

For "Them on the Fence"

BY E. PENDLETON HERRING

An answer to those critics who berate the Democrats and Republicans for not having clearly discernible differences in principle and policy

ONE result of the war on depression has been a truce in politics. During the crisis the leadership of a man has transcended allegiance to a party. The free coöperation of the Republicans made possible the smooth and speedy enactment of emergency legislation by a Democratic Administration, and it is debatable whether the recent achievements on Capitol Hill can be definitely identified with either political party.

Yet the campaigning in the Congressional elections looming a year hence will be largely a struggle by aroused partisans to assume credit and allot blame for the actions of the present Administration. Before this confusion closes down upon us an examination of our system of party government seems desirable.

What can we expect of our political parties and how can they be evaluated?

It was Will Rogers at the last Democratic convention who noted in his impromptu remarks that even the clergymen had prepared their opening prayers in advance since it was apparently impossible for any one extemporaneously to think up anything that would incline Divine Providence

toward the political parties. There has indeed been much dissatisfaction, both spontaneous and studied, with our parties, and though much of it has been well deserved, its effects have not been altogether fortunate. The conviction that political parties are inept and meaningless leads to apathy on the part of the voter and induces much unfounded criticism of Congress. The attitude of "Oh-what's-the-use-parties-don't-mean-anything-anyway" is the result of a general misinterpretation of our party system. Much of this carping and criticizing is due to *a priori* assumptions concerning the nature of parties rather than to their actual shortcomings. The critics are looking through faulty spectacles.

The thesis is here advanced that our political parties, despite their many weaknesses, do answer a definite need and fulfill an essential function.

In this country today the whole ideology of party is still too closely bound to Edmund Burke's definition—the view which regards a political party as a body of men united for promoting by their joint endeavor the national interest upon some particular principle in which they are all agreed.

If this be our definition of political parties, something is very wrong with our system. The only bodies answering this description are the short-lived and ineffective third parties, fatally dedicated to forwarding limited interests or specific panaceas.

Organizations with a clear purpose upon which all the members agree are numerous in the United States, but they do not function as political parties. André Siegfried found the counterpart of French parties in these national associations and pressure groups of the United States. Our major parties cut across a social matrix made diverse by these group loyalties, and one of their characteristic duties is to hold under the party banner individuals who at the same time acknowledge allegiance to these special-aim organizations.

In such a confusion of wills and interests the party can not be expected to stand forth boldly as the exponent of a consistent programme. How can this view of the complex basis of party be reconciled with its task of aligning opinion into opposing camps—the goal so generally set for the political party? A. Lawrence Lowell states: "The true function of political parties is that of formulating and presenting the alternatives between which the people are to choose." This attitude is implicit in most of the criticism of our party system. But the disapproval is really due to dismay at the murder of a beautiful theory by a gang of brutal facts. Even a cursory examination of social, economic and political factors in this country points to the impossibility of any political party under our system meeting the demands made upon it by this generally accepted theory. This being the case, it is wrong to expect a clear-cut presentation of opposing

creeds from our political parties. To borrow Walter Lippmann's metaphor: "It is wrong, just as it is wrong for a fat man to attempt to be a ballet dancer." The ideal is faulty because it is unattainable.

IN THE first place, the character of the electorate is such that it is cut through and through by a variety of allegiances. This makes the political party but one of many associations competing for the loyalty of the individual. Any party which declared for specific proposals would immediately find itself confronted with many associations opposing or forwarding these doctrines. Sponsoring a multiplicity of interests would lead to unavoidable contradictions. Again, what possible political division could, with any consistency, cut down through national politics, through State problems and even into local affairs? The sectional, the cultural and the racial factors that a national party would encounter in such a process would prove insuperable barriers.

