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PRESIDENTIAL ELECTION

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AMERICAN citizens may well be proud of their election result. The people, by overwhelming vote in constitutional form, chose as their Chief Executive a man whose qualities are acclaimed by the world.

The framers of the 18th century Constitution would doubtless marvel could they see how the electoral mechanism which they designed so sedulously has functioned in these latter days for settling an issue of world importance. They would rejoice that their republican concept has so well stood the test of time, and that a new, harmonious structure is rising upon the ancient foundation.

Nevertheless, the cost of standing on the old ways is considerable and may well be counted.

First, as regards the electoral system. As is well known, the Constitution ordains a cumbersome procedure for the appointment in each State of a number of electors equal to the whole number of Senators and representatives to which the State may be entitled in the Congress. This was devised in 1788 by Alexander Hamilton who hoped that, through it, "heats and ferments" would be obviated because the choice of a President would be made by a small number of persons selected by their fellow-citizens from the general mass and therefore most likely to possess the required information and discernment. Today, however, it is no longer the duty of the electors (the so-called "Electoral College") to deliberate upon the merits of the candidates. They now merely record the decision of a majority of the voters in their respective States, and transmit it to Wash-

ington. No faculty of choice remains with them, and the outcome of the election is publicly known long before their certificates are opened and formally counted before a joint session of Congress.

But the system, in effect, provides authority for observance of a constitutional principle, that election results shall be accounted State-wise, and without regard to the mass-weight of the popular vote recorded for each candidate. Consequently, if twelve States whose electoral array outnumbers that of the combined remainder were to vote solidly for one candidate, his election would be assured. A President may, therefore, be elected without a majority vote of the people, but not without a majority vote of the States.

Periodically, after elections, proposals are made for changes either in the form or substance of the "College" system. As regards form, some on grounds of common-sense and economy urge radical revision which would bring the antiquated system into accord with reality; others favour scrupulous preservation of what is regarded mainly as a picturesque survival from a memorable past. As regards substance, the issue is held by some to be of constitutional importance, as affecting the principle of majority rule by States which is clearly reflected in the set-up of Congress. Any proposal for amendment of the august Constitution invariably encounters strong opposition on general grounds, but it would seem that this could be achieved by a skilled draftsman without prejudice to the principle of majority rule by the States.

The constitutional aspect of the matter may, however, become a subject of acute controversy. Sentiment is already manifested in support of a fundamental change in the voting system by instituting a nation-wide direct popular ballot for the selection of a President or by such change in the present system as would ensure closer correspondence between the Electoral College assessment and the verdict of the popular vote.

James Madison, writing in "The Federalist" in 1787, defined a Republic as "a government which derives all its powers directly or indirectly from the great body of the people". He added that "it is sufficient for such a government that the persons administering it be appointed, either directly or indirectly, by the people".

At that time, when the population was sparse and scattered and State loyalties were preponderant, it was believed that voters might not be able to know or appreciate the qualifications of candidates from other States. The rise of political parties was,

of course, not foreseen by the Founders. Therefore, it seemed appropriate that the main responsibility for conducting elections should be laid upon a few prominent citizens selected for the purpose. But, with the passage of years, a great transformation has taken place. The territory of the United States is now more than three times greater than it was in 1789, and the population has increased fifty-fold. Apart from the influences, transcending State boundaries, which are brought to bear on the people through the rise of the two great parties, Americans have become a homogeneous people through the ministrations of the press, radio and television systems, and through extended travel facilities by land, sea and air. Greatly endowed by nature and their own ingenuity, American voters in the mass are now, therefore, entirely competent to choose their President, and in fact do so.

After the thundering upset of the Civil War, Abraham Lincoln in his Gettysburg Address, possibly foresaw the coming change, when he spoke of the nation's "new birth of freedom", and government of, by and for the people. He made no reservation regarding majority rule by States. One object of the Constitution was to distinguish clearly between Federal and State powers, but the picture is now blurred because the Federal power, reinforced by the party system, has gained ascendancy.

