

Tuned in to Principle

Broadcaster Clarence Manion fought liberals in both parties.

By Christopher Manion

TODAY'S MAJOR RADIO talk shows are ongoing infomercials for political parties, but it hasn't always been that way. The "Manion Forum," a national radio show founded by my father in 1954, took bipartisan aim at whoever was in power—Republican or Democrat—on the basis of solid conservative principles. Those ideals didn't change for the 25 years that the "Forum" was on the air, and they haven't changed since. In fact, the central constitutional issue that gave rise to the "Manion Forum" has played a vital role in American politics since 9/11.

It all started with the Bricker Amendment. On April 6, 1953, my father and Eisenhower's secretary of state, John Foster Dulles, squared off before the Senate Judiciary Committee over an amendment proposed by Ohio senator John Bricker. It was designed to forbid secret "executive compacts" like those FDR and Truman had made with Stalin during World War II. Bricker aimed to restore the constitutional requirement that such agreements be publicly debated as treaties and be consented to by two-thirds of the Senate.

Dulles became irate that day because Dad pointed to Dulles's own endorsement of Bricker, delivered a year earlier when Ike was still running neck and neck with Bob Taft for the GOP nomination. The Bricker Amendment was a key factor in Taft's popularity, so Dulles had to go along. "The treaty-making power is an extraordinary power, liable to abuse," Dulles had railed in April 1952, emphasizing that treaties "can cut

across the rights given to the people by their Constitutional Bill of Rights." Not so a year later.

How had my father gotten there that day? A lifelong Democrat, he had just retired from 30 years of teaching constitutional law at Notre Dame, 12 of them as dean. His landmark book, *The Key To Peace*, had sold over a million copies. This slim tome explained the indispensable relationship between God and limited government, articulated in the Declaration of Independence—themes that motivated the emergence of the Religious Right 30 years later.

Dad was an early Taft supporter, but after the tumultuous 1952 convention he agreed to lead "Democrats for Eisenhower" because Taft supported Eisenhower and Eisenhower supported Bricker. When Ike took office, he appointed Dad to chair a commission to study how to return to the states the powers that the federal government had usurped under FDR and Truman, a task taken seriously by Dad but, in short order, not by Eisenhower.

Limiting government was a major conservative goal in 1953, and so was Bricker. After World War II, public indignation had soared at the revelation of FDR's secret deal with Stalin at Yalta in early 1945. There, Roosevelt, Stalin, and Churchill had betrayed half of Christian Europe to Soviet domination (for 50 years, as it turned out) and laid the groundwork for the creation of the United Nations.

Fast forward 50 years: in 2003, President George W. Bush invaded Iraq, authorized not by a constitutional decla-

ration of war by the U.S. Congress but by a mandate from the United Nations. What gave that "mandate" legitimacy? The U.S. was a signatory to the UN treaty that under the Supremacy Clause of the Constitution (and in the absence of Bricker) could be construed to be "The Supreme Law Of The Land," overriding the treaty clause of the Constitution.

In 2008, when George W. Bush negotiated a Status of Forces Agreement with the post-Saddam government in Iraq—a treaty by any rational definition—the president refused to let the Senate see the text, much less allow it to be debated and voted upon as a treaty. Why was President Bush so anxious to conclude this "executive agreement"? Because the UN mandate authorizing the U.S. presence in Iraq was due to expire at the end of 2008.

Ironically, the two issues addressed by the Bricker Amendment—secret treaties and the usurpation of constitutional authority by a treaty organization like the United Nations—were the sole legitimizing ingredients of the Iraq War.

Although the 1952 Republican Convention strongly endorsed the Bricker Amendment, Eisenhower began backing away from it as soon as he took office in 1953. During that year, the American Legion launched a national campaign supporting Bricker, and in the course of a year my father spoke to packed Legion audiences in every state in the union. Finally, just before the amendment came up for a vote in the Senate in February 1954, Ike called my father into the Oval Office.

At first, the president was gregarious. Then came the moment of truth. “Dean,” he said—everybody called my father “Dean Manion”—“Why do you support this?”

Dad said simply that we should follow the Constitution—the president should negotiate treaties with the advice and consent of the Senate. He specifically mentioned FDR’s betrayal at Yalta.