Constitutional and procedural limitations restrict the legislative programme for any party. None, however well intentioned, can through its platform commit itself in advance on problems which have not been adequately investigated, debated or discussed. Lawmaking can not be anticipated by platform-framing. That party platforms are little more than political ballyhoo can no longer be seriously questioned. Perhaps the last word on this subject was that of the Pullman porter who explained to the politician loitering in the car vestibule that platforms were not made to stand on but to get in on. In practice it is impossible to guarantee definite accomplishment of campaign promises and

usually politically inexpedient to make unequivocal commitments on controversial questions. A survey of the platforms of recent minor parties demonstrates the error of such tactics.

The contention of these parties has been that the old parties "have become the tool of corporate interests which use them impartially to serve their selfish purposes." It is upon these familiar lines that the necessity has been urged for reconstituting our party system so as to align political forces into two clearly distinguished camps. A liberal party has been repeatedly suggested, but with little consideration as to whether a party could be founded upon our cloudy conception of liberalism. The term, devoid of any well defined content, has been used simply as a rallying cry for the malcontents. Can liberalism be institutionalized into a political party? Specific policies, it is true, have been associated together under the ægis of liberalism, but as a consistent philosophy providing a lasting foundation for party it has not yet demonstrated its adequacy.

The arguments in favor of a party realignment in large measure can be reduced to two heads. On the one hand, it is urged that parties should be based upon economic and class distinctions, or, on the other, that they should be founded upon a collection of issues generally denominated as liberal, progressive, popular, socialist and the like. There is implicit in this view a conception of the political party as an organization based upon principles and concerned with policies. But the shifting character of issues is unsuitable as the basis for a continuing party life. Stimuli which evoke a response under one set of circumstances lose their force under another.

As one writer has explained: "Every group is possessed of some common point or points of resemblance, whether it be a physical or social characteristic, a common experience, or a similar state of mind concerning a political question. So long as the stimuli playing upon individuals call attention to this common character, those who possess it will constitute a group in actuality. But no two or more individuals are alike in all things. When the stimuli change so that new points of resemblance among individuals are brought into the centre of social consciousness, there will be a re-grouping of these individuals. The old points of resemblance may still exist, but the old groupings to which they gave rise are no longer actual but only potential."

The organic character of a political party demands more constant and stable foundations. A political party is essentially a corporate entity with a body of members and a hierarchy of officers. It has a will to power and an urge to continue its existence. From this viewpoint the emphasis is not upon the party in its concern with public issues or community problems, but rather with the party as an organization. In a word, the purposive side of party *per se* must be contrasted with the party used as the means to accomplish the purposes of other interests not directly identified with the party itself. Confusing these two views of party befogs clear judgment as to the extent to which the party is accomplishing its ends. There are the factors which affect the party as a party, and there are the many other external purposes with which various interests strive to associate the party. Two aspects of the party become evident. The party can be viewed as an association concerned with

attaining to office, rewarding its followers, adding to its power and continuing its life; or the party can be regarded as a means through which the underlying interest groups may exploit this machine for forwarding their own affairs. In the first case the concern is not with policy or principle. In the second instance too close an identification with any of these social or economic groups may endanger the party's own existence.

IF THE organization is to survive it must attract the loyalty of members and hold them. If the party is accepted as a useful and responsible agency of government, allegiance to the organization as such is demanded. The sponsorship of particular measures as a means of holding the membership and of winning support is not enough. Allegiance must be based upon a general recognition of the usefulness of the party as an association with a valid and independent purpose of its own. The party machine has a place under our system. The abuses to which parties are prone are defects characteristic of any organization.

"Bossism" results when the party in a locality includes too few of the electorate and when the leaders are not held directly answerable for their actions by an alert and interested party membership. Bosses are generally found in the *opposite* party. To condemn the political party in its entirety because of certain inherent defects means likewise scrapping its great potentialities for good. We can not thus afford to throw out the baby with the bath water.

