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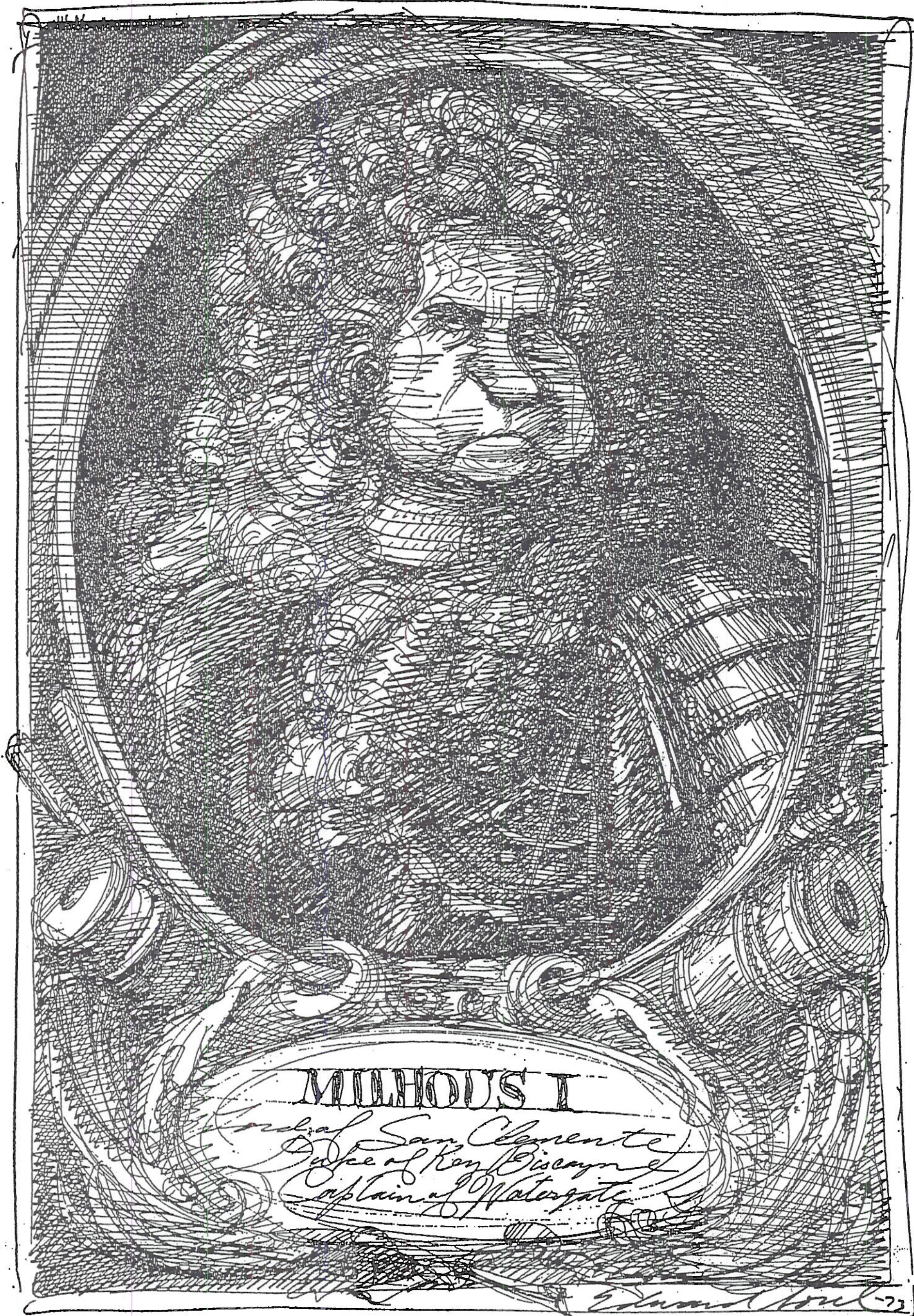

The Imperial Presidency

By Arthur M. Schlesinger Jr. Houghton Mifflin. 505 pp. $10

By BERNARD A. WEISBERGER

EVENTS OVERTAKE the commentator this year almost before he can change typewriter ribbons. It is possible— wishful thinking aside— that before this review sees print, our first president to put the White House police in musical-comedy uniforms will also be our first to resign from office. Whether this happens or not, however, we are clearly in for a long period of sultry debate on the post-Watergate future of the presidency. To that discussion, *The Imperial Presidency* is bound to make a timely and immensely valuable contribution.

