

A MODEST PROPOSAL
For Nonpartisan Partisans

By

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For Adele

Who Always Encouraged Me

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A MODEST PROPOSAL

PART I

THE PROPOSAL AND MAVERICKS

In his column of September 4, 2005 in *The New York Times*, David Brooks recounts and deplores a parade of failure of our government in recent years (“No wonder confidence in civic institutions is plummeting”). He concludes almost prayerfully:

Maybe this time there will be a progressive resurgence. Maybe we are entering an age of hardheaded law and order...Maybe there will be a call for McCainist patriotism and *nonpartisan independence*. All we can be sure of is that the political culture is about to undergo some big change. (italics supplied).¹

Here, in response to Brooks’s implied plea, is *A Modest Proposal*: that some able, independent-minded women and men take up his challenge and run for seats in Congress *as avowed nonpartisans*. They can do this as independent candidates; even better, they can enter the primary of a major party as a frank and open nonpartisan in hopes of defeating the choice of the regular party organization and taking over the party’s line on the ballot for the general election. Chances for success have never been better: large sectors of the public are upset with the bitter partisan wrangling in Congress.

Howard Dean and John Kerry showed in 2004 that dedicated candidates can raise large sums of money, in small contributions, over the Internet; nonpartisans, using the same methods, should be able to fill war chests adequate for statewide campaigns for a Senate seat, and even more easily for a Congressional district campaign. There is every reason to believe that a very special party insurgent will attract a significant number of contributions from out-of-state, as well as from constituents.

The 20th Century has a rich history of independent spirits in Congress. Their accomplishments against formidable odds are impressive, a history mostly unknown to , or forgotten by, recent generations. They were few in number, to be counted on the fingers of one hand: Senators Robert M. LaFollette of Wisconsin, George W. Norris of Nebraska, Burton K. Wheeler of Montana, and Wayne L. Morse of Oregon, and Representative Fiorello H. LaGuardia, who was a feisty Congressman before ever he became the iconic mayor of New York City.

Some often served in the same Congress, working together on the same issues, giving each other welcome support. Each emphatically marched to his own music. This autonomy was never more in evidence, as will be seen, in their respective reactions to the issue of war, none more agonizing for a legislator. Each, in his time, faced the issue, as to which they were all over the map. Which underscores how each followed his own understanding of issues and his conscience, free of partisan influence and pressure, or, for that matter, public opinion. Still, their constituents returned them to Congress term after term. Each, in his time, was a darling of the political cartoonists and of the press, for they were such good copy. Indeed, each entered the folklore of the country; as will be seen, each figures in recent literary or dramatic works.

It will be instructive, and, one would hope, inspirational to revisit their experiences in Congress. It might even be intimidating.

[Readers who need no convincing that lone insurgents can nevertheless make significant contributions in Congress, or who have little taste for capsulated biography, or who are impatient to get to the arguments of A Modest Proposal, may skip immediately to Part II.]

ROBERT M. LaFOLLETTE (1855-1925)

LaFollette, a.k.a. “Fighting Bob”, an austere man with an earnest, determined face, a mane of white hair, and a compact powerful body, was first on the scene. Elected to the U. S. Senate in 1905 as a Republican from Wisconsin, he had already established in that state as Governor a regime of cutting-edge progressivism. His progressivism, however, did not endear him to his Republican colleagues. As political scientist Frederic A. Ogg has noted, “he found himself obliged to play a lone hand until, in the course of a few years, he drew round himself a group of eight or ten colleagues willing to be known as ‘progressives’.”¹ Among these was Norris, as soon as he was elected to the Senate.

Promoting Popular Participation

In January 1911, La Follette and a group of Senators and Representatives of progressive bent, meeting in his home in Washington, associated themselves in a National Progressive Republican League and adopted a Declaration of Principles drafted by him for “the promotion of popular government and progressive legislation.” To open up the electoral and legislative processes to greater popular participation, the League advocated:

1. The election of United States Senators by direct vote of the people.
2. Direct primaries for the nomination of elective officials.
3. The direct election of delegates to national conventions with opportunity for the voter to express choices for President and Vice-President.
4. Amendments to state constitutions providing for the Initiative, Referendum and Recall.
5. A thoroughgoing corrupt practices act.²

The influence of these objectives on American political life at both the national and state levels has been enormous over the years; whether for good or ill is still the

subject of debate. We now vote directly for our U.S. senators without a thought that until 1913 and the ratification of the 17th Amendment it was the state legislators who elected them. Recently, California and the nation witnessed the recall of a sitting governor and his replacement by a political neophyte, Arnold Schwarzenegger.

Opposing World War I

When war broke out in Europe in August 1914, surprising and shocking most Americans, the mood of the country was that it was no affair of ours. The Wilson administration declared our neutrality and, indeed, actively sought to bring the warring nations to a peace conference. But the British blockade of the Central Powers and Germany's retaliations with submarine warfare against shipping heading for Britain and France created diplomatic difficulties for the United States with both sides, but mostly with Germany as the war went on. Public sentiment toward the belligerents, which had been divided in the early years – substantial German and Irish populations here did not favor the Allied Powers – began to swing to those powers as the toll of the U-boat sinking of vessels sailing under the stars-and-stripes began to mount, as did the numbers of Americans drowned in sinkings under diverse flags.

From the start, LaFollette and a small group of Senators, including Norris, viewed the war as a struggle between colonial empires in which the United States had no stake, except, perhaps, as the war went on, the huge loans which our bankers were making to the Allied Powers. They clung to these views even as the mood of the country was swinging angrily against the Central Powers, particularly after Germany in January 1917 announced that it was resuming unrestricted submarine warfare against all ships, enemy or neutral, in a broad zone around the Allied countries.

When President Wilson, in 1917, asked Congress to pass a bill for the arming of our merchant ships against the U-boat menace, LaFollette and Norris mounted a filibuster against it as too provocative a measure. The insurgents talked it to death as the Congress reached its mandated end on March 4th. For this act of defiance, Wilson branded them “a little group of willful men”. The sinkings went on, however, and on April 6th, the new Congress, responding to Wilson’s message, declared war on Germany. The “little group of willful men” voted Nay, risking ostracism from their colleagues, vilification in the press and by the public, and loss of their seats. In the event, LaFollette’s constituents re-elected him in 1923.

Tariffs and Trade

LaFollette served during a period when business and industry were powerfully influencing legislation and were particularly hostile to the progressive programs that LaFollette espoused. In consequence, much of his effort in the Senate was expressed in opposition to administration bills. In the administration of William Howard Taft, with Republicans in control of Congress, he fought stubbornly, somewhat inconsistently, and unsuccessfully, first, against the Payne-Aldrich tariff bill as protective (Taft had called a special session to lower rates!), raising rates to benefit big business, and later, against a reciprocal trade agreement with Canada, because he believed that each would unfairly hurt Midwestern farmers. Proclaimed LaFollette, the Canadian treaty “singles out the farmer and forces free trade upon him, but it confers even greater benefits upon a few of the great combinations sheltered behind the Payne-Aldrich tariff.”³

He was conspicuously, and successfully, in support of laws curing the excesses of the railroads and banks, ameliorating the burdens borne by labor. He was instrumental in

creating the Department of Labor, the Federal Trade Commission and the Farm Loan Administration. An important bill in aid of legislators that he sponsored was the establishment of a legislative reference division of the Library of Congress.

Lifting the Teapot Lid

In 1923 LaFollette introduced the resolution that led to the Senate investigation and exposure of the Teapot Dome scandal, the conviction of a Secretary of the Interior for accepting bribes, and ultimately to the dismissal of an Attorney General. The investigation disclosed that Secretary of the Interior Albert B. Fall had persuaded President Harding to transfer from the Naval Department to his Department naval oil reserves in Teapot Dome, Wyoming, and Elk Hills, California, which Fall had then leased secretly to oilmen Harry F. Sinclair and Edward L. Doheny. The investigation disclosed that Sinclair and Doheny had each made a six digit loan to Fall, and that Sinclair had given him a herd of cattle for his ranch. President Coolidge, who had assumed office on Harding's death, then demanded the resignation of Harry Daugherty, the Attorney General, for having failed to prosecute the miscreants.

For his role in Congress, and particularly in the breaking of the Teapot Dome scandal, LaFollette became a significant character in Gore Vidal's 1991 novel *Hollywood*, which, despite its somewhat misleading title, is quite as much about Washington politics of the early 20th century as about the fledgling movie industry.

Progressive Party Campaign

LaFollette so chafed under the domination of the Republican Party during the Harding-Coolidge years that he bolted the Party in 1924 and ran for President on a Progressive Party ticket on a platform that anticipated several measures later to be

enacted in FDR's New Deal. He chose Burton Wheeler, a Democrat, as his running mate. The ticket received over 4,800,000 votes, 16.5% of the popular vote, but won only Wisconsin's 13 electoral votes. For this heresy, the Republicans banished him from their caucus, depriving him of any significant committee assignments.

Denouement

Exhausted, burned out, and ill, "Fighting Bob" died on June 18, 1925, bringing to an end a 40-year career dedicated to public service. When his portrait was unveiled in the Senate lounge in 1957 (along with those of Henry Clay, John C. Calhoun, Daniel Webster, and Robert A. Taft), then Senator John F. Kennedy described him as "a ceaseless battler for the underprivileged in an age of special privilege, a courageous independent in an age of conformity, who fought memorably against tremendous odds and stifling inertia for the social and economic reforms which ultimately proved essential to American progress in the 20th Century."⁴

GEORGE W. NORRIS (1861-1944)

Norris is the paradigmatic Congressional nonpartisan, not only as to desirable qualities – of character, tactical sense, dedication, patience, persistence, readiness to forge ad hoc alliances and to compromise to keep them together, take support wherever it was to be found, and seize sudden opportunities – but as to accomplishments, as well.