In a word, our party system had better be tested not by traditional theoretical assumptions but rather in terms of its political environment in the

United States. Does it meet the demands made by this environment? A tendency still persists to judge parties without a full consideration of the delimiting factors which surround them. Over thirty years ago A. T. Hadley wrote: "We see parties primarily arranged, not to promote certain measures of legislation, but to do the work of government. The party machine as an administrative body becomes the main thing; the legislative measures with which it is identified are only an incident. I believe this to have been the usual condition in the United States, especially in recent years. . . . Under ordinary circumstances the work of persuading the executive and legislature to work in harmony with each other under the somewhat strained conditions presented by the United States Constitution seems more important than the passing of any particular measure, and that side of the party organization naturally comes to the front."

Nevertheless, critics continue to insist that our parties "stand for something" and by that *something* is meant either a definite legislative programme or a particular set of principles. But can not our party system be judged in close relationship to its peculiar political setting?

The chief function of party in this country is not to accentuate differences but rather to ignore them. Paradoxically enough our party system is to the baneful spirit of faction the strongest antidote. The interlacings of interest that make up the crazy-quilt of our industrial community introduce so many variations in the social pattern that the major party cleavages serve to introduce order and simplicity. The division into two sides, if arbitrary and largely

artificial, at least makes for order and agreement. Both parties seeking a wide support must necessarily appeal to the large moderate middle group and this unavoidably makes for sameness. One can not bemoan the fact that the result means an absence of partisan bitterness and no great revulsion of policy when one party succeeds the other in power.

National issues should be the last test to use for parties in this country, since the sectional allegiances practically assuring to the parties control of certain regions require that they both turn to the doubtful States, and the well known phrase of James Russell Lowell's can be very well applied:

Every fool knows that a man represents
Not the fellers that sent him but them on the
fence.

The fact that both sides must appeal to the same doubtful group tends to neutralize the distinctive elements in either party. Any appeal likely to prove convincing is made. The paradox is carried further when it is remembered that the seniority rule in Congress operates to place authority in the hands of the veteran legislators rather than with those freshly returned with a mandate from the people of their district.

In a word, the desirability of testing our party system in terms of the distinctive stand of parties with regard to issues may well be questioned. This is far from admitting the failure of party government and urging the substitution of parties that may stand more clearly for a definite programme. Since there are, strictly speaking, no national party organizations in this country, but rather confederations of State organizations loosely joined under national committees for guidance in campaign strategy, there can be little

concerted control from a single headquarters. Parties must hold themselves together as organizations before they can turn to other matters.

OUR present system does not mean the negation of politics because the parties seem so similar in viewpoint. There is ample room for positive programmes, but our parties are not the channels best suited to bring about their consummation. The real springs for policy occur without reference to the formal organization of parties or the legal framework of government.

Creative impulses resulting in the formulation of views or in plans for action necessarily arise in the mind of some individual. These positive elements of thought gather strength as they are accepted by other individuals and become of increasing social significance as those in agreement clarify and expand their common purpose and formalize their relations for the realization of their goal. Hence special-aim organizations inevitably appear. The community bristles with the diversities arising from this basis, but in the name of orderly government another step must be added. To identify parties with such organizations would be simply to substitute bloc rule for party government.

It is here that the American political party takes its rightful place as providing an accepted form of order through which differences of viewpoint upon public questions may in large measure be either disregarded or compromised. As Walter Lippmann has stated: "It is not a system adapted to the execution of great controversial policies. Major policies can be carried out only with bi-partisan coöperation. But it is a system under which the frictions of

federalism are reduced to manageable proportions. And that may not be a small service to popular government."