“But Dean,” Eisenhower said, “I’m president now.”

The silence was undoubtedly uncomfortable. Finally, Ike said, “Look, Dean, if you’ll stop supporting this amendment—if you’ll just be neutral—I’ll put you on the Supreme Court.”

Well, Dad had always told his law students, “If you take the first bribe, you may as well take the rest.” So he said no, and Ike fired him. The Bricker Amendment was narrowly defeated in the Senate, and three years later, Ike appointed another Irish Catholic Democrat, William J. Brennan Jr., to the Supreme Court.

Dad came home to Indiana and launched the “Manion Forum.” Every week, from 1954 until his death in 1979, the “Forum” consistently made the case for conservative principles without regard to party or position. Dad was a staunch anticommunist, and that theme prevailed throughout the show’s long run. Early and often he took on the Warren Court. He assailed foreign aid, deficit spending, the Federal Reserve, and even Ike’s Interstate Highway System, which cost taxpayers over \$1 trillion in 2009 dollars. His vision was prescient: in 1956, he hosted a young Bill Buckley, and in 1957, he introduced Sen. Barry Goldwater to the “Forum’s” national audience. Like Tocqueville, Dad continually stressed the importance of America’s religious heritage in her tradition of ordered liberty and limited government. He opposed onerous taxes and federal involvement in agriculture, med-

icine, and education. In 1959, he caused an uproar when he asked whether Social Security was a Ponzi scheme.

The “Manion Forum” was recorded on tape every week in the library at our home in South Bend. The digital age was still far in the future, so most guests came to us. And what a list it was: Douglas MacArthur, Jesse Helms, Strom Thurmond, Barry Goldwater, Harry Byrd Sr., Bill Rickenbacker, Henry Regnery, Louis Budenz, Erik von Kuehnelt-Leddihn, John Schmitz, Gerhart Niemeyer, Charles Rice, Stan Evans, Lew Rockwell, and countless others who were to play key roles in the growth of conservatism. Every week, our dedicated engineer, Emmett Mellenthin, sent reel-to-reel tapes (up to 500 at the show’s peak) to radio stations all over the country.

Unlike today’s talk superstars, Dad never took a salary from the “Forum.” He donated his efforts, but airtime wasn’t cheap. The program was supported by donors who responded to the annual fundraising letter that Dad would send, and they were a devoted band indeed. Dad never applied for nonprofit status because he thought that the IRS would just use it to harass him. The “Forum” paid each station for the airtime. Only occasionally did a station send word that some left-wing organization was egging on the FCC to demand “equal time” for “opposing views.” In those cases, the station managers lamented, they might have to insist that the “Forum” pay for its own time and that of the other guy as well. Needless to say, those stations were dropped. Only one station that I know of—in Media, Pennsylvania—was actually denied renewal of its license because of complaints that it featured only conservative programming like the “Forum.”

As Richard Weaver observed, ideas have consequences, and the most visible consequence of the “Manion Forum” was consequential indeed: the emer-

gence of Barry Goldwater as a national conservative leader. Fifty years ago, conservatives faced a situation very similar to that of today—two establishment-liberal major parties with bleak prospects for conservative policies. After hosting Senator Goldwater, Dad convinced him to write a book. Dad named it—*The Conscience of a Conservative*. He also convinced a young Catholic writer, L. Brent Bozell, to co-write it with Goldwater. And when he could not find a publisher, Dad founded the Victor Publishing Company, paid the printing costs, and distributed *Conscience* in time for the state party conventions of 1960. By 1964, Ronald Reagan had read *Conscience*, agreed with it, and endorsed Goldwater in “The Speech” that has endeared him to conservatives ever since.

For 25 years, the “Forum” carried the conservative message to the people, over the heads of the networks. (We all shook our fists at their skyboxes when Ike lambasted them at the 1964 convention.) It never changed its format—15 minutes a week—and, when dad died, he had broadcast 1,294 shows.

A year later, Ronald Reagan was elected president. By the end of his presidency, there were over a thousand talk-radio shows on the air. But the genre had changed permanently. Since then, conservative talk-show hosts have by and large supported the GOP and lambasted the Democrats. When party and principle parted, party usually trumped. The results are strewn all around us.