Clipping the Speaker's Wings

Norris, a lawyer and former judge from McCook, Nebraska, was elected to the House of Representatives in 1902 as a Republican, although philosophically he favored many of the policies of the Progressives quite popular in the Midwest. At the outset he was a dutiful party man. But soon he developed a strong aversion to the dictatorial power of the Speaker of the House, which was firmly in the hands of the Republicans. Under the House rules at the time, the Speaker, “Uncle Joe” Cannon of Illinois, appointed the standing committees and was ruler absolute of the Rules Committee, which determined which bills could make it to the floor. Norris, in accord with widespread popular discontent with the Speaker’s power, formed a group of Republican insurgents and forged an alliance with Champ Clark, leader of the House Democrats, in an avowed campaign to amend the House rules. However, each attempt to get a resolution of amendment to the floor died in the Rules Committee. What to do? Wait until the Democrats regained control of the House? Once in power, would *they* move to weaken their Speaker? Norris tucked the draft resolution in his pocket to await the day when opportunity would present itself for an end-run around the Committee.

On March 17, 1910, the House inadvertently handed the rebels an opening, which Norris promptly seized. The chairman of the Committee on Census interrupted debate that day to demand special privilege under the Constitution for consideration of a minor amendment to a Census bill (Article I, Section 2, mandates a census every 10-year term). Speaker Cannon put the question to the House as to whether special privilege should be honored, and the House approved. Shortly thereafter, Norris pulled out his frayed draft resolution and demanded privileged consideration of *it* under the Constitution (Article I, Section 5 provides that “Each House may determine the Rules of its Proceedings”). The Republicans were aghast! The next day, after feverish overnight marshalling of the opposing forces, the Speaker, as expected, ruled the motion out of order. The Democrats appealed to the House, which, mindful of its action on the Census bill’s claim of Constitutional privilege, overruled him. The resolution, which the House then adopted, 191 to 156, in Norris’ words, ended “the long dynasty of the all-powerful Speaker.”⁵ It provided for a Rules Committee of ten members, six of the majority party and four of the minority party, to be elected by the House within ten days of the adoption of the resolution, the Speaker to be ineligible for membership.

But it was a resolution substituted in the midst of battle for Norris’s original proposal, which had provided for a creative method of appointing members of the Committee by representatives grouped by regions into which the country would be divided. When the Democrats rejected Norris’s plan, he reluctantly compromised to hold the alliance together. Later he wrote:

That night, I returned home triumphant in a decent fight, and disappointed that its fruits could not have been even greater. That is the struggle which people of a democracy face. Frequently they must compromise in order to achieve partial

reform. If victory were full and complete, there would be no new political battlefields in due time. Progress and change are constant and eternal.⁶

Though the reform of the Speaker's powers was generally applauded, one critic commented that "on the face of things there appeared to be no change, except that a [Rules] committee controlled by the Speaker was now controlled by the Speaker's closest friends." But that same critic acknowledged that what had occurred had been more than "a revolt in name only and not in substance. A spirit of independence had effectively been displayed in the House, and wholesome respect had come to be felt for a militant minority within the ranks of a brutal majority."⁷

Whatever the motives of the Democrats in the revolt, those of the insurgent Republicans were pure. They had voted to break the dictatorial power of the Speaker over the House's business; not one of them would agree to serve on the reconstructed Rules Committee.

Willful in World War I

In 1913 Norris entered the Senate, where he was to serve for the next thirty years. As noted above in LaFollette's story, Norris was one of the six senators who opposed America's entrance into the War in Europe in 1917. Indeed, it was he who orchestrated the successful filibuster against Wilson's bill to arm our merchant ships against Germany's U-boat menace, thus earning the President's condemnation as one of the "willful men" involved in the filibuster.

Once the country entered the War, a storm of anger broke over the heads of the senators who had voted against the declaration. Norris, an embodied conscience, asked the Governor of Nebraska to call a special recall election to determine whether the voters wished him to continue to represent them. The Governor sensibly declined.

Norris then secured a hall in Lincoln and prepared to explain to his constituents his stance on the war. The theater was jammed – and silent – as Norris, a lone and lonely figure, came out on the stage (he had been unable to find anyone to introduce him!). “I have come home to tell you the truth”, he said.⁸ To his huge relief, the theater erupted in applause, and he went on to tell his people why he felt that intervention was not in the country’s best interest. The following year, 1918, they re-elected him to another term. Years later, in 1955, John F. Kennedy, then a young senator, headed his chapter on Norris in *Profiles in Courage* with the brave words with which he had opened his Lincoln speech.

Muscle Shoals and TVA

Norris’s outstanding physical monument is the Tennessee Valley Authority development that he sponsored in the 1930s and its massive dam on the Tennessee River named in his honor. However, his crucial role in the Tennessee Valley story began long before, in the 1920s, just after World War I, when he led the fight to save Muscle Shoals, later to be a key component of the TVA complex, from private exploitation.

Muscle Shoals was the metonymic sobriquet for unfinished plants and dams on the Tennessee River, just after it bends into Alabama, which had been intended for the production of nitrates for war ammunition. In 1921, Henry Ford, at the height of his popularity in the country, offered to purchase it from the Federal government. His terms called for the completion of the dams and plants by the government with Ford paying interest on the government’s cost of construction. His offer was greeted with widespread approval by public and press.

Congressional hearings disclosed that Ford intended to use only one plant to produce nitrates for fertilizer for farmers; all other plant and hydroelectric power would be used to produce aluminum, steel and carbide for his Model Ts. This disclosure did little at first to dampen public enthusiasm for the offer.

The offer duly came before the Senate Committee on Agriculture and Forestry, of which Norris, a Republican, albeit insurgent, was by right of seniority chairman. He, however, harbored a vision of Muscle Shoals quite opposed to Ford's. He saw it as a government-owned and operated facility producing electricity for the area and fertilizer for its farmers, serving as a standard by which to measure costs and pricing of power produced by privately-owned utilities. Despite the overwhelming public support for Ford's offer, Norris set out to defeat it. In his campaign, it must be said, he had powerful allies in the financial community of Wall Street, whom Ford conspicuously by-passed in financing his enterprises, and in the aluminum- and power-producing corporations who wished to sell *to* Ford rather than watch from the sidelines as he produced his own. The considerable influence of these allies was not at first powerful enough to sway Congress. Indeed, in 1924, despite strenuous efforts by Norris's ally LaGuardia to defeat it, the House of Representatives approved Ford's offer by a vote of 227-143. Norris, however, stalled a vote in the Senate. Eventually, the power of the industrial and financial opponents began to assert itself on the floor and in the pages of the Congressional Record. Little by little, public sentiment began to shift Norris's way. Chemists had developed an easier and cheaper way to produce nitrate for fertilizer, which chilled somewhat the farmers' enthusiasm for Ford. Norris's stressing the preponderance of Ford's proposed uses for his own purposes over those for people of the Valley began to

register more insistently with the public. Powerful competitive bidders entered the lists: Union Carbide Company of New York, Associated Power Companies (South), and an associated group of individual investors, E.H. Hooker, W.W. Atterbury, and J.G. White, whose bids, given the maze of interlocking directorates of the day, were linked in a complex web of international interests with ties to British financial and Chilean nitrate organizations. Ultimately, public and press support for Ford's offer faded to the point where, recognizing reality, he withdrew it in October 1924.

Now Norris brought out his proposal for continued government ownership of Muscle Shoals and for government-operation as well. He had become the leading political advocate for public production, transmission and distribution of hydroelectric power. In 1928, in a climate of public anger over private exploitation of the country's natural resources fanned by the Teapot Dome scandal, Norris and his Congressional allies actually adopted a bill for government operation and distribution of hydroelectric power, only to have President Coolidge pocket veto it. In 1931, with the country now in the depths of the Great Depression, he shepherded a like bill through Congress, but President Hoover, unable to accept a government enterprise in competition with private industry, likewise vetoed it, again successfully.

However, the election of 1932 swept the Republicans from office and brought to Washington a Democratic administration with its own plan for a Tennessee Valley Authority that Norris not only welcomed, but sponsored and managed through the Senate. The House of Representatives duly approved it, and Norris realized his dream as FDR signed it into law, seemingly miraculously after a decade of struggle.

Bagging “Lame Ducks”

When drafting the Constitution in 1787, the Founding Fathers provided that Congress should meet each year on the first day of December “unless they should by law appoint a different day.” Congress, with an eye to the realities of travel in those days, provided that Congresses should convene every two years on the March 4th following the November election, and that that date every four years should mark the inauguration of the newly-elected or re-elected president and vice president.

In time, of course, the railroad, the steamboat, the automobile and the airplane succeeded the horse and carriage and sailboat as the favored means of long-distance travel, even as the country expanded West and South. By the dawn of the 20th Century, it had become clear to reformers – notably Norris – that the so-called “short session” of Congress, which ran from December 1st after a November election to March 4th of the following year, always included in both House and Senate an unhealthy number of individuals who either had not sought re-election, or, having run, had been defeated, but would not leave office until the March 4th following. So widespread was recognition of this political reality that these holdovers were familiarly referred to as “lame ducks”. It was equally clear to reformers that these “lame ducks” were temptingly susceptible to manipulation by those in position to give them employment or other favored treatment after their return to private life; that they might well approach their legislative tasks during the short session more concerned with their personal welfare than the good of the country. Accordingly, led by Norris, they drafted an amendment to the Constitution that would advance the date for convening new Congresses and inaugurating presidents from March 4th to the January 4th immediately following a November election.