Perhaps the time is approaching when further amendment of the Constitution may be regarded as appropriate, in order that it may mirror and provide warrant for present-day requirements.

Other aspects of the Presidential election also demand attention. The part which each candidate has to play publicly and privately in the six weeks campaign imposes a devastating burden upon him, so that the winner is likely to enter upon his colossal task with impaired health and overstrained nerves.

General Eisenhower's schedule carried him nearly 50,000 miles and involved him in 228 speeches. The loser's effort was comparable. Each candidate no doubt, hammered out personally some of the speeches which he delivered, but he also had to check meticulously, and sometimes discard, every word and phrase of the numerous script prepared by expert writers for his utterance. A thoughtless expression or unpalatable sentiment may arouse a hornet's nest of opposition, while enthusiasm worth a volume of votes may be kindled by a timely witticism, a bracing slogan, a cautious hint as to possible easement of burdens. The delivery of each speech, often to a nation-wide audience, takes toll of the candidate's strength which is further

reduced by hand-shaking and the personal greeting of supporters, by press interrogatories and by the discomforts of daily travel.

Prior to the passing of the XXth. Amendment, in 1933, the new President, elected in November, had time to recuperate before entering office in the following March. The interval is now but eleven weeks and during it, while the loser can relax and plan a sea voyage to restore jaded faculties, the winner has to shoulder a new and back-breaking load of responsibilities. He has to study many charts, to master intricate problems of national and world affairs, to select his staffs of advisers and colleagues, to close the ranks of his own party, softening factional differences and placating possible dissidents; and above all he has to be constantly accessible. By the time of his inauguration, the President-elect must already have drawn heavily upon the reserve of strength required for the guidance of the nation's affairs and for the clarification of America's policy as leader of the still free peoples of the world. And apart from the menace to his health, the winner is lucky if he can emerge from the contest unblemished in the public eye. However high-souled a candidate may be, and however sane his convictions, he is liable to suffer impairment of his personal reputation when the utterances which he has made in the heat of battle, or under bewildering pressure from professional politicians, are weighed dispassionately by his friends.

The election system is criticised on other special grounds. The 1952 elections, national and State, are estimated to have involved expenditure of between 80 and 100 million dollars. It can never be known how much was actually spent, but the total was undoubtedly very heavy from the evidence available. Pecuniary outlay secures advantage, in equity unjustifiable, to the side that can raise the largest contributions. Radio and television publicity, which is very expensive, may have a decisive influence on popular sentiment, so that money used in this way can unbalance the poll. Again, because voting judgment is liable to be clouded by appreciation of benefits available to active adherents of a political party, victory inclines to the side that can secure most funds. The provision of a political party's expenses therefore involves a moral issue. Some contributors will naturally expect substantial return, in some form, if their side wins. To put it coarsely, "the larger the kick-in, the larger the pay-off".

The whole question of money-raising and policy-making and appointments-distribution is likely to become embarrassing and

widespread demand may arise for revision of the law governing campaign expenditure before the next Presidential campaign looms up. Existing laws can be evaded in numerous ways and, in particular, correlation is required between State and federal laws on the subject.

The campaign has been described as one of the most emotional and abusive in recent years. Invective, which was freely used, leaves scars which heal but slowly. Because the pace and tone of the election were set by the parties, the candidates were led to say things which in calmer moments they doubtless regretted, and which might be construed by the public, quite erroneously, as implying that the candidates and parties were in violent disagreement on most issues.

President Truman's aggressive intervention on behalf of the Democratic candidate, and the tone of his whistle-stop oratory, was held not only to have prejudiced Mr. Stevenson's chances but to have lessened respect for the Presidential office. Regret was expressed at the fading of the sentiment which once discouraged participation by a retiring President in the campaign for his successor. John Quincy Adams, in 1840, wrote in his diary that "a sense of propriety had hitherto prescribed it as a rule to all ex-Presidents of the United States to abstain from interference in the election of their successors". Abraham Lincoln, in 1860, took no part in the campaign which resulted in his election.

