that devolves on the chairman of a commercial company, the manager of a railway, or something like this. It's really a routine job, and therefore you elect a routine man.

Admiral Dewey, when he was talked of as a Presidential candidate after the Spanish-American War, said it was easy, an easy thing to do. All you ^{did} was to take orders from Congress.

Even Woodrow Wilson, when he wrote his "Congressional Government" in 1888, said that unquestionably the predominant and controlling force and the center and source of all motive and regulatory power is Congress. He described the President as a clerical sort of fellow and thought that maybe the time would come when we would appoint a President of the United States, believe it or not, by a civil service examination. This was in 1888.

John W. Burgess, who in many ways can be regarded as the founder of American political science, a sort of Pope of the whole profession, described American government as an aristocracy of the robe. He felt it was the Supreme Court of the United States that was running the Government of the United States.

I heard Mr. Taft say, after he was through being President, that it is true that under the system occasionally you got a stalemate between Congress and the President, but that it was a good thing. It meant that for a period of a couple of years you didn't get any legislation at all, and that he thought was a good thing.

This is the authentic voice of the past. It's hard now to remember what the world was like when William Howard Taft was President. And when I try to explain to my students, I find that it's almost impossible to tell them what it was like.

I was shocked the first time I had students in my classes who didn't remember the Armistice at the end of World War I. Nowadays you don't have any students who remember the pre-atomic world. They don't remember it. The whole concept of space has changed. They don't know anything about

this: The budget of the United States in 1888, the year that Woodrow Wilson published his "Congressional Government," amount^{ed} to 279 million. It has increased by something like 250 times since that time. It's still increasing. Mr. Eisenhower's last budget is 20 times as large as Mr. Hoover's last budget. We're living in an exploding Government.

The budget of the United States in the first 11 years of the history of this Government averaged \$5,700. During the Civil War period it averaged \$683 million. In 1917, in the midst of World War I we got our first billion-dollar Congress, although we had no budget system. Even in the early days of F.D.R., during the New Deal, and so on, which we tend to remember as a period of colossal governmental expenditures, the budget amounted to from 6.7 billion to 9 billion.

Well, I think what we can say about this Government is that, in spite of the fact that it is extremely complex, in spite of the fact that there are an awful lot of people who can say "No" to you, we have been able to accomplish a great deal. I just want to read you some words that George Washington would not have understood which I think indicate some change in the agenda of American Government.

He would not have understood what is meant by a holding company, or a trade union, or a sub merger, or a suburb, or a Soviet, or a tanker, or electronics, or self-determination, or integration, or boss, or direct primary, or goon, wire tap, cold war, strike--that's an old English word but it has a new meaning--or lockout, hitch hike, pasteurize, inoculate, vaccinate, sterilize, social security, supermarket, closed shop, assembly

line, automation, antibiotics, tranquilizers, mass production, pipelines, gangster, homogenize, superhighway, atom, minimum wage, collective bargaining, broadcast, motor, nomination, mass communications, metro-group, politan area, collective security, gasoline, city manager, pressure/ air mail, or ICBM. I could go on with ^{this} list. I've got a list here of 250 words that don't occur in Wooster's Dictionary of 1876; and I haven't really searched it. These are evidence of a change in the nature of the whole civilization; and the Government of the United States, like everything else, responds to these changes.

Nearly everything about this government is different from what it was designed to be. The plebiscitary Presidency, for instance. When Andrew Jackson was a candidate for the Presidency of the United States in 1824, nobody got a majority in the Electoral College, the election was thrown into the House, and Jackson claimed that he got cheated out of the Presidency because he got more popular votes than anybody else did, but John Quincy Adams was elected by the House; that he was robbed. And he talked about this a great deal. He made so great a fuss over the idea that he was entitled to the Presidency because he got more popular votes than anybody else that he established a concept of the President as the officer who is elected by the people. And after Jackson's day this concept became increasingly popular. Nowadays we accept this idea. The President of the United States is the only officer in our system who is elected by the whole nation.

This made a very different kind of a fellow out of him. Jackson considered himself, when he became President, as a tribune of the people.