From 1922, when Norris first introduced the amendment, the Senate approved it in successive Congresses; in successive congresses, despite its obvious merit, the House overwhelmingly defeated it. While Senators serving six-year terms apparently did not feel threatened by it, Representatives facing re-election campaigns every two years did.

Still Norris, ever patient and persistent, kept the issue alive, constantly preaching its merits to public and press. Eventually, House resistance eroded and on March 2, 1932 Congress as a whole approved it. Ratification by the requisite number of states followed promptly and the Twentieth Amendment, now dubbed the Norris Amendment in recognition of his leadership in the decade-long fight for approval, became effective on January 23, 1933.

Against Injunctions and “Yellow Dogs”

The Norris-LaGuardia Act of 1932, an important milestone on organized labor’s progression to respectability under the law, was one of the easiest of Norris’s legislative victories. By 1932, public and Congressional sentiment had set strongly in labor’s behalf: the 1928 platforms of both the Republican and Democratic parties had called for such legislation.

The late 19th and early 20th Centuries saw the burgeoning of heavy industry in America and the consequent stirring of its labor force and its attempt to organize in unions. To these efforts industry widely responded by requiring prospective employees to sign pledges not to join any union but a company union, which labor quickly dubbed “yellow dog contracts”.

The period also saw creative corporate lawyers and sympathetic judges, using stratagems that would make today’s rightists blush, thwart labor at every turn. The

Sherman Antitrust Act of 1890, which had declared any “combination (or) conspiracy in restraint of trade” illegal - aimed, of course, at the huge anti-competitive business and industrial trusts that had developed – was held to apply also to unions threatening strikes. The “yellow dog contract” was held to trump a union’s right to solicit any worker who had signed one. Patronage of a business (a restaurant in the case before the Court) was held to be “property” protected against picketing or boycott by the “due process” clause of the 14th Amendment – originally adopted to protect the newly-emancipated slaves’ right to protection of “life, liberty, or property.” The courts then issued injunctions against these vital union activities, which, if ignored, could and did lead to jailing for contempt. Swept aside in all this was the declaration in the Clayton Act of 1914 that unions were not conspiracies in restraint of trade.

In reaction to this judicial activism, Norris’s ally and friend, Senator Henrik Shipstead, a Farmer-Laborite from Minnesota, introduced a bill to amend the Clayton Act to restrict the definition of “property” to its common law meaning of tangible property. In extensive hearings before the Senate Judiciary Committee it became clear to Norris, who was the chairman, that Shipstead’s approach was too weak, that a new and frontal attack on the problem was called for. Reluctantly scrapping his friend’s bill, he drafted one that took a fresh approach to legislation: it stated as “the public policy of the United States toward labor” that while a worker should be “free to decline to associate with his fellows” he must also be free to join with them to designate “representatives of his own choosing to negotiate the terms and conditions of his employment, and that he ... be free from interference, restraint, or coercion of employers of labor (in exercising these rights) for the purpose of collective bargaining or other mutual aid or protection.”⁹ The courts

were then enjoined to act in consonance with that public policy. The bill also declared the “yellow dog contract” to be illegal and unenforceable. In effect, it prohibited the Federal courts from interfering on the side of employers in their disputes with unions.

LaGuardia introduced a counterpart bill in the House. After the customary process of amending and reconciling text in conference, both houses passed the bill and President Hoover signed the Norris-LaGuardia Act into law on March 30, 1932.

The Act was the most far-reaching protection of the rights of labor until the National Labor Relations Act of 1935 set forth a comprehensive labor law for the country.

Willing in World War II

Norris understood that the war that had broken out in Europe in 1939, a storm that had been gathering for some time, was of an entirely different order than the war that he had shunned in 1914; that Nazism and Fascism – totalitarianism – threatened the very life of freedom enjoyed by democratic peoples, to which Americans could not remain indifferent. Indeed, as early as 1938, outraged at Japanese military aggression in the Far East, he had called for a boycott of Japanese silk.

While he opposed establishment of the draft in 1940, he supported revision of the neutrality law to permit the Allies to buy American arms on a cash-and-carry basis. In 1941 he supported the Lend-Lease Act, which, among other things, enabled America to turn over to Britain destroyers desperately needed in their naval struggle against German U-boats. The man who, during World War I, had filibustered to death as too provocative Wilson’s bill to arm our merchant ships against a like menace, had come a long way. He did, however, criticize our wartime treatment of aliens and other suspect persons.

A Courageous Knight

Norris served continuously in Congress for forty years, until in 1942, when, running as an Independent, he was defeated by the Republican candidate. Despite his insurgency and the fact that he had mostly to play a lone hand, Nebraskans had never before withheld their support.

In most of those years, he was the ideal of what a lone philosophical nonpartisan can accomplish, and how to do it. He was beholden to no one but his conscience and his constituents, who defeated every attempt by the Republican organization to oust him in their primaries.

Nominally a Republican for most of his legislative career, he nevertheless attacked the power of the Republican Speaker of the House in 1910; he *quietly* supported the Progressive Party ticket of LaFollette and Wheeler in the 1924 presidential campaign (he was running himself for re-election!); in 1928, he openly condemned his party's platform planks on agriculture and hydroelectric power and endorsed the Democrat Al Smith for president; he supported Roosevelt in 1932 and in the three presidential elections to follow. In the election of 1936 he formally broke with the Republican Party and ran successfully for re-election as an Independent, but at long last his independent candidacy in 1942 failed.

Norris's patience, sincerity, willingness to take support where he found it, to form ad hoc alliances and compromise to hold them together, were qualities that enabled him to achieve his successes, these plus his skill as a parliamentarian and opportunist. In the main, though, Norris relied most heavily on persistence and education. Forced mostly to work alone, he realized that conviction was the best device for keeping his forces in line.

He worked tirelessly for his measures, speaking effectively for them in Congress and out, writing articles in their favor, winning slowly to his side the press, the public, and finally his fellow members of Congress. The justice of his cause and his courage in its behalf seemed irresistible in the long run.

It was Norris's achievements against formidable odds that led JFK in 1955 to devote a chapter to him in his *Profiles in Courage*. FDR, in his 1932 campaign, called him "the very perfect, gentle knight of American progressive ideals."¹⁰

FIORIELLO H. LAGUARDIA (1882-1947)

By any measure, Fiorello LaGuardia was an extraordinary man. Son of immigrants, an Italian father and Jewish mother, he was born in New York City's Greenwich Village; spent his boyhood as an army brat in Arizona; as a young man, in the American consular service in Europe, became fluent in Hungarian, German, Serbo-Croatian, Yiddish and Italian; studied law at night at New York University; entered practice and politics among the poor of the Lower East Side as a Republican (he disdained the Tammany-led Democrats, who dominated City politics). Yet, with two meritorious interruptions, he served in the House of Representatives from 1917 to 1932, mostly as a Republican, and as the only Eastern urbanite to work closely with the progressive legislators from the Mid- and Far-West. His biographer Arthur Mann explains his easy electability this way: "the multilingual, western-bred, Balkan-plated Episcopalian of Italian-Jewish descent started with the advantage of being a balanced ticket in himself."¹¹

A freshman in 1917, he voted for the declaration of war against Germany and promptly took leave to enlist in the fledgling Army Air Corps, serve as a pilot-bombardier on the Austro-Italian front, and emerge as a decorated major, a title he cherished privately quite as much as later he would cherish mayor.

Re-elected in 1918, he shortly resigned to become president of the New York City Board of Alderman, succeeding Al Smith, who had just been elected Governor. In 1920 he returned to the House, now representing another poor district, East Harlem, that would keep him in the House for five successive terms, mostly as a Republican. But in the 1924

election he bolted the Party, supported LaFollette's Progressive Party ticket, and ran as a Progressive himself. In 1926 he was back in the Republican column.

A Republican representing poor constituents, it was inevitable that he be at constant odds with his Party's pro-business, pro-industry programs. Throughout his career in the House he was a maverick, an insurgent, a nonpartisan. He himself said, "I am doomed to live in a hopeless minority most of my legislative days."¹²

Norris's Representative

LaGuardia was surprisingly effective for a maverick. He was Senator Norris's man in the House, working mightily – but unsuccessfully – to prevent his colleagues from approving acceptance of Henry Ford's offer to operate the plants and dams of Muscle Shoals that would later become the heart of the Tennessee Valley Authority, leaving Norris to stall acceptance in the Senate. More successfully, he managed House approval of the counterpart of Norris's bill against anti-labor injunctions, which also outlawed the "yellow dog contract". It was to become the Norris-LaGuardia Act of 1932, the most far-reaching piece of pro-labor legislation until the National Labor Relations Act of 1935.

Soaking the Rich

In 1932 he also won his most spectacular victory. When, in the depths of the Great Depression, the Hoover administration, desperate for revenue to balance the budget, included in its Revenue Bill provision for a national sales tax, LaGuardia exploded. Yet it seemed quixotic to challenge the proposed tax. The odds he faced were formidable: Democratic Speaker John Nance Garner declared the bill to be the "financial salvation of my country"¹³ and prepared to fight for it in the House where, per the

Constitution, “All Bills for raising Revenue shall originate”; the Ways and Means Committee reported the bill favorably by a vote of 24-1; much of the press lauded it; it seemed headed for easy passage. But when the debate began on the floor of the House on March 10th, LaGuardia attacked the sales tax head-on as notoriously regressive, falling most heavily on the poor. In the two-week debate that followed – “some of the stormiest sessions in the history of Congress” according to biographer Thomas Kessner¹⁴ – LaGuardia was ever-present, crunching peanuts, speaking eloquently, charging that the tax was a covert plot to ultimately phase out the income tax as the sales tax took over revenue-raising. Coming close to demagoguery, he repeatedly shouted his mantra “Soak the rich!”, who had benefited most from Hoover’s tax cut of 1929.