Discontent was evinced at the use of the huge Federal machine as an election lever by the party in power.

The interim period before the Inauguration is perilous. For several months, the grip of the Chief Executive on the administration is weakened. He can make no grave decisions committing his successor and the party to which he belongs. A vast accumulation of files grows in every office which can only be disposed of by the incoming regime. Many enterprises of national moment are stalled. The record of executive branches of government under the party in power is vilified and discredited. Aspersions are cast on the character and conduct of high functionaries, and the people's confidence in the working of their administration is generally shaken.

The recent election interlude actually cast a dark shadow on world affairs also, because the administration could make no long-term international commitments, and was naturally reluctant to take any step which might afford ground for party denunciation or which might antagonise powerful groups of

voters. Deliberations of primary importance for world peace and prosperity were stalled, a boon for the Kremlin, until America's future policies could be formulated by the new President with due regard to the prospect of concurrence by Congress. In the forefront of such pending problems are, of course, the Korean war, the outlook for N. A. T. O. (including France's special grievances and the whole knotty question of the defence of Western Europe with its related economic and political problems), the Tunisian question, aid to the French in Indo-China, Middle East defence, freer currency exchange, the racial question in South Africa, the negotiations for U. S. bases in Spain, the future of the Point 4 programme, and last but not least, Britain's desires for "Trade not Aid", for participation in a possibly extended Pacific Defence Pact and in military command responsibilities, and for revision of the Atomic Energy Act of 1946.

The full effects of the temporary paralysis of United States leadership may not become apparent immediately, but it rocked the confidence of U. S. allies and heartened Soviet, and Chinese, commands. European anxieties as to the manner in which the U. S. A. is likely to use its power for maintenance of world peace will not be easily allayed.

Then there is the world's most crucial problem to be thought out, namely, the future of the U. N. Organization, and its bearing upon the struggle for survival between Western democracy and Communism.

Is the East-West cleavage radical, and if so, does it mean that the Organization can be at present nothing more than a symbol of humanity's ultimate aspirations and that, in the meantime, resort must be had to regional alliances and spheres of influence for mutual protection? Is the economic and political integration of the nations comprised in each region a desirable and achievable objective, or is the preservation of national loyalties of basic importance for the awakening of a 'fighting spirit'? Is it likely that European and Asian States, if enrolled in regional pacts, will prove as sensitive to any semblance of dictation from the U. S. A. as the Latin American States? What is the significance of the present-day resurgence of nationalism?

Looking farther afield, is it permissible to hope that co-operation between all peoples for peace and common prosperity will ultimately come about through World Federation, culminating eventually in a global government?

Are they right, the distinguished men* who urge with such eloquence and fervor that war will never be prevented unless an international federal government is set up, charged with the task of creating and maintaining forces by land, sea and air too strong for any aggressor to challenge, but leaving unimpaired all other sovereign powers of the federated nations? Or are the dissentients right, who hold that the proposed federation would call for a political miracle, would encounter insurmountable difficulties, and, if essayed, might result in the emergence of a mighty tyranny because the contemplated 'federal defence force' would have no common bond of national loyalty capable of arousing a fighting faith, and therefore could be captured by a gangster element?

Dr. Reinhold Niebuhr is a protagonist against what he calls "The Illusion of World Government".**

While recognising the need to strive for "a higher and wider intergation of the world community", he says that: "The fallacy of world government can be stated in two simple propositions. The first is that governments are not created by fiat (though sometimes they can be imposed by tyranny). The second is that governments have only limited efficacy in integrating a community".

He might have added that there is today no great country which would consent to extinction of its national sovereignty. Partial and temporary cessions for defence or economic purposes are quite another matter. The spirit of nationalism has never been more fervent than at present.