The Presidency has been a tremendous instrument for the expression of the will of a national electorate, and an instrument for the nationalization of American policy. This has created an entirely different kind of institution from the Presidency of Washington's day. It's an historic creation of the American people. And it's one of the greatest. The Presidency of the United States, I think, is the greatest political creation of the American people.

We've changed the Senate the same way. The treaty power has been enormously changed within your lifetime by a much wider use of the President's power to make executive agreements. Federalism has been converted into an instrument for making the American nation.

It was Abraham Lincoln, in the middle of the Civil War, who first began to talk about "this nation." We've become a nation. There isn't any question about this. We're acutely aware of the fact that we're a nation. This was not true once upon a time. Pretty much the whole doctrine of the limited powers of the Government of the United States by our process of interpretation has been changed profoundly. Professor Caldwin, who is probably the greatest living interpreter of the Constitution of the United States, says that the whole doctrine substantially is gone.

There's another tremendous interpretation which doesn't come out of the courts. It doesn't come out of Congress. It doesn't come out of the Presidency. It sort of comes out of the state of opinion of the nation. That is a determination to treat the whole Constitution of the United States as a democratic document. This is very far away from what the authors of

the Constitution thought about it. I think there is now a very well-established interpretation. We've been giving the Government of the United States to the people so long that now they think they own it. It wouldn't be wise to try to tell them that they don't. The man on the street thinks that this is his Government.

It's very different from the doctrine expressed in the Federalist Papers-- that the House of Representatives was the special organ of the people. That is not the attitude of the man on the street. He thinks he owns the whole thing, lock, stock, and barrel. This is his Government. He has no doubt about it--that he is able to establish his supremacy over this Government.

Now, let me point out this: I said at the beginning that the problem with this structure was to make it work. Well, what are the secrets that we have learned by which we can make this very complicated structure operate in spite of its complications? This is really what we want to get at. It will make you feel less frustrated, I think, if you will bear in mind that, in spite of all the complications, it is true that the achievements of this regime have been very great, maybe the greatest of any government in the history of the world. They have been tremendous. We've been able to do a tremendous job with a complicated system.

I'll give you some rules for interpretation.

One rule is that the Constitution must be so interpreted that the Government can go on performing its essential functions. This isn't expressed in any decisions very clearly of the Supreme Court of the United States. This isn't in an act of Congress. This isn't an amendment to the Constitution.

This is a very wide, general understanding. If there's anything I could tell you about the state of opinion of the American people, it's that they want the Government of the United States to continue, to be able to continue to go on and function. It's a good rule.

In the second place, I think we have established a wisely accepted faith that leadership can get a wide base of consent for doing what is necessary to do. Although this involves getting the things through a labyrinthine procedure in Congress, which is enormously complicated, and the possibility that ~~it may be destroyed~~ the legislation may be destroyed by the courts, and so on, and that it is shifted back and forth between Congress and the courts and the Administration for a long time before something is done, nevertheless it is true that the achievements of the regime have been remarkable. And I think they reflect the will of the American public that we use this Government to do what is necessary to do.

In the third place, we interpret the Constitution as a democratic document. That wouldn't have been a popular interpretation 200 years ago. But this is perhaps the greatest of all interpretations. It's a popular interpretation.

In other words, who interprets the Constitution? The answer is, Everybody does. The Supreme Court of the United States, yes. It's a very important part of this process. But so does the President, so does Congress, so do you and I. Ultimately the most important interpretations are those by the public itself.

I had a student once who said to me: "What would happen if the President

and the Vice President and all the members of the Cabinet and all the members of the Supreme Court and all the members of the Senate and the House all got killed on the same day?" I said: "You have to make certain assumptions in organizing a government; and one of the assumptions is that there are an awful lot of people in the Government of the United States who have powers which they don't exercise!"

For instance, the President has the power to pardon everybody in a Federal penitentiary. No President has ever attempted to exercise that kind of power. The House could refuse to adopt any money bill and bring the Government of the United States to a standstill. They never have acted this way. The Senate could block all House legislation. The Congress could enlarge the Supreme Court. They could put a thousand members on the Supreme Court if they wanted to. They haven't done it. Nobody acts this way. All of them act under the impact of an opinion, which has become a part of our culture, of our common civilization, that this Government ought to work, and that people ought to act as if it ought to work; that there is a limit to the kind of conflicts they pursue. They don't pursue them to the point where they bring the Government of the United States to a standstill.