His fight brought instant national publicity, much of it denouncing him, some of it scurrilous, calling him – in that era before political correctness – “a product of the steerage and Ellis Island” and as “alien in mind and spirit from Americanism.”¹⁵ Bernard Baruch, the Democratic economic doyen, cajoled him to relent. But he persisted. Slowly, but steadily, public and legislative opinion began moving his way. By the second week, party discipline on both sides of the aisle began to break down. The administration offered compromise: it would exclude from the tax food, clothing, medicines and farm equipment; but momentum had by then swung so decisively behind LaGuardia that he rejected compromise. On March 24th, the House defeated the sales tax by a vote of 211 to 178. Wrote Heywood Broun, a famous columnist of the day, “Not within our time has an individual won such a striking legislative victory.”¹⁶ LaGuardia seems to have tapped into the swelling despair of the country that soon was to sweep the Republicans from power.

Workhorse

As a Congressman LaGuardia pursued a range of issues that, in the words of biographer Kessner, “would have felled another man.”¹⁷ He derided the hypocrisy of Prohibition, and in December 1932 both Houses approved the 21st Amendment, repealing it. He denounced the immigration laws as discriminatory, and weighed in on issues without number. Kessner wrote:

Literally hundreds of issues landed on the desk of this “one-man grievance committee of the nation.” None was shoved aside. Work expanded into the night, weekends, and holidays to keep up with everything. He gave up even his part-time lawyering as the volume of his obligations became too heavy; he never gave to his personal finances the careful attention that he reserved for the national pocketbook. His small staff was always swamped, and when he could not cajole a staffer to work on weekends he would draft (his wife) to do some typing.¹⁸

A model of rectitude, when offered a retainer to represent a labor union, he responded, “For twenty years I have been helping Organized Labor without being retained in my professional capacity and I hope to be able to continue doing so.”¹⁹

Ironic “Lame Duck”

In the 1932 campaign that was to sweep FDR into the White House and the Democrats into control of Congress, LaGuardia, who had done so much to bring it about, incredibly lost to a relative unknown in the Republican primary. In one of the ironies of history, he who had pushed for Norris’s Twentieth Amendment in the House, found himself a “lame duck” in the last “lame duck session” of Congress before that Amendment kicked in. It is a measure of his stature, however, that when FDR, as president-elect, sent his braintruster Adolf A. Berle to Washington to give his New Deal

legislation an early start, it was LaGuardia whom Berle tapped to introduce the bills in the House.

Before 1933 was out, the “lame duck” had been elected Mayor of New York City, and was on his way to fame and immortality. Washington’s loss had become Gotham’s gain. In 1959 he was fondly remembered on Broadway in *Fiorello*, George Abbott’s rollicking musical of those years of reform of metropolitan politics.

BURTON K. WHEELER (1882-1975)

Burton Wheeler, a New Englander transplanted to Montana, is an enigma: a populist early in his political career, tilting against big business, a Democratic maverick in Congress, he ended as a right-wing conservative lawyer for interests that he had attacked most of his political life. But throughout, he left no doubt that he was always his own man.

As a young Democratic lawyer in Montana he courageously fought the Anaconda Copper Mining Company, which dominated business and politics in the state, including the Democratic Party. Though elected to the state legislature in 1910, Anaconda opposition led to defeats in 1912, when he ran for state attorney general, and in 1920, when he ran for governor on both the Democratic and Nonpartisan League tickets. In this last campaign he was mercilessly red-baited, and had a rival Democratic opponent entered against him. In 1922, however, with the Democrats now united behind him, he won election to the U.S. Senate, then under Republican control. He was to win re-election to four more successive six-year terms.

Upsetting the Lodge

Wheeler immediately challenged long-standing custom. Committee assignments having been set by the majority and minority leadership, Henry Cabot Lodge, the majority leader, on December 10, 1923 in time-honored practice, asked for Senate approval by “unanimous consent”, without a vote. The presiding officer then traditionally calls, “Without objection, so ordered.” But this time Wheeler, the new freshman, objected loudly, creating a stalemate that was to last thirty days. Wheeler

objected because Albert B. Cummins of Iowa, the President pro-tem, who presided over the Senate whenever the Vice President, the Constitutionally-designated presiding officer, was absent – which was often – was also in line to chair the Interstate and Foreign Commerce Committee. Wheeler, whose main legislative interest at the time was control of the rates that the railroads charged farmers, objected to Cummins, “the man who championed the cause of the railroads”²⁰, holding two such important posts. Cummins refused to give up the presiding office, and it took until January 9, 1924 for the Republican Old Guard and Progressives and the Democrats to sort things out. When the sorting was over, “Cotton Ed” Smith, a *Democrat* of South Carolina, had been elected Chairman of the Committee, in a Senate with a Republican majority!

Upsetting an Attorney General

A little over a month later, the still green freshman took the floor to deliver what he considered “the most important speech of (his) career”²¹, in support of his resolution calling for a select committee to investigate the failure of Harry M. Daugherty, President Harding’s crony and Attorney General to prosecute those accused in the Teapot Dome oil lease scandal and other fraud cases. The Senate having approved, Wheeler conducted the inquiry, presenting evidence which led President Coolidge, who had become president on Harding’s death, to force Daugherty’s resignation. The freshman had become a national figure.

A LaFollette Progressive

Before 1924, a presidential election year, was out, Wheeler made more national headlines. A Democrat, he had nevertheless agreed to run as candidate for the vice presidency on “Fighting Bob” LaFollette’s Progressive Party ticket, which, despite a

vigorous campaign, suffered the defeat that most third parties suffer in presidential races. The Progressives, though polling over 4,800,000 votes, carried only Wisconsin, LaFollette's home state, and its thirteen electoral votes.

The New Dealer

Wheeler was the first prominent Democrat outside New York State to endorse Franklin Roosevelt for the presidency in 1932. He supported most New Deal legislation, although he was to break seriously with FDR on two very crucial issues.

As Chairman of the Interstate Commerce Committee, he performed an extraordinary service for FDR in 1935 when he managed through the Senate and a conference committee with the House, the Public Utilities Holding Company Act. He did so against ferocious pressure from the industry. The complex bill, carefully drafted by Administration lawyers, was aimed at the pyramiding of non-operating holding companies above operating utilities, leading to overcapitalization and concentration of control in fewer hands that translated into what Wheeler called "outrageous prices on light, gas, water and power consumers."²² This was a basic pocketbook issue for households and businesses throughout the country. In the 1930s thirteen holding company groups controlled 75% of the privately-owned electric utility industry, and the three largest controlled some 40% themselves.

The Senate bill contained a provision, which the industry PR people called a "death sentence", that required all holding companies not part of geographically and economically integrated systems to dissolve or reorganize themselves by January 1, 1938. On this provision the industry concentrated its formidable fire. It unleashed an onslaught whose fury is difficult to imagine. After it was over, a Senate committee headed by Hugo

Black of Alabama, investigating the industry lobbying that went on, reported that the utilities had spent about \$1,500,000 – a huge sum at the time – to stimulate protests against the bill, financing a campaign of 200,000 telegrams and 5,000,000 letters to Capitol Hill. The Scripps-Howard newspapers reported that the industry had marshaled an army of 660 lobbyists to pressure 527 members of Congress. They came very close to swaying Congress to their will.

Wheeler, wielding a handwritten note that he'd personally coaxed from FDR saying that the President wanted the “death sentence” kept in the bill, just managed to get it through the Senate by one vote, 45-44; the House knocked it out in their version. There were even indications that, in the face of the pressure, FDR was shying away from actively rallying the troops. With the House conferees threatening to kill the “death sentence” in conference, Wheeler persuaded the President to sign a note, delivered to Speaker Rayburn, stating that he wanted the “death sentence” in the final bill. That did the trick. The House conferees backed off, and the Administration bill was passed by both Houses and signed into law by FDR on August 26, 1935.

Saving the High Court

The first serious break with the President occurred in 1937 when Wheeler, “flabbergasted”, as he said, by FDR’s bombshell announcement of his Court Packing Plan, resolved that he “would have to do everything (he) could to fight the plan.”²³

The Supreme Court, taking a constricted view of the reach of Congress’s power over interstate commerce and of its power to assign discretionary functions to administrative agencies, had been throwing roadblocks in the path of the New Deal’s efforts to deal with the Depression: it had declared unconstitutional the National

Industrial Recovery Act and the first Agricultural Adjustment Act. Chafing in frustration, Roosevelt, flushed with his landslide victory in the recent election – and apparently without consulting his leaders in Congress – announced his plan calling for the authority to appoint one new Supreme Court justice for every judge who refused to retire after his seventieth birthday (Federal judges have lifetime appointments!). His purpose was transparent: to pack the Court with justices with a more expansive view of Congress’s powers under the Constitution, who could outvote the more obstructive of the “nine old men.” Wheeler would have none of it.

After alerting his wife to the political risk that he was about to run in opposing a President at the height of his popularity, he released a statement to the press opposing the plan. Throughout, he remained one of the leaders of the fight against the plan. He resolutely declined invitations to dine with FDR, avoiding the spell of the President’s charm. He repelled a constant flow of Democratic leaders, beginning with Vice President Garner, urging him to back off or compromise. In his testimony before the Judiciary Committee he said that although he disagreed with many decisions of the Court, he opposed in principle “tinkering” with the composition of the Court; that “age has (nothing) to do with liberalism”²⁴, and that it was a serious reflection on the Court to say that it was behind in its work. He trumped the contentions of the proponents of the bill by drawing from his pocket a letter that he had received from Chief Justice Charles Evans Hughes and signed by liberal Justice Louis D. Brandeis and conservative Justice Willis VanDevanter, refuting point by point the Administration’s position. The letter caused a sensation and was instantly seized upon by the media. It decisively turned the tide and set it running against the bill, which was voted down 70-20 in the Senate.