For years, Schlesinger has stimulated certain negative reflexes among his academic peers. One of his "sins" was that he wrote beautifully, for a wide audience. Another was his willingness to use his historical findings to support his political and social judgments — a trait he shared with the best American historians of the 19th century, though they were New England Brahmins and he an ADA liberal. And from 1961 to 1963 he had left the campus altogether for a period of White House action as an adviser to John Kennedy. To be capable of writing history, and to abandon it for politics (like Theodore Roosevelt or Woodrow Wilson) was unforgivable.

But in this book, Schlesinger should be able to mute at least some of his more reasonable critics. It rests on a broad foundation of research, it is smoothly and impressively argued, and it is a model of how history can and should illuminate the darkling plain of the present. Nixon defenders will denounce it as mere partisanship, for Schlesinger sees the lord of San Clemente as a dangerous revolutionary. But he presents his case in a solid retrospective context, which illustrates how many presidents past, bad and good, have prepared the way for this one.

The Founding Fathers were dilemma-ridden in 1787. They wanted an executive who could handle diplomatic and military affairs with single-mindedness, energy, dispatch and secrecy. That ruled out committees, or presidents who were the puppets of legislatures. But neither did the Constitution-makers want a leader who could plunge the nation helplessly into foreign commitments or martial adventures. So they compromised knowingly: Congress alone could declare war, but the president commanded the armed forces. The president made treaties—but with the advice, consent and ratification of the Senate. Abundant gray areas lingered. How much advice should the president seek? How much could he tell Congress without imperiling secrecy? And how long should he wait for consent in an emergency?

The answers, worked out in practice, always tended to swell presidential prerogative. One man with his mind made up is always more than a match for a group. Time and again the president called the shots: Jefferson buying Louisiana, Polk maneuvering us inexorably towards war with Mexico; Lincoln calling out troops, imprisoning dissenters and freeing slaves, all in the name of his wartime powers. Congress might follow up, might probe, might review and comment— but the president *acted!*

The 20th century brought a collapse of the dam of congressional restraint. Schlesinger lists dozens of examples, along with the debates and the court cases that accompanied them. Theodore Roosevelt, Taft and Wilson sent Marines and gunboats to Panama, Nicaragua, Haiti, the Dominican Republic and Mexico without formal declarations of war. Increasingly, the executive agreement, requiring no senatorial concurrence, replaced the treaty as an instrument of international compact; over 900 of them were concluded between 1889 and 1939, out of a total of 1441 deals with foreign nations. World War II opened an unprecedented period of presidential power and congressional acquiescence. FDR traded destroyers for bases and edged toward an Atlantic naval war before Pearl Harbor. Truman rushed troops to Korea. Under Eisenhower, American bases mushroomed around the world by executive agreement, while the CIA (shielded from review by the need for secrecy) practiced subversion in Guatemala and elsewhere. Kennedy acted alone in authorizing the Bay of Pigs operation and in the Cuban missile crisis. Then came Vietnam and Lyndon Johnson. The presidency, in Schlesinger's words, had been "ascendant" in Korea. By 1968 it was "rampant." LBJ was both imperious and imperial.

And Nixon? Schlesinger sees him as something different from even his most prerogative-conscious predecessors. Roosevelt, Truman, Kennedy and even Johnson operated within a framework of institutional restraint. They sought strong and principled advisers and cabinet heads, who often had independent constituencies. They engaged in give-and-take with reporters. And they dealt with their party leaders, in and out of Congress, to check on public opinion. In various ways, they kept their lines of communication to reality open.