Another thing which is a rule of interpretation here which I think is vastly important for us that we ought to remember that the complexity in the structure I have been describing this morning to you deals with the formation of policy. It does not deal with the execution. The execution of policy is something very different. That involves hierarchies, clear lines of command, responsibility, division of labor, et cetera. But in the formation

of policy we provide for a lot of deliberation, consultation, and debate, and complex structures, and a multitude of counselors. These are two different things. And the justification of this complex structure would be that we get enough discussion to get a wide base of popular support for what has to be done. And that takes a little time. And one way not to get it is to make decisions so rapidly that people don't know what's being decided upon. This is a great virtue. It has taken me a long time to realize how great a virtue it is.

Now, what makes the Government of the United States grow? We are all aware of the fact that it grows and so on. What makes it grow?

Well, it grows, first of all, because it faces the intense competition for power in the modern world with powers abroad which are able to challenge it. Very simply, it grows because it is competing for power with the Soviet Union. We can't afford to have a weak Government in the United States. We aren't going to be in business very long if we don't have it. We've got to have a strong Government. It's got to be as strong as its Constitution; and this process is a ruthless process.

One reason most of us aren't aware of the ^{fact} that we have created a new Government in the United States in the last generation is because most of what we did was done in the name of preserving an equilibrium which was disturbed; and it looked to us very much like restoring something that had existed a long time ago. And this is all right. One thing about this process of change, therefore, is that it doesn't look like anything at all. And I think the ordinary American isn't aware of the fact of the enormous development

of the Government of the United States in this generation. I think he's unaware of it. He can't quite realize it.

Another thing of growth is that the problems have grown. In a political civilization which is at once democratic and capitalistic, we need a democratic Government that is big enough to protect the public interests in the most powerful economy in the world. And that takes a big Government.

I was chairman of a committee to look into the community consequences of a project to establish a steel mill, largely with Government money, in the New London area of Connecticut. We discovered that in the town in which this steel mill was to be located they had a tax assessor who was being paid \$250 a year. This fellow was going to be up against a quarter of a billion dollar corporation, with its lawyers and accountants. It didn't look to us as if he had much of a chance. If you're going to take on this kind of a corporation, you need a Government that is able to, that has the resources, the technology, the personality, et cetera to cope with the situation.

And I think that most Americans want a Government ^{is} ~~that~~ able to do this kind of a job. I don't think they want a Government that is going to take over the economy. That's not what they are interested in. They are interested both in liberty, democracy; and they are also interested in a high standard of living, and in security.

In the fourth place, relations within this system have changed due to the fact that we have annihilated space, almost more than it is possible for people to realize. It used to take about four days to travel from New York to Boston. When Israel Putnam was summoned to Cambridge by General

Washington early in the Revolutionary War, he lived in a village in Connecticut called, ironically, Brooklyn; and he went from his plough to his horse, and changing horses and riding furiously, he got to Cambridge in 24 hours. That was the old system of transportation. Nowadays we have annihilated space.

And we're not at the end of it yet. I hear something about a tube that Sperry-Rand has that could transmit the whole Encyclopedia Britannica in ten minutes. They are already publishing the Wall Street Journal in about seven places in the United States by a facsimile process. I don't need to tell you people about this. You know it. But if government is a territorial concept, all values in the system change when you annihilate space. And it's bound to change the nature of the Government.

The police administration changed enormously from when the basic police unit was a patrolman walking a beat. He was made obsolete by the automobile and the telephone, which the criminals, being more progressive than the police, learned about first. And they ran rings around the police until we motorized the police and began to give them wider jurisdiction. This applies to everything.

The insects and bugs and microbes and so on have become cosmopolitan in an air-travel age. We carry them all over the world now. This has created new problems in health administration.

The time was when a worker had to live near the factory in which he worked, because he walked to work. Nowadays where a worker lives depends on where he ^{can} send his children to school and where they can get housing that is satisfactory, not where the old man works. He drives.

Nearly everything about government is affected by these technological changes. It's affected more than the textbooks tell us, more really than the newspapers tell us, in many ways more than the scholars tell us. This is a highly flexible system, and it has demonstrated its capacity to survive in the past by being highly flexible and adaptable; and I think it will continue to do so in the future.