In the end, the Court Packing struggle turned out to be a win-win affair: Wheeler won the battle, but FDR – and Wheeler – won the war. Even as the battle raged, the Supreme Court altered course and held the Wagner National Labor Relations Act and the Social Security Act constitutional. Some of the “nine old men” began retiring, making way for more congenial presidential appointments. When Justice VanDevanter retired that same year, FDR appointed Senator Hugo Black of Alabama to the vacant seat, rewarding his ardent support. To the next vacancy he appointed Senator Sherman Minton of Indiana for the same reason.

The American Firster

Wheeler’s other break with the President came over the war in Europe. He was implacably against American involvement. After the death of Senator William E. Borah of Idaho, he became the leading isolationist in Congress. He actively opposed every measure that might lead to intervention, often going to excess. Distorting a slogan of the Agricultural Adjustment Administration, he called the Lend-Lease bill in aid of beleaguered Britain “the New Deal’s triple-A foreign policy – it will plow under every fourth American boy,” a remark which FDR called “the most untruthful ... most dastardly, unpatriotic thing that has been said in public life in my generation.”²⁵

With Charles A. Lindbergh, Wheeler became one of the leaders of the America First Committee, dedicated to keeping America out of the war, and one of its principal speakers. In April 1941, he joined Lindbergh in proclaiming Britain defeated and calling for negotiated peace with Hitler. Wheeler went further; in July he called a press conference to announce that the United States was about to occupy Iceland, doing so

before the troops had departed or before the Administration was to make its announcement. Shortly before the Japanese attack on Pearl Harbor, he released to the press a classified War Department Victory Plan, leaked to him by a disgruntled Army Air Corps officer, outlining steps to be taken by the United States in the event it entered the war.

The attack on Pearl Harbor effectively ended his insurgency, and he thereafter supported the war effort. This did not save him from defeat when he ran for re-election in 1946. So prominent an America Firster had he been, that Philip Roth cast him as Lindbergh's fictional Vice President in his terrifying 2004 novel, *The Plot against America*.

Denouement

Wheeler took positions and said and did things from time to time that even objective observers would consider discreditable. However, in all his public acts he was his own man, beholden to his conscience alone, following his own moral compass. He also did much good. Although a loner for most of his political life, he left a profound mark on Congressional and American history. In his autobiography, Wheeler wrote:

I felt then and I feel now that the office of United States Senator is the finest there is – if you are a free man. By this I mean free from dictation by political bosses and control by corporations, labor or other pressure groups. A Senator as fortunately situated as I was in Montana could disagree with a President who was in his own party when he believed the President was wrong. To be beholden to any individual or group would have made the Senate a stultifying experience for me.²⁶

It would be hard to find more encouraging words for nonpartisans.

WAYNE L. MORSE (1900-1974)

Wayne Morse came to political life from academe: he had been a professor and dean of the University of Oregon Law School. One of the foremost arbitrators of labor disputes in the country, he had rendered distinguished service on the War Labor Board during World War II, but had resigned in protest over what he deemed an unwarranted preferential award to John L. Lewis's United Mine Workers. Earlier he had breathed in the passion of politics in the Wisconsin of "Fighting Bob" LaFollette, for he had been born near Madison and done his undergraduate work at the University there.

In 1944, despite his New Deal leanings, he was elected to the United State Senate as a Republican from Oregon. He was re-elected as a Republican in 1950, became an Independent in 1952, won re-election as a Democrat in 1956 and 1962, losing at last in 1968 to Republican Bob Packwood. All told, he served 24 years in the Senate without losing an election, a tribute to the constancy of the Oregon electorate and its prizing his independence.

Morse conceived his role to be "as a Senator from Oregon for the Nation."²⁷ Indeed, much of his legislative career focused on national and international issues. So varied and important were his contributions during this long career that one can only set forth some of the highlights. "A true liberal can't limit himself to a few areas," Morse once declared, "He must be on guard everywhere, ready to pounce on evil whenever it raises its ugly head."²⁸

Opposing Taft-Hartley

Morse's first major break with the leadership of his party came in 1947. Robert Taft of Ohio, the Senate Majority Leader, had set out to redress the balance of power between labor and employers, which, in his view, the Wagner Act had tipped too far in labor's favor. Taft's bill, which eventually emerged from Congress as the Taft-Hartley Labor Management Relations Act, loosened some of the restrictions on employers and outlawed certain union practices, such as jurisdictional strikes and secondary boycotts. Morse, an acknowledged expert in labor law, fought successfully in committee to blunt Taft's measures, only to see the Leader, having the votes at his command, restore his provisions by amendment when the bill reached the floor. Morse only succeeded in salvaging labor's right to industry-wide bargaining.

Gung Ho on Korea

On June 27, 1950, President Truman announced to Congress that he had ordered American forces to resist an unprovoked attack by Communist North Korea on South Korea. Although he did not ask for a declaration of war, Congress responded with overwhelming support, authorizing a one-year extension of the draft and call-up of reservists. Truman's action, taken as commander-in chief of the armed forces, without a Congressional declaration of war, set a precedent that every American president has since followed, and that has become increasingly controversial. Morse, never doubting the need to repel the Communist aggression, enthusiastically supported the president, and that day delivered on the floor a statement that these days would warm the heart of George W. Bush:

Those of us who have studied constitutional law know that the so-called Commander-in-Chief powers of the President of the United States as referred to in the Constitution have yet to be defined fully in the decisions of the Supreme Court. In my opinion, they are very broad powers in time of emergency and national crisis.²⁹

He was to amend that opinion some years later, when American involvement in the Vietnam struggle evolved over time, rather than in response to a sudden crisis.

Facing up to McCarthy

The 1950s also saw Senator Joseph McCarthy of Wisconsin launch his wild-swinging campaign to rid the Administration, the State Department and the Army of the Communists that he charged had infiltrated them. With most of the country and his fellow Senators cowed into silence by the climate of fear that McCarthy had stirred up, Morse joined Margaret Chase Smith of Maine in being first to boldly challenge his reckless tactics, and to do so in the Senate, the fount and cover of his frightening power. In a powerful speech on the floor in support of her Declaration of Conscience, which he had signed, he thundered, "I'm still waiting for the first case which Senator McCarthy can establish his burden of proof. I want proof – not accusations; I want proof, not smear: I want proof – not character assassination."³⁰ That early challenge was to lead over time to Senate censure of McCarthy and to his downfall. Early in his 2005 film, *Good Night, and Good Luck*, George Clooney has Murrow's CBS staffers, in a program conference, note that Morse is to speak on McCarthy in the Senate the next day.

One for the Books

Morse was a believer in filibusters to delay, rather than thwart, action by the Senate, to assure that the public has time to pay attention to important matters and make their thoughts known to their Senators. So, in April 1953, he gave the longest continuous speech in the history of the Senate, 22 hours and 26 minutes, in a futile attempt to prevent passage of a bill, favored by the Republican Administration, to transfer to the coastal states title to their tideland waters. The point was to permit these states, principally California, Texas and Louisiana, to open the waters to offshore oil drilling. Morse opposed giving to the coastal states a resource that he felt belonged to all. But on May 6th, after five weeks of debate, the Senate passed the bill, 56-35, without significant modification.

At the United Nations

In 1960, now a Democrat, Morse was at low ebb politically and temperamentally, having suffered a discouraging response to his intimation that he might seek the presidency. At this low point, President Eisenhower, whom he'd attacked time and again, threw him a lifeline, to the bewilderment of all: appointment as the Democratic Congressional delegate to the United Nations. Morse was now a minority member of the Foreign Relations Committee, by custom of seniority in line for the appointment, but Eisenhower could have by-passed him. Morse regarded the appointment as "probably the greatest honor and opportunity for public service that has come to me since I have been in the Senate."³¹ But he soon became disillusioned. He chafed at having to speak and vote as instructed by the State Department, despite reservations that he might harbor. So he

sought – unsuccessfully – the right for the UN ambassador to appeal unwelcome instructions directly to the President. Free to write frankly in his final report to the Senate, he set down his reservations about the influence of the military on foreign policy:

Our policy makers in the Pentagon Building are not sufficiently sensitive about the politics and practices of some of the colonial powers in respect to human rights of the indigenous people whom they rule and dominate. In the name of military defense, the United States has spent huge sums of money for bases and military installations in dictator countries, resulting in great economic benefit to colonial powers and dictatorships. It is very doubtful that the over-all effect of many of these military installations has been to strengthen the security of the United States ... The Department of State has seemed to lack the necessary disposition either to question the military need for such requirements or to balance their importance properly against other policy objectives. Once the Joint Chiefs of Staff have spoken, that tends to end the discussion.³²

The report had little impact on the Senators or the Administration of his day, but it is in the records and lies ready to hand to inspire latter-day Senators concerned at the proliferation of American military installations throughout the globe; perhaps the Pentagon still exercises the powerful influence over American foreign policy that troubled Morse so many years ago.³³

Aiding Education

Morse's greatest positive achievement was his guiding into law in 1961 the first federal aid to education act since World War II. As chairman of the subcommittee on education of the Senate Committee on Labor and Education, he shepherded the bill through the Senate, deftly turning aside proposed amendments to provide loans to private schools and that would have prevented withholding funds from states that practiced segregation, amendments that could have sunk the bill. The Senate passed the bill 49-34, only to have it stymied by the House Rules Committee, then rescued by President

Lyndon Johnson's intervention with House leaders. Morse received kudos for his role in its passage.