But in Nixon's case, the swollen powers of the office were used to enact "the compulsions of his own personality." Seeing himself in constant crisis, surrounded by his enemies, Nixon acted as if he were commander-in-chief of a nation in permanent war. The impoundment of funds, the sweeping claims of "executive privilege" to deny Congress information, the secret surveillance of domestic foes (and some surprised friends), the clandestine bombardment and overt invasion of Cambodia—all these were radical extensions of even the most high-handed White House practices of the past. And all were insisted on as routinely, normally, within Nixon's right.

And then there were the other elements: the Cabinet primarily of nonentities, the palace guard, the darting retreats to isolation at Camp *(Continued on page 2)*

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(*Continued from page 1*)

David, Key Biscayne and San Clemente, the hatred of the press, the management of the 1972 campaign through the Committee to Re-Elect the President instead of the Republican Party (which had a national rather than a one-man slate to work for). These intimations of Caesarism were defended by White House staffers, after last November, as justified by the great mandate—as if the Democratic Congress chosen along with Nixon did not equally have a mandate.

Small wonder that Nixon preferred foreign affairs as his field of operation. It is easier to forget, in that role, that even a landslide vote is only a mandate to govern constitutionally. As a world statesman, Nixon could think of himself as what Schlesinger calls a "plebiscitary President," shielded between elections from "Congressional and public harassment, empowered by his mandate to make war or to make peace, to spend or impound, to give out information or to hold it back, superseding Congressional legislation by executive order and decree, all in the name of a majority whose choice must prevail till it made another choice four years later."

Schlesinger thinks that Watergate was the shock that revealed the full dimensions of the Nixonian conception of his role, and that may happily turn the country towards self-examination and constructive reform. His last chapters examine various proposals for remedy. True to his 20th-century liberal faith in a positive presidency, he does not want to see the office severely hobbled. He insists that neither Congress nor the White House should prevail unchecked, but rather that there must once more be a true separation of powers—a working partnership between the two branches.

His specific suggestions are stimulating. They include limitations on secrecy; the granting of more power to the cabinet; closer links between cabinet and Congress; and, on the part of Congress itself, willingness to scrap old practices and devise modern machinery that will allow it to gather information and make intelligent evaluations of military and domestic budgets, troop deployments and

By Edward Sorel

other matters up to now dominated by the president through his superior sources of intelligence. As for the choices when a president takes his own deification seriously and defies Congress, Schlesinger soberly examines such alternatives as new elections and impeachment. This last step is quite within the Constitution's purview—a congressional inquest, not an inquisition—but clearly a weapon of final resort. The underlying issue now is not "the particular iniquities of the Nixon Administration," but whether people wish "to rein in the runaway Presidency."

Perhaps the one serious limitation of the book is that its approach is basically institutional, and therefore it fails to come to grips with the crisis of the spirit that wracks our institutions. Schlesinger suggests as much himself in a final note that any constitutional change is meaningless without the will to liberty behind it. He quotes Walt Whitman: "Tyranny may always enter—there is no charm, no bar against it—the only bar against it is a large resolute breed of men."

But can we get such men? Men who will fight for a strong, but constitutional presidency? The voters themselves seem otherwise disposed. Confused and overpowered in a changing world, isolated from each other, problem-battered, they like to cling to the rock of authority. They prefer it to be moral authority, but any authority, in their minds, seems preferable to drift—and it is easier to respect it personified in one leader than in many.

On Capitol Hill, too, the will to reform is weak. Sheer institutional inertia and the role of big money in campaigning are two forces which compromise and taint the resolve of even high-minded congressmen. Beacons of integrity like John Gardner and Ralph Nader, with their people's lobbies, find it necessary to work outside the system of parties and legislatures. But constitutional government needs its heroes *inside* the framework it provides.

Our problem may be a need for new basics. The Founding Fathers did not provide for a government of and by angels, but their plans did require communities of self-respecting, responsible people. Only when we lead unmanipulated, purposeful and dignified lives can we be citizens and not members of a mob. Mobs end up ruled by Caesars. A reading of ancient history and of Shakespeare may tell us more about our present dangers than many headlines.

Meantime, we must do what we can with what we have, and that means our present political machinery. Schlesinger has deftly shown us how it has malfunctioned at 1600 Pennsylvania Avenue, and what we might be able to do in the repair line. □