Faced with the necessity of holding together in one organization the many varied elements that go to make it up, the party leaders find it inexpedient and unwise to commit themselves in advance to a definite programme. In the first place, they could not get general support for any programme nor could they secure agreement upon its contents. This causes much head-wagging as to the meaninglessness and futility of our parties. But the very lack of agreement results in a degree of personal freedom for the individual Congressman that would be impossible were the party to sponsor a set of specific issues. The legislator may stand forth as the spokesman of the most powerful and aggressive elements within his constituency, or under the pressure from divergent interests, he may take a conciliatory attitude. Whatever his reaction may be, he is seldom interfered with by the stand of the party. This situation has prompted some to decry the influence of special minorities which are thus left free to make their power felt. It is protested that "Congress has become the tool of selfish interests." But in what more appropriate place than in Congress, pray, could such forces come forward with their demands? The conflict and even confusion there is indicative of the vital character of this assembly. Our Congressmen may at times appear as quarrelsome politicians, but this very independence protects them from becoming automatons. They retain a greater degree of personal political responsibility than do most law-makers in other countries. It is their manifest duty as public representatives to weigh

the forces of various interests according to their conception of the general welfare.

Nothing could be gained by shifting the struggle to the party conclave and compromising differences in private caucuses in order that the party might bring forward a set of definite proposals. In a parliamentary government the ministers do this bargaining and commit their followers to a particular course of policy in the light of such arrangements. To say that a party has a programme is to say that it has agreed upon a *modus operandi* with the social and economic interests that constitute the underlying power in political affairs. Party leaders in this country count themselves fortunate if they can hold the allegiance of their followers to the party as an organization and hence do not endanger this loyalty by making undue demands. Moreover, it is highly questionable if the interests concerned would have the situation other than as it is. As John Dickinson has pointed out: "The various interests may be unwilling to put themselves so completely in the hands of a supreme board of adjustment responsible only to the electorate as a whole. This is doubtless true of the United States today."

In the days of Senator Aldrich and Speaker Cannon the Senate and House were held to a stern party discipline. But the flaws of such control became manifest over twenty years ago. Parties may have "stood for something," but Congress eventually demonstrated that it would not stand for such leadership. Rule in the hands of a few men responsible to but a small fraction of the electorate was not to be tolerated. Strict control by party leaders was broken. What has been the result?

Party leadership now stresses co-operation, and insurgent elements secure serious consideration. Responsibility is less clearly focused on Congress. The party is of less significance in an executive rôle, but it establishes a milieu in which differences can be better composed and it serves to prevent deadlock.

A CLEAR commitment of the party organization to definite policies is workable under a system that makes possible the control of the legislature by the executive and is tolerable under a system that provides for an alteration in the ministry in the event of serious disagreement between the two branches. But where fixed terms of office and staggered election times make an appeal to the country well nigh impossible, should not different criteria be used in judging the validity of party government?

The theory of parties should be discarded which charges them with the responsibility of formulating opinion. A revaluation of the major parties seems desirable. The tests utilized must have a clear relation to the peculiar conditions of our party system. An acceptable theory of party must take into full account the factual context of policies. The development of new criteria, rather than the repetition of old criticisms, would make for a better understanding of political problems. This might serve to show the voter where and how to direct his attention to politics. The apathy of the citizen is not due to a lack of interest in public affairs but rather to a feeling of helplessness at the booming, buzzing confusion. Accordingly, any standards of judgment, if they are to prove usable, must be simple and understandable.

The achievement of harmony within the party suggests itself as an appropriate criterion. Has the party demonstrated its power to compromise the differences of its members coming from the various localities? During the course of one administration the unity or disunity within the party is sure to appear. Has the party developed among its followers a consciousness of party responsibility that stimulates a willingness to coöperate in the solution of public questions?

To what extent has rule by the party in the majority resulted in efficient administration? Accomplishments certainly provide a superior basis for judgment than promises. Viewed as an organization with a continuing life and a definite leadership and membership, the political party stands forth as a responsible body that can be called to task for the standards of public conduct of the politicians enrolled; it can be demanded of the party that the candidates put forward in its name be honest and able public servants.