Against the Vietnam War

Morse is, of course, best remembered for his implacable opposition to America's involvement in the Vietnam War. His U.N. experience had made him wary of the United States siding with colonial powers in their relations with their dependent peoples, and as early as 1961 he began to speak against the Administration sending military advisers to the South Vietnamese government that the French, the former colonial power, had abandoned. As U.S. involvement escalated, so did Morse's vocal opposition. He and Ernest Gruening of Alaska called for the Vietnamese dispute to be referred to the U.N. As American military presence in Southeast Asia increased, Morse, in a July 1964 speech, stated his belief that the Administration would soon need "an incident" to justify that presence. The Gulf of Tonkin incident provided the pretext, if not the justification. The Joint Resolution of August 7, 1964, authorized the president "to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."³⁴ Morse and Gruening were the only two Senators to vote against it.

Morse continued to stump the country, condemning our involvement in the war, giving aid and comfort to the growing opposition in the country until the humiliating denouement. Biographer Anna Kasten Nelson has written that "His entire career seemed to have been preparation for his stance in this wrenching turning point in American history."³⁵

Denouement

Morse had no illusions about his role in the Senate: “I know my place in politics. I am a political irritant.”³⁶ But, as biographer F. Ross Peterson described him, “no muzzle could restrain him from speaking his mind. The mustachioed Morse searched for truth at the expense of his own popularity, guided by an unequivocal conscience and integrity; candor and honesty were the result.”³⁷ *The Nation* called him one of history’s great senators, adding that “Few men in public life in our time have served the best interest of the American people with more courage, intelligence, consistency and distinction.”³⁸

MAKING THE CASE

A Modest Proposal submits that the accounts of the political careers of the foregoing quintet of party insurgents, mavericks, rebels (they have been called all those names and more) make the case that a nonpartisan, un beholden to anyone but one’s own conscience and constituents, though forced to play a lone hand in Congress, can make a significant contribution to American politics; that an independent-minded nonpartisan can command the support of constituents for long periods of years. *A Modest Proposal* hopes that some individuals will accept the proposal to run for Congress *as nonpartisans*; even a few who succeed can make a difference for the better.

A MODEST PROPOSAL

PART II

THE PROPOSAL REPRISED

On the op-ed page of *The New York Times* for January 19, 2006, Norman Orenstein and Thomas E. Mann, veteran observers of the political scene, had a piece which deplored the excesses of the current Congress, not just lobbying scandals, but repeated violations of “the rules and norms that govern Congressional deliberations, debate and voting”. As the Republicans were in control of both House and Senate, they came in for the sharpest criticism, but the Democrats did not escape unscathed. “The two of us have been immersed in Washington politics for more than 36 years”, the authors wrote, “We have never seen the culture so sick or the legislative process so dysfunctional.”⁴⁰ Can anyone doubt that the presence of even a few nonpartisans in Congress can only work for betterment?

Part I of *A Modest Proposal* made the case that a nonpartisan in Congress, despite isolation, can be an effective legislator and make a significant contribution to its work. It did so by presenting mini-legislative-biographies of five impressive Congressional insurgents of the 20th Century: Senators “Fighting Bob” LaFollette, George W. Norris (who served first as a Representative), Burton K. Wheeler, and Wayne L. Morse, and Representative Fiorello H. LaGuardia (sometimes collectively referred to herein as “the Part I insurgent quintet”).

A Modest Proposal urges some able, independent-minded women and men to run for Congress *as avowed nonpartisans*, not as independent candidates, but by entering the

primary of a major party – in which, of course, they are registered – and run as frank and open nonpartisans in hopes of defeating the choice of the regular party organization and taking over the party’s line on the ballot in the general election.

MAKING IT TO CONGRESS

The Campaigns

How is a nonpartisan to make it to Congress? Running as an independent is daunting: many states have gargantuan requirements for voter signatures on a petition in order for an individual to get on the ballot for the general election. Signatures are singularly vulnerable to challenge. Even if one survives the challenges, the nonpartisan independent faces the third-party syndrome, the reluctance of even those inclined to support nonpartisans to “throw away” their vote on a probable loser, or worse, a possible “spoiler”.

So, *A Modest Proposal* advocates running as an avowed nonpartisan in the primary of one’s major party, in hopes that voter disaffection with the regular party organization, its leadership and performance, will produce a win over its designated candidate. Such a win, giving the nonpartisan the major party line on the ballot for the general election, would emphatically not be an act of piracy, for the nonpartisan will have won the line in a fair fight, not having sailed under false colors.

The issue in the primary will be simple: do you, voter, want an independent-minded nonpartisan to represent you, one beholden to no one but you, or a hand-picked regular who’s beholden to the party leadership for the designation, for money and canvassers, and beholden, perhaps, to big donors, as well?

It will be helpful if the nonpartisan has name recognition, has run for office before, and has money, but these days an appealing candidate can raise large amounts of money in small contributions via the Internet or through bloggers. Howard Dean and

John Kerry demonstrated this in the 2004 campaign. A nonpartisan who has caught the public eye – and the media are always alert to unusual developments in politics – can appeal to bloggers, donors and volunteer workers beyond their constituency, be it a Congressional district or, for an aspiring senator, a state.

It would be enormously helpful if some public-spirited philanthropist of the George Soros stamp formed a national nonpartisan foundation to contribute seed money to help worthy nonpartisans launch their primary campaigns. The sons of the late Senator Paul and Sheila Wellstone, who died so tragically in 2002 in the crash of their campaign plane, have done something of the sort for frankly progressive candidates, that is, raise money for their Wellstone Action organization “to jump-start a new generation of professional organizers and grassroots leaders who will run for office themselves.”⁴¹ A number of graduates of their program have run for Congress, and many more for state and local office, several having won election.

If the nonpartisan wins the party nomination, in the general election the nonpartisan Republican or Democrat should pour on more of the same message that won the primary. The optimum, of course, would be a general election in which a nonpartisan Republican faces a nonpartisan Democrat!

The Political Prairie Fire

The technique of organizing support for nonpartisan candidates and running them in the primaries of major parties was the brainchild of a fascinating, troublesome character, Alfred C. Townley, whose formal education ended with high school, but whose fertile imagination and great ambition led him to failed plans for large-scale farming, to

the Socialist Party as an organizer, and then, in 1915, to the formation and leadership of an extraordinary political movement, the Nonpartisan League (NPL) of North Dakota. The NPL had a brief period of remarkable success, widespread influence and national attention, but has largely been forgotten with time.

Robert P. Wilkins and Wynona Huchette Wilkins, in their bicentennial history of North Dakota say that “Townley owes his place in history to his appreciation that third parties have almost uniformly failed. His inspired idea was to operate within a established party, placing his nominees in its column on the ballot. This was possible in a state with a direct primary and without voter registration. Under that label, his candidate could carry the day in the November election.”⁴² This is precisely what the NPL did with remarkable success in 1916 and 1918 in North Dakota.

Townley’s well-organized NPL openly invaded the major party primaries, capturing houses of the legislature, the governorship, and many state offices in the general election. Having done so, they enacted into law their program, aimed at correcting abuses which the farmers, their principal constituents, believed they were suffering at the hands of the bankers, grain elevators, millers and railroads based in Minneapolis.

An important figure in the background, instrumental in organizing the victories, was William F. Lemke, a lawyer who had studied at the University of North Dakota, Georgetown and Yale, where he obtained his law degree. Lemke was elected attorney general of North Dakota in 1920.

In the election of 1916 the NPL won the governorship with Lynn Frazier, a sturdy, highly-respected farmer, a fellow undergraduate of Lemke's at the University of North Dakota. They won control of the House of Representatives, as well. They failed to win control of the Senate because 24 of the 49 seats continued to be held by holdovers from the 1914 election. Of the 25 Senators elected in 1916, 14 of the Republicans and 4 of the Democrats were NPLers. In the 113 races for the House 72 of the 97 Republicans elected and 15 of the 16 Democrats elected were NPLers.

In 1918, NPL re-elected Governor Frazier and won control of both houses of the legislature. In the words of historian Larry Remele, NPL "obtained virtual hegemony in state government."⁴³ By the next year it had in place its program for a "New Day in North Dakota": a state-owned bank to provide credit to farmers, state-owned mills and elevators, state-funded insurance for coops and farm buildings, and workmen's compensation and a state-financed agency to aid construction of low-cost housing for urban workers.

In the Spring of 1917 the Congressman of the first North Dakota district, which included Grand Forks and Fargo, died, and the NPL decided to endorse for the office John M. Baer, a Democrat and cartoonist for the *Nonpartisan Leader*, NPL's periodical. He won handily over the only other candidate who actively campaigned, an anti-NPL Republican. The NPL now had elected an office holder at the national level.

The star of the NPL, which shone so spectacularly in the 1916-1918 years, and which drew national attention and excitement, faded quickly under a combination of sad circumstances: incompetent management of state-owned agencies that it had created, a

powerful counter-attack by the mainline organizations which focused on the socialist strain of some of its leaders, particularly Townley, and its radical program. NPL's opposition to America's involvement in the war in Europe became an easy target for its opponents. However, its influence lasted on into the New Deal era. Some of its leaders were elected to Congress: former Governor Lynn Frazier to the U.S. Senate in 1922 and former Attorney General William Lemke to the House of Representatives in 1932 as Republicans with NPL support. Their legislative triumph was the Frazier-Lemke Farm Mortgage Moratorium Act of 1935.