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

QUESTION: You have described the growth of the Federal Government and have given some of the factors that have caused that growth. Would you care to comment on the limitations, in terms of either function or size, to further growth of the Federal Government?

DR. SCHATTSCHEIDER: I'm not sure I can answer your question. One reason I can't answer the question is that the targets that we have to shoot at are not set by us necessarily, not unilaterally. In other words, we are now confronted by a challenge from the Soviet coalition, which is so great that we can't say that we can't afford to meet it, because if we don't meet it, we're not going to be in business. We're going to lose our country.

Now, obviously, there is a limit to what we can do. I would say the limit ultimately is, What will the public stand for, I suppose. And there is a limit, I suppose, on this. But I don't know what it is.

We're not dealing here with any fixed quantities. I don't think/ any way you want to look at it. They're not fixed quantities. The capacity of the economy to produce is an elastic capacity; and we judge this, in part

at least, in the light of that capacity. But it is also ultimately a willingness of the American public to make sacrifices.

Now, they are making sacrifices that are very great, and doing it with astonishingly good humor. We have peacetime military service. I think if anybody had told me about that a generation ago, I would have said he was crazy; that this public wouldn't stand for it. We have an income tax which is very high and very tough, and the public is paying this. This is something that was unheard of a generation ago. This public has adapted itself to a tremendous lot of situations. And I suppose it will in the future.

So I can't say, "This is the cut-off point. This is as far as we go." I don't know.

QUESTION: You mentioned about the functions of the various branches of the Government. I'd like to ask you about a particular phase of it that is fairly recent. That is the activities of the various committees of Congress in investigating and looking into all sorts of activities. It occurs to me that they have gotten into the executive side and to some extent into the judicial side. Are these activities really new, and do you see any particular good or bad in this particular thing?

DR. SCHATTSCHEIDER: Well, I'm sure there have been abuses of power by congressional committees. The difficulty here is that, as Congress is now organized, its two houses, neither of them has much machinery for holding their committees responsible to the parent body, if any. There is almost no such thing as a committee being censured by the House or by the Senate, in spite of some rather glaring instances of the abuse of power.

I'm worried about the possibility that we might some day get a bureaucracy on Capitol Hill as big as the bureaucracy downtown. They have already got two Senate Office Buildings and they're about to get three House Office Buildings. The staffs are growing. If you compare that, for instance, with the House of Commons, where a Member hardly has a place to hang his hat, you realize how different the institution is.

These are problems. I don't think they are unsolvable problems. They require a good deal of discussion. They ought to be discussed more extensively than they have been.

I think maybe we ought to spend more time on considering procedures, committee procedures, hearings; and some procedures for review of the work of the committees by the parent body. I think this is important, because I don't see how otherwise we're going to work this out, unless the committees have to justify themselves to the parent body--a procedure for which there is now substantially zero provision. There is some provision for this, but, as I see it, it's not adequate and satisfactory.

QUESTION: Dr. Schattschneider, my question pertains to the growth of the Government. As it has grown, many, many offices have been created. Many offices overlap. As a research study, ^{the Government} asked the Hoover Commission for its analysis of the Government and its recommendations. A number of the recommendations of the Hoover Commission were to consolidate and re-align and eliminate some of the offices of Government. Many others are left unattended or in zero-action status. Is it your recommendation that more of these, or your opinion, that more of these recommendations should be

effected and acted upon?

DR. SCHATTSCHEIDER: Yes. I'm sure there is duplication and wastefulness in the setup. I would argue with you that the process is not wasteful.

I think one thing we have to understand is that part of this is a by-product of the system of the separation of powers. We have to recognize it. I think in England, as you look at the setup of the establishment/ you will find that it is more economical in this sense: It's better integrated, and so on. This is because the Cabinet has much more power over the Administration than the President has over the Administration in the United States, because they can block legislation affecting governmental agencies and departments in the House of Commons very effectively, as you know. No legislation gets through the House of Commons that the Cabinet doesn't want, or very little at least.

They can get through the House of Commons broad legislation authorizing them to reorganize executive departments, whereas to a large extent our departments and agencies rest on a statutory basis. They have got greater flexibility than we have.