It can be judged according to the quality of its personnel. What kind of men are in the party? The public is quick to decide as to the personalities associated with the party. If "stuffed shirts" are placed in positions of authority and bosses left to connive in the background, the situation soon becomes common gossip. Is authority within the party exercised directly and openly or deviously and darkly? Politicians can not depend upon the force of party discipline to guarantee control of the legislature. Has the party sponsored an executive official who has succeeded in winning wide-spread support? Has the party picked a leader?

Having asked these questions of the party, the candidate can be questioned

directly as to his stand on particular measures of concern to groups or individuals. To require the party to stand behind an issue is simply another way of demanding that a particular position be urged upon the elected representatives through the party leaders. The contact had better be direct, and the party discipline accordingly less onerous. For the proposal of policies and the responsibility of promises individual statesmen can alone be held accountable. Commitments on specific issues demand an answerability that is clear and direct.

Limitations upon the party as an expounder of principles and supporter of issues make the need of leadership in the Presidential office all the more urgent. With conditions as they are in this country, who is better able than the Chief Executive to initiate policy and gain national support for legislative measures? His is the only nation-wide constituency. Not only Chief Executive, but often national Representative-at-large, he holds the strongest mandate from the electorate. With party lines providing too little guidance as to public policy, with control in the legislative body disparate and uncertain, the Presidential will must be positive and clear if Congress is to pass constructive legislation.

For a statesman to secure a following in support of his measures it is not necessary or even desirable to identify the party itself with these policies. Under our system government must be conducted on a personal rather than a partisan plane. The problem is one of individual and not party leadership, and the American political party can not be expected to adhere to a fixed set of doctrines nor to sponsor definite policies. It can do no more than launch off responsible leaders selected for their ability and their integrity.

The need is for better rather than for fewer politicians. The full-time politician may be the salvation of politics in this country. But there must be a professionalization of such practitioners. Through responsible party organization elected officials can best be held to high standards of honesty, competency and public service. The voter can judge the political party more clearly in terms of men rather than of measures. If the validity of appraising our party system in accordance with simpler and more practicable tests were recognized, much artificial dissatisfaction with political parties would disappear. The political system could then be evaluated not by criteria removed from reality, but by standards that are human, direct and comprehensible to all.



Martial Law for Litigants

BY ANDREW SLEDD

The Governor of Georgia finds a new use for the national guard

ON JUNE 19, 1933, the governor of Georgia proclaimed martial law, absolute in quality but limited in scope, in the State. In his proclamation, after a lengthy statement of authority and reasons for his unusual act, he said: "There is but one course for an official, sworn to support the laws and constitution of his state and of the United States, to do"; and then he proceeded to put under martial law "the heads and employees of all state departments composing the executive department, i.e., the state treasurer, comptroller general, secretary of state, and supervisor of purchases," and also the State highway department, with all of its activities and possessions. "Any matters," the proclamation continued, "which may now be pending in any civil court in this state with regard to [the departments above indicated] will be transferred to said military court for adjudication." Thus all these departments of the State government—even cases pending in the civil courts involving them—were taken out of the hands of the civil courts and placed under military control. And that meant—since the governor is the commander-in-chief of the military forces of the State—that their control was to be transferred from the civil courts to the governor.

It will be observed:

(1) that the governor's action was taken on the ground of his oath of office—"sworn to support the laws and constitution of his state"; and yet

(2) that the entire executive department—the governor is already exempt from certain civil processes—is removed from the operation of those laws, so that none of the persons specified shall be subject to civil processes, at least to such processes originating in the highway department; and

(3) that the entire highway department is also removed from the operation of those laws, so that none of the persons of that department, if they deem themselves aggrieved by the governor's course, may seek redress of their grievances through the civil courts, at least if such redress is sought against any branch of the executive department.

The second and third of these restrictions have now been relaxed, as will presently appear; but they were an essential part of the governor's procedure, and they show—especially the third—its acknowledged motivation. For the whole procedure is the outgrowth of a deep and long-standing controversy between the governor and the State highway board, and the declaration of mar-