NPL gave rise to the Farmer-Labor Party of Wisconsin, and at times its influence spread to Minnesota and to a lesser degree to Montana, Idaho and Colorado, and even to western prairie provinces of Canada. It was, indeed, for a brief time, the Political Prairie Fire that gave the title to Robert L. Morlan's pioneering history of the League.

Let it immediately be said that the NPL's tactic of openly invading the primaries of the major parties is the only part of its modus operandi that *A Modest Proposal* is adopting: for actually, NPL was *a nonpartisan party* – an oxymoron – with a large dues-paying, card-carrying membership, paid organizers crisscrossing the countryside in Model Ts, signing up angry farmers; choosing its invasion candidates in open, unbossed conventions in which NPL leaders were ineligible for selection; and with a precise legislative program that it proposed to enact into law if and when it gained power. *A Modest Proposal's* ambition is more modest: all it asks is that its invasion candidates be self-selected, independent in mind and spirit, and beholden to no one but themselves and their constituents; that their agenda be entirely their own, preferably including crucial issues that the majors have not faced up to, or have not done so seriously.

The Unappreciated Primary

An effective nonpartisan must be an educator, of oneself first, and then of media, of the public, and, if elected, of one's fellow legislators. The most important lesson that a nonpartisan must learn and internalize, and then teach to one's supporters, and then the public at large, is the crucial importance of the party primary. Frank R. Kent, a veteran political reporter of *The Baltimore Sun*, a doyen of the profession, had this to say about party primaries in the primer that he wrote in 1923, *The Great Game of Politics*, which has gone through several re-printings:

To think that the general election is more important than the primary election, as most voters do, is to magnify the wrong side of the political picture. It ought to be reversed, and instead of, as now, many more voters voting in the general election than in the primaries, the public interest should be concentrated on the primaries first, and the general election second. As things stand to-day, the popular tendency is to regard primaries as the particular concern of the politicians, and not of real interest to the average voter. The result is that often an absurdly small proportion of the qualified voters participate in the primaries.

There could not be a greater mistake. This lack of appreciation of what the primaries really mean, and the general neglect to participate in them, plays directly into the hands of the machine. It makes it ridiculously easy for the machine, through the precinct executives, to control the situation. It actually permits the machine to run the country.⁴⁴

Kent wrote at a time when paternalistic urban machines "ran" great cities, dominating their politics, and sometimes the politics of their state, as well. The day of these powerful machines, such as New York City's Tammany Hall, that Lincoln Steffens pilloried in his muckraking classic *The Shame of the Cities*, is long over, but the major parties in cities, counties and states are still controlled by formal organizations which designate candidates, help finance them, and bring out the precinct workers who get out the vote. These party organizations are still headed by chairmen, who often have

patronage in their gift, are often powerful, and without much of a stretch could be called “bosses.” So Kent’s wisdom and experience are still relevant.

From Kent’s perspective, the independent voter forfeits the chance to influence the choice of a party candidate in a primary, and is left with the candidate that the party leaders or party voters have chosen. Says Kent, “It ought to be clear that the man who votes in the general election and not in the primaries loses at least 50 per cent of the value and effectiveness of his vote as compared to the man who votes in both”.⁴⁵ It would appear sensible, then, for an aspiring nonpartisan candidate, at the forefront of his message, to encourage independents to register in the party whose choice of candidate they’d most wish to influence, to become oxymoron nonpartisan Republicans or nonpartisan Democrats.

Kent’s point, so fundamental, has not registered with most voters in the more than eighty years since he first stated it, nor is it a political insight that party leaders are likely to draw to voters’ attention: the fewer primary voters not connected to the party apparatus, the better. But Kent’s point is so compelling that nonpartisans in and out of Congress should make it the first order of business to spread the word and keep drumming it into voter consciousness. Turning political independents into “party nonpartisans” could revolutionize American politics.

The Seismic Pennsylvania Primary

On May 16, 2006 the registered party voters of Pennsylvania gave a dramatic demonstration of how the party primary enables them to give force to their displeasure, at the least, or anger, at the most, at the performance and culture of their legislators. The

Republicans unseated State Senator Robert C. Jubilirer, the longest-serving president pro tempore in Pennsylvania history, and his Majority Leader David J. Brightbill, and 11 sitting members of the House of Representatives. The Democrats ousted four incumbent members of the House. It was, as the chastened Jubilirer said, “a dramatic earthquake.” The headline of *The Philadelphia Inquirer*’s story called it “a seismic shift.” *The Inquirer* asked, “What are the aftershocks?” and answered “Many surviving incumbents will have tough races in the general election, and the long-stalled legislative reform agenda might well be infused with new life.”⁴⁶ Those angry registered party voters had a second shot at incumbents in the general election; independent voters, who had no vote in the party primaries, will had the one, underscoring Kent’s teaching.

The event which surely influenced this pervasive and perdurable anger actually occurred in July 2005. Both houses, after midnight and with virtually no debate, voted themselves – and judges – substantial pay-raises: they then made an end-run around a Constitutional prohibition postponing effectiveness until after the session, by voting themselves immediate unvouchered travel allowances in the amount of the raises. The voter outcry was instantaneous and furious. The lawmakers, taken aback, after much backing and filling, repealed the raises, but the damage had already been done. Some activists formed PACleanSweep to recruit candidates to challenge incumbents in both the Republican and Democratic 2006 primaries; seven that they backed were among the victors on May 16th. Those seven could well have been the nonpartisan Republican and nonpartisan Democrats that *A Modest Proposal* calls for. It appears, though, that most of the havoc was wreaked by party faithful.

IN CONGRESS

Victor in the primary and then in the general election, what is a nonpartisan Republican or Democrat to do in Congress? Whether in House or Senate, the reception is likely to be cold and there will be very few of you, if any, beside yourself. You will receive your assignments to standing committees, where the real work of Congress is done, through your party caucus, and for a nonpartisan, let alone a freshman, they are likely to be unimportant. So you must make your impact outside committees. On occasion you may make an important statement in testifying before a committee, as Senator Burton K. Wheeler did in 1937 when testifying before the Senate Judiciary Committee. Bolstered by a letter that he produced from Chief Justice Charles Evans Hughes and liberal Justice Louis D. Brandeis, he helped to derail FDR's Supreme Court Packing Plan. You may not be welcome in your party's caucus if party leaders deem you too thorny; they may expel and strip you of such significant committee assignments as you may have acquired. Party leaders have from time to time used these punishments against party rebels. There may, one may hope, come a time when your public status is such that party leaders have to treat you with respect, even as to your seniority, but that will depend importantly on the constancy of your constituents' support. Each of the Part I insurgent quintet enjoyed such support campaign after campaign. Such respect, however, will not preclude party leadership from persistent efforts to unseat you in primaries, as many of the quintet could attest.

That said, you can nevertheless be a significant force for good in Congress. Sadly, much of that good will consist in thwarting bad. As Senator Wayne Morse put it:

“A true liberal can’t limit himself to a few areas. He must be on guard everywhere, ready to pounce on evil wherever it raises its ugly head.”⁴⁷

The greatest positive impact that a nonpartisan can make is to choose *one* major problem area that Congress has not addressed adequately or in depth, if at all, and become expert in it, develop a reasonable position on it if it proves amenable to your doing so, and then become a vigorous advocate for that position – in speeches in and out of Congress, in releases to, interviews and appearances in the media – who should seize upon and publicize something likely to be controversial – but especially in direct approaches to the public, to build support and pressure on your colleagues that can lead to action. Indeed, it would be well if the nonpartisan were to reach that position before entering the primary, and make it a defining campaign plank there and in the general election.

Circumstances have at long last forced Congress to face up to some of these issues, which are now being actively debated by experienced advocates on all sides, issues such as energy policy and global warming; preemptive war, nation-building and the respective roles of commander-in-chief and Congress in ordering, controlling and financing combat; the integrity of civil liberties in the fight against terrorism; immigration policy. But there are other crucial issues aplenty for nonpartisans to take up “to provide for the general welfare”: national health care; education;⁴⁸ fiscal responsibility; tax policy and the drift toward oligarchy;⁴⁹ the role of money in politics;⁵⁰ the role of the United States in the United Nations and in world affairs; transportation; the drug problem; globalization of trade, manufacturing, and labor; apportionment of Congressional districts – the list goes on and on.

The point is to concentrate on *one issue at a time*, not to spread efforts thinly over several. Following the example of Senator George W. Norris, you will need patience, learn to swallow disappointment, take support where you find it, form or join ad hoc caucuses in support, be prepared to compromise to form alliances and to hold them together.

Keep Churchill's watchword before you: Never give up! It took Norris years and years to see his policy of public ownership of model hydroelectric power utilities enacted into law and for his Twentieth Amendment to be adopted.

A Modest Proposal has here been addressing people whom it urges to run as nonpartisans, but it is also aware that an occasional incumbent, already *in* Congress, may decide to embrace nonpartisanship openly for the future. In essence, that is what each of the Part I insurgent quintet did.

GOVERNMENT 101

A Modest Proposal deems its proposal modest: although it is unquestionably important, it should have minimal effect on American political life. The proposal is modest because it only seeks a few good souls to take up the challenge. Just a few such nonpartisans can be an enormous force for good in the Congressional culture. It is quality and character, not numbers, that are wanted.