As regards a world-state security force, he points out that the police power of a government cannot be a purely political artifact. It is an arm of the community's body, the authority of the community itself, obeyed because upholding laws which are accepted by the community as corresponding, on the whole, to its conception of justice. A coalescence of communities, otherwise than by the imposition of preponderant power, can only come about if there is a basic homogeneity of some kind underlying the differences of ethnic origin, language, culture, religion and historic tradition. Cohesion in a world community is not to be achieved by framing ideal constitutions but is dependent on the slow development of common moral convictions. It is by no means certain, as yet, what is the ideal of life, and what is the type of democracy (if any) which the still-free

*Mr. Lionel Curtis, C. H. Pandit Nehru, Mr. Clarence Streit.

** See an article by him in *Foreign Affairs*, April 1949.

peoples of the world will be willing to uphold with fanatic fervour. Some of them cannot be expected, at present, to comprehend the "dignity of the individual".

The Korean war raises in acute form the problem of how to oppose Communist encroachment in lands far distant from the American frontier. Is it fair to expect men to fight with heart and soul, under a U. N. or federal flag, for a cause in which their own country's survival interests do not appear to them to be immediately involved? It is natural that a drafted soldier, however constant in discipline and courage, should be disgusted with the hardship of a war whose object he but dimly understands and in which his country's share appears to be unfairly heavy; that he should feel primarily concerned to accumulate credits for 'rotation', for return to the home environment of civilization and affection.

The mere branding of a foe as an "aggressor" will not automatically evoke a fighting spirit in troops deployed against him. Many centuries ago, an Indian philosopher said that men will regard as their enemy "that state which is situated on the border of one's own state". There is much truth in that, especially for youths drafted for service in a distant, hospitable land, like Korea. What wonder if they "see no enemy but winter and rough weather"?*

It is natural, also, that the American people should grow increasingly restive at the apparently endless drain on the country's manpower and wealth, and at the seeming laggardness of their allies.

The whole problem of how best to repel Communist thrusts and infiltration will demand the President's earnest attention, especially since it seems unlikely, at the moment, that the French will ratify the European Defence Community Treaty.

The hopes of many peoples and governments are fixed on President Eisenhower. His known record and character, and belief in his 'lucky star', encourage confidence that, if it is by any means possible to save the world from a third, and annihilating war, his decisions may achieve this. But his success must hang on whether he will be able to ride on the crest of his popularity and implement his strategy without encountering frustration from blocks and hindrances under the limitations of the American Constitution.

It is needless to describe in detail the well-known relationship established by the Constitutional "separation of powers".

* "As You Like It."

The direct authority of the Chief Executive is limited and slender. Congress is always on the watch to curb, if possible, any appearance of encroachment by the President. The Executive gained the lead under the 'New Deal', and secured further vantage during the World War and through U. S. A. involvement in international affairs. But President Truman's conception of his 'inherent powers' was rejected by the judiciary, and Congress has been very alert, of late, to take advantage of every opportunity for asserting its constitutional prerogative. Relations between the White House and Capitol Hill were obviously strained during the past four years. They are likely to be improved under the Eisenhower administration, although the Republican majority in the House is but 9, and in the Senate much less, and there is also said to be Republican Party disunity on some matters. But on international issues, bi-partisan coalition may afford helpful backing.

Nevertheless, much of the President's thought and energies must be absorbed in wrestling with Congress, and he is also burdened with innumerable routine problems, many arising out of the election, which demand immediate attention, and kill valuable time, but which are insignificant in comparison with the national and international issues for which he had to seek inspiration.

The question of assuring leisure for the reception of creative ideas is of supreme importance for a man upon whose shoulders the destiny of the world largely rests. Every one knows that intuitions, harvesting past experience, (whispers, perhaps, from a world beyond our consciousness) offer themselves to a relaxed mind and mysteriously present clues for the solution of life's most refractory problems.