Talk’s next generation would do well to return to the medium’s roots, stick to conservative principles, and remember Dad’s admonition to his law students: “if you take the first bribe, you may as well take the rest.” ■

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Our Enemy, the President

The greatest threat to the Republic comes from the Oval Office.

By Daniel McCarthy

AFTER EIGHT YEARS of George W. Bush, conservatives find themselves back at the beginning—that is, back at the beginning of the modern American Right, circa 1933. Once more the country is in a deep financial crisis (we don't call them "depressions" anymore) for which Republicans have taken the blame. And again a pragmatic Democratic president, backed by majorities in both chambers of Congress, promises to spend us back to prosperity. After conceding the president virtually his every whim during the Bush years—with the occasional Harriet Miers-sized exception—conservatives have begun to rediscover the virtues of checks upon executive power.

The 1930s Old Right arose in reaction against Franklin Roosevelt's New Deal. But conservatives today need not look back quite so far to find articulate critics of presidential aggrandizement. Unlike Roosevelt's enemies in the 1930s, James Burnham and Willmoore Kendall, two of *National Review's* original senior editors, were not strict in their devotion to individual rights, the free market, or limited government. Kendall, a "wild Yale don" in Dwight Macdonald's description, was a majority-rule democrat who held that legislatures could and should circumscribe personal liberties for the sake of national security. Burnham, a former New York University philosophy professor, was a Rockefeller Republican in politics and disciple of Machiavelli in philosophy. Yet both were as staunch as any Old Right libertarian in their hostility to presidential power. To them, the executive branch was not only the seat of liberalism but an incipient threat to the Republic.

Kendall and Burnham spoke for the mainstream Right in the 1950s and '60s. By 2007, however, right-wing attitudes toward executive power had undergone a sea change. Harvard University professor Harvey Mansfield, writing that year in the *Wall Street Journal*, gave voice to the new presidentialist attitude prevailing among conservatives in what he called, "the debate between the strong executive and its adversary, the rule of law." Mansfield argued that in times of emergency, executive power should be unfettered, both at home and, especially, in foreign policy. "One man, or, to use Machiavelli's expression, *uno solo*, will be the greatest source of energy," he wrote. "Such a person will have the greatest incentive to be watchful, and to be both cruel and merciful in correct contrast and proportion." Mansfield attributed "the difficulties of the war in Iraq" not to presidential overreach but to "a sense of inhibition."

Mansfield lent philosophic weight to the case for the strong executive, but Vice President Dick Cheney gave it the force of the policy. For 30 years, Cheney has been the Zelig of presidentialism, present whenever there is a constitutional dispute over the executive's prerogatives. As chief of staff under Gerald Ford, he chafed at the restraints Congress placed on the post-Watergate presidency's use of intelligence services. As a congressman in 1987, he was the ranking Republican on the committee investigating Iran-Contra. His minority report condemned "the boundless view of Congressional power [that] began to take hold in the 1970's, in the wake of the Vietnam War" and argued that presidents have "inherent executive

powers under Article II of the Constitution" to employ secret agents and "a broad range of foreign policy powers" as they deem best. Three years later, as secretary of defense under George H.W. Bush, Cheney asserted before the Senate Armed Forces Committee that the president did not need a congressional authorization to commit forces to the Persian Gulf. (In an intimation of things to come, Cheney cited a United Nations resolution as "not authorization, but certainly ... support" for the president's intentions.)

Indeed, burnishing executive authority seems to be a Cheney family value. Daughter Elizabeth wrote her undergraduate thesis on presidential war powers, arguing that the Framers "certainly did not intend, nor does history substantiate, the idea that Congress should legislate specific limits on the President's power." "Her father may not have written her thesis," Zac Frank commented in *Slate*, "but before and after its publication, he held unwaveringly to its ideas." Wife Lynne, for her part, published a novel in 1979 titled *Executive Privilege*, about a president besieged by the press. President Jenner, who bears a more-than-passing resemblance to Cheney, believes that "the history of the presidency in the twentieth century is the history of a gradually weakening institution. ... It's almost as though the President becomes a symbol when he's elected, a symbol to be torn down and destroyed when the nation's frustrations reach a certain pitch." The novel's plot revolves around Jenner lying to the press (and public) to protect a democratic coup in the Philippines.

That a presidential chief of staff and