But they pay a price for this, and I'm not sure--I think that we have to continue to look at this and continue to examine it and make our decisions on the basis of it. There's no sovereign remedy for our problems here.

A former student of mine who is now teaching in England told me that in his experience, one of the great differences between the Government of Great Britain and that of the United States is that we get an awful lot more information about what is going on than they do. It is much more of a closed system. Well, in some ways this means efficiency; but in other ways maybe

it means other things that we wouldn't be happy about. I think we have to weigh these things together.

You may have listened to a panel of Englishmen on a television program some weeks ago in which the Englishmen generally concurred that they were unhappy about the operation of the system of responsible Cabinet government, because they agreed that the time had passed when it was possible to produce a fall of the Cabinet, or maybe even possible to vote a Prime Minister out of office. One of them said that the Prime Minister in^a /way now is like the Pope. You elect him and he's in for life. They have problems on their side.

We tend to admire the beautiful symmetry of their structure, but they pay a price for it. And I don't think it is true that they've got a more energetic government. I think on the creative side, on the side of energy, of playing the role that it has to, I tend to think we've got the better of them. But this is a long way, you see, from the time when Badgett described the responsible Cabinet system as "so beautifully organized, and has been so tremendously admired by American political scientists ever since," starting with Woodrow Wilson.

QUESTION: Sir, initially you said that ours was a government by consultation of a multitude of individual authorities. This, of course, enables debate, discussion, and criticism. We would like to think, I am sure, that this debate, discussion, and criticism is in the best interest of the country. But how do we reconcile to ourselves and to our so-called allies when in the Legislative Branch a key issue comes up for vote and the people vote according to which party may be backing the particular bill in question?

DR. SCHATTSCHEIDER: Well, you can't have a democracy without parties. You're kidding yourself if you think you can. This means organized differences of opinion. And this no doubt means that a party gets some backers when perhaps it shouldn't.

I think that, by and large, the behavior of our parties in this respect has not been wholly bad, though it certainly hasn't been perfect. Within this partisan system we do a lot of bipartisan business. There are a lot of measures supported by both parties. The body of agreement between the two major parties is very large.

As you can see, we have now had for going on six years a Republican President, who has had a Democratic Congress. The Government of the United States has not come to a standstill. An enormous amount of business has been done. I don't recommend this condition, but this has involved a tremendous amount of self-restraint on both sides. We have shown our capacity to govern by our capacity to subordinate these differences in a very large number of cases. Not in all of them. I'm sure we pay for our liberty in this regard. But I would be worried if we, in the interest of efficiency, adjourned this discussion.

Frequently what looks like a rather dirty partisan debate may in the end shed a good deal of light on the situation and in the end produce a consensus of opinion.

One of the interesting things in the course of American history is that it's difficult to say who won a lot of these debates. You take, for instance, the original one between Jefferson and Hamilton. Who won?

Well, they both won. Isn't that right? We've got a Hamiltonian Government and we've got a Jeffersonian Government, both making enormous contributions to our political civilization.

There's almost nobody can go through a fight without learning something--no human being. He's an idiot or something if he doesn't learn something, from having a fight. A good, stiff controversy is sometimes the road to national unity.

The democratic process is a process whereby we move from differences of opinion to controversy through a series of stages to action and consent. I could name you a long list of statutes which were highly controversial when they were adopted, but are no longer controversial. We have accepted them now. Everybody accepts them. We are right this very summer in the business of accepting the New Deal as a basic policy of the Government of the United States. It's pretty well accepted now by both parties.

So we move from controversy to action to concurrence and consent. This is the process.

In other words, politics isn't very much like a football game, played back and forth over the same old gridiron. We move. There is motion in this system.

I'm sure it isn't as rapid as you and I would like to have it, and maybe it isn't rapid enough, and we take our lives in our hands. If sometime we miss the boat, we're out of business. This is the peril under which we live.

QUESTION: I recently read an article by Mr. Thadman of Columbia-- I think it was in the proceedings of the American Philosophical Society--

that suggested that one of the major changes in our government relationships was the extent of assumption by the President of legislative programs and suggesting them to the Congress, and within the Congress itself the assumption by the party leaders in the House and in the Senate of powers that the chairmen of the standing committees have had. Would you care to comment on that in terms of what happens when we have a party split ^{between} the Administration and control in Congress?