But to a mind distracted by conflicting anxieties and emotions, such intuitions will but hardly have access. The American President, of all men, should surely be fenced about from intruding minor cares, so that he may have time to think, and to harbour inspiration.

On this ground alone, it would seem that the moment has arrived when, in view of the "new birth of freedom" and also of national unity and world-wide responsibility, radical alteration of the constitutional system (especially concerning elections) is imperatively required.

The President's area of command grows ever larger and more crowded, and at this summit and testing point of American power it would take a giant to fill his office and to build a noble

edifice upon the principles which he so magnificently affirmed in his Inaugural Address. Without the convinced support of the people; without an efficient and loyal policy-making system; without an administrative mechanism that can be relied on to operate promptly and effectively and is impervious to side-influences (whether from the legislature, pressure-groups, or 'corrupters'); without an organic design for the whole of the vast governmental fabric, the gifts and capacities of the man elected as President can be of small avail.

Apart from Congress contrariety, there is a further perplexity for the President about the significance to be attached to Lincoln's apothegm concerning government 'by' the people as well as 'of' and 'for' them. Should it be interpreted to mean that the President ought, on the one hand, to be continuously sensitive to apparent shifts in public opinion and shape course accordingly, and on the other hand, that when controversial matters are in issue with Congress, he should expect the public to back him by clamour methods and by assailing Congress representatives with letters and telegrams? Recent commentators can be heard actually urging people to do so that the President can "carry his case to the people".

There would seem to be grave danger in artificially induced demonstrations of popular desire, engineered possibly by pressure groups operating in questionable ways. St. Paul's inspired statement has relevance, that the bond of peace is to be won only through unity of spirit, ensuring that men will be no more "children, tossed to and fro, and carried about with every wind of doctrine, by the sleight of men, and cunning craftings whereby they lie in wait to deceive".

The root of the matter seems to be that no stable system of government can possibly be conducted from day to day by the people. In the mass, they have not the wisdom, foresight, the calmness of judgment which are indispensable for the formation of prompt decisions, especially on vital issues of world-wide importance. Nor can they have access to secret information amassed and digested by the Executive departmental experts.

On the other hand, there is no denying the fact that the American people are not accorded, today, their rightful prerogative of exercising a decisive voice, at moments of emergency in the operation of their government in accordance with Lincoln's proclamation. They can only at stated intervals exercise influence, by legitimate means, upon its policy and action.

Government's administration ought, unquestionably, to be guided in general, except as regards unforeseen eventualities, by the people's will as expressed at the time of election of the President and Congress representatives. To that end, it is proper that, if a constitution so provides, the leader of the party in power, and his Cabinet, should be continuously accountable to the conclave of the people's representatives. An adverse vote by them on a material issue ought to be the signal for a fresh ascertainment of the people's will. But such a procedure is not, of course, contemplated by the Constitution because it would have been infeasible at the time when 'checks and balances' were indispensable.

Doubtless, behind the venerable façade, the actual working of the Constitution has been "adapted ceaselessly to new conditions" and has fostered the creation of a national unity. But a crucial federation period is past history, and national unity stands strong. There is today a vast volume of criticism and recommendation for constitutional revision from experts and practical men of affairs who are disquieted by present conditions and tendencies, and are desirous that due and proper expression of the people's will should be ensured.

The American public which, fortunately for humanity, has been in the past so eager to discern moral issues in world problems, and staunch in backing what seem to be righteous remedies for evils, could play a great role now, and could set a shining example of devotion to the true spirit of brotherhood and charity to all men, if the trammels of their ancient Constitution were relaxed.

Postponement involves the danger that some unexpected crisis may compel hasty and ill-considered action. The whole aspect of present-day affairs might be changed if Russia, in desperation, suddenly launched a war on the West, if economic depression set in, or if, which seems at the present moment to be not impossible, the Russian tyranny, like all tyrannies in past ages, were suddenly to crumble.