By the same modest token, a small number of nonpartisan Senators and Representatives will pose no significant threat to the bi-partisan politics of Congress or the nation. So long as Article II, Section 1 of the Constitution provides that to win the presidency outright in the Electoral College (and avoid election by the House of Representatives) a candidate must win *a majority* of the electoral votes, and so long as most states award all their electoral votes to the winner of their popular votes, the politics of the United States will be dominated by the two major parties. As the noted British scholar of those politics, Denis W. Brogan, has written: “The chief task of the national parties is to induce the heterogeneous mass of the American people to act as two units once every four years for the object of electing a President.”⁵¹

Each major “national party” is headed by a group of leaders in Washington, a National Committee and staffers, presiding over an aggregate of state and local party organizations. As these latter are peopled by leaders, organizers and workers in direct touch with the voters, virtually all politics from top to bottom is two-party politics. Both houses of Congress are organized and operated as two-party bodies, and the occasional third-party or independent newcomer must adjust to, and learn to live with, and within,

that two-party setup. A few nonpartisan Senators or Representatives are hardly likely to threaten this enduring system.

They will, however, bring into the midst of that partisan culture their independent minds, not beholden to a party organization and thus free of party discipline. Free, also, of moral – or immoral – obligation to large contributors to their party coffers. They will be unconstrained by the power of party leaders to reward compliance or punish rebellion.

In a kind of perverse way, Senator Wayne Morse underscored the two-party organization of Congress by challenging it directly. Having been re-elected to the Senate as a Republican in 1950, he decided to leave the party in mid-term, in 1952, and become an Independent. At the opening session of the new Congress, the story goes, he appeared in the Senate chamber with a folding chair which, to the consternation of his colleagues, he either plunked down in the center aisle, or threatened to do so. His colleagues persuaded him to give up that wild idea and to take his old seat on the Republican side. But Morse was not through tormenting them. He told the Republican leaders that as an “Independent Party” – albeit a one-man party – he was entitled to assign himself to the standing committees of his choice. This sent the Senate into a tizzy. Traditionally, the leaders of the majority and minority parties assign senators of their party to standing committees, a powerful privilege, as assignment to a prestigious committee, such as Foreign Affairs or Judiciary, is highly prized. Traditionally, this was the sole route to a committee assignment, and the Senate leaders rose to the challenge. There was a sharp and prolonged debate, during which Senator Walter F. George of Georgia deflected Morse’s demand by asserting that if it prevailed, the Senate “would then be inviting splinter parties in the United States, and coalitions between factions of both parties, and,

in a very short period of time, we would have all the ills of the coalition governments which have afflicted practically all of Europe.”⁵² The Senate then voted overwhelmingly to reject Morse’s demand.

Despite the endurance of the two-party system, third parties large and small have perpetually challenged it, with some success in state and local elections, but no success at the presidential level, except for the Republican Party. In 1856, when the Democrats and Whigs were the major parties, the Republicans entered the lists as an anti-slavery third party, and lost; but the slavery issue split the Whig Party and wiped it out, the “pro” Whigs going to the Democrats and the “anti” Whigs to the Republicans. By 1860, the two-party system essentially was back, the Republicans, with Lincoln, defeating the Democrats, and the rest, as they say, is history.

Calls for amendment of our curious and idiosyncratic presidential electoral system are hardy perennials, as are proposals of methods for making the popular vote decisive without going the burdensome Constitutional amendment route. One such was an editorial in *The New York Times* on March 14, 2006 entitled “Drop Out of the College”.⁵³ Such proposals are subject to the law of unintended consequences, may be unwise, and, in any event, are not likely to bring about change any time soon. Therefore, *A Modest Proposal* assumes continuation of the two-party system undisturbed, and proposes amelioration of some less felicitous aspects of its Congressional culture by the election of a few nonpartisans to that body.

NOTES

PART I

The Proposal and Mavericks

¹ David Brooks, column The Breaking Point, *The New York Times*, September 4, 2005, p. WK 11

Robert M. LaFollette (1855-1925)

¹ Frederic A. Ogg, Robert M. LaFollette in Retrospect in *LaFollette*, edited by Robert S. Maxwell, Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 1969, p. 134

² *LaFollette's Autobiography*, The Robert M. LaFollette Co., Madison, Wisconsin, 1913, p. 494-496

³ Quoted in T. Harry Williams, Richard N. Current, Frank Freidel, *A History of the United States Since 1865*, Alfred A. Knopf, New York, 1964, p. 327

⁴ Quoted by Donald A. Ritchie in his piece on LaFollette in *American National Biography*, published under the auspices of the American Council of Learned Societies, Oxford University Press, New York and Oxford, 1999, vol. 13, p. 48

George W. Norris (1861-1944)

⁵ George W. Norris, *Fighting Liberal*, The Macmillan Company, New York, 1945, p. 118

⁶ *Ibid.*, p. 119

⁷ Leonard J. Rosenfeld, *George W. Norris: A Study in Insurgency*, unpublished undergraduate honors thesis, Harvard University, Cambridge, Massachusetts, 1937, p. 33, quoting an unpublished doctoral thesis by Charles E. Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, Columbia University, New York, 1911, p. 128

⁸ Quoted in John F. Kennedy, *Profiles in Courage*, Harper & Brothers, New York, 1955, p. 202

⁹ Rosenfeld, *op. cit.*, p. 127

¹⁰ Quoted by Richard Lowitt in his piece on Norris in the *Dictionary of American Biography*, published under the auspices of the American Council of Learned Societies, Charles Scribner's Sons, New York, 1973, *Supp. Three 1941-1945*, p. 561

Fiorello H. LaGuardia (1882-1947)

¹¹ Arthur Mann's piece on LaGuardia in the *Dictionary of American Biography, Supp. Four 1946-1950*, *ibid.*, p. 464

¹² Quoted by Arthur Mann, *LaGuardia: A Fighter Against His Time, 1882-1933*, J. B. Lippincott Company, Philadelphia and New York, 1959, p. 186

¹³ Quoted by Thomas Kessner, *Fiorello H. LaGuardia and the Making of Modern New York*, McGraw-Hill Publishing Company, New York etc., 1989, p. 180

¹⁴ Kessner, *ibid.*, p. 181

¹⁵ Quoted in Kessner, *ibid.*, p. 181

¹⁶ Quoted in Kessner, *ibid.*, p. 182

¹⁷ Kessner, *ibid.*, p. 190

¹⁸ Kessner, *ibid.*, p. 190

¹⁹ Quoted in Kessner, *ibid.*, p. 187

²⁰ Quoted in Burton K. Wheeler (1882-1947) with Paul F. Healy, *Yankee from the West*, Doubleday & Company, Inc., Garden City, New York, 1962, p. 209

²¹ Wheeler and Healy, *ibid.*, p. 213

²² Wheeler and Healy, *ibid.*, p.307

²³ Wheeler and Healy, *ibid.*, p.319

²⁴ Wheeler and Healy, *ibid.*, p.332

²⁵ Quoted by William L. O'Neill in his piece on Wheeler in *Dictionary of American Biography, Supp. Nine, 1971-1975*, *op. cit.*, p. 860

²⁶ Wheeler and Healy, *op. cit.*, pp. 371-372

Wayne L. Morse (1900-1974)

²⁷ Quoted by Lee Wilkins, *Wayne Morse – A Bio-Bibliography*, Greenwood Press, Westport, Connecticut and London, 1985, p. 3

²⁸ Quoted by F. Ross Peterson in his piece on Morse in *Dictionary of American Biography, Supp. Nine, 1971-1975*, *op. cit.*, p. 565

²⁹ *Congressional Record*, 81st Congress, 2nd Session, vol. 96, Part 7, p. 9231

³⁰ Quoted by Lee Wilkins, *op. cit.*, p. 24

³¹ Quoted by A. Robert Smith, *The Tiger in the Senate: The Biography of Wayne Morse*, Doubleday & Company, Inc., Garden City, New York, 1962, p. 416

³² Quoted by Lee Wilkins, *op. cit.*, p. 42

³³ See Chalmers Johnson, *The Sorrows of Empire*, Henry Holt and Company, New York, 2004, p.5:
(S)lowly but surely the Department of Defense is obscuring and displacing the Department of State as the primary agency for making and administering foreign policy. We now station innumerable more uniformed military officers than civilian diplomats, aid workers, or environmental specialists in foreign counties – a point not lost on the lands to which they are assigned.

³⁴ *Congressional Record*, 88th Congress, 2nd Session, vol. 110, Part 14, pp. 18470-18471

³⁵ Anna Kasten Nelson in her piece on Morse in *American National Biography*, op. cit., vol. 13, p. 943

³⁶ Quoted by A. Robert Smith, op. cit., p. 393

³⁷ F. Ross Peterson in his piece on Morse in *Dictionary of American Biography, Supp. Nine*, op. cit., p. 566

³⁸ Quoted by Lee Wilkins, op. cit., p. 53

PART II

⁴⁰ Norman Orenstein and Thomas E. Mann, column If you Give a Congressman a Cookie, *The New York Times*, January 19, 2006, p. A23. See also Thomas L. Friedman, column Let's (Third) Party, *The New York Times*, May 3, 2006, p. A25:

Seriously, there is something really disturbing about the utterly shameless, utterly over-the-top Republican pandering and Democratic point-scoring that have been masquerading as governing.

⁴¹ David Wellstone, undated 2006 form letter:

Our aim is nothing less than to jump-start a new generation of professional organizers and professional leaders who will run for office themselves.

⁴² Robert P. Wilkins and Wynona Huchette Wilkins, *North Dakota: A Bicentennial History*, W. W. Norton & Company, Inc., New York, and American Association for State and Local History, Nashville, 1977, p. 140

⁴³ Larry Remele in Introduction to *Political Prairie Fire: The Nonpartisan League 1915-1922* by Robert L. Morlan, Minnesota