DR. SCHATTSCHEIDER: It is still true that the great bulk of important legislation originates in the Administration. And if it didn't, the first people to protest would be Members of Congress. They would be very unhappy if the President did not lay a program of legislation before Congress. This is now expected. And it's an integral part of it. And it doesn't make any difference whether you've got a party split in control of the Government. This is still true.

I don't say it works as well as when you have the President and Congress both belonging to one party. Obviously, I think you've good chances of getting better cooperation if this is the case. But, nevertheless, in spite of differences, this process goes on.

I think it probably is true that the leadership in Congress is shifting, in response also to this system. I think this is true. In other words, Congress is attempting to adapt itself to a shift in the center of interest. You hear about a great many shifts. One of them is the primacy of foreign policy. The primacy of foreign policy is now so great that everything else gets subordinated to it. And it gets subordinated to it because this is a game where, if

we lose, all other interests are lost. No local interest, no sectional interests, no special interests will survive a collapse of the United States of America. We've all got all our eggs in this same basket.

We're like the crew of a ship at sea in a storm. We're all going to get into port together or we're all going down. It's a powerful, institution-making situation. And I think our institutions can be made to respond to it. Not easily. We haven't any right to ask that this is going to be easy. But they have probably responded more than we realize, more than the authors of textbooks realize, who always tend to describe a government as ^{it} existed quite a while ago, because the lecture notes get to be kind of old and we have a vested interest in a familiar analysis. College professors are no different in this sense than judges or maybe military men, for that matter. Someone has said that we tend to get ready to fight the last war rather than the next war. You've got problems like this. We all do.

QUESTION: You have stated that in your opinion we have probably a better Government when we have a President and Congress of the same party. You also have said that there are times when there seems to be unnecessary fighting and bickering going on. Have you given any thought to changes in our basic law or Constitution which would eliminate conflict, or unnecessary conflict, and provide that the President and Congress would be in the same party?

DR. SCHATTSCHEIDER: Well, I suppose every political scientist has thought about this.

I suspect that maybe we might some day see some things happen that

people have talked about. Woodrow Wilson seriously considered resigning after the Democratic Party lost control of both Houses of Congress in 1902. He didn't do it. It's a sort of breath-taking thing to happen.

Senator Fullbright, somewhat by accident, ^{he} told me, made a proposal which had wide circulation after the election of 1946, in which the Republicans took control of both Houses, he told me this was an accident and he hadn't intended this as a statement published, but accidentally it got published, and created some problems, because Mr. Truman objected strenuously to the idea-- but he had suggested that if the Democrats lost control of both Houses of Congress in the 1946 election, Mr. Truman ought to resign. There was no Vice President at the time, and he thought it would be a good idea if Mr. Truman would appoint a Secretary of State, someone who was the choice of the Republican Party, the new majority party, and then resign and the Secretary of State would become President.

Well, these ideas haven't gotten very far, I presume partly because of enormous pressures on the President to keep his job. An awful lot rides on that decision.

But it's almost as simple as that. If it is ever done, maybe it will set a precedent for the future. It's almost as simple as that.

I don't think that there is any chance at present of getting a constitutional amendment which will change the situation. I think there are other things which are in the making which are of great importance. I think there is much more consultation between the ~~president~~ President and members of Congress, between the President and the congressional leaders. And I think

this is a wholesome recognition on both sides that it's important that they work together.

This carries implications which people haven't always seen. If the President is going to start consulting congressional leaders in advance about his actions, he's also got to make up his mind that they're going to participate in his decisions. Consultation isn't simply a process of telling the boys what he's going to do tomorrow. If they're going to support his decisions, they've got to have a part in them.

Now, this is a different concept of the Presidency from anything that we've had historically. But I don't put it out of the range of possibilities that it will come--that the practice is going to change in this regard. I think maybe what we're waiting for is a President who has talents of this order, who might find this ^{an} easy and natural thing to do. Not all Presidents have been this kind of people. But maybe one of these days we're going to find a President who finds this an easy thing to do, and will set some very important precedents.

COL. BURNSIDE: I'm sure all of us will agree that Dr. Schatt-schneider has given us a clear view of our Government once again.

Thank you for a very fine lecture and a very fine question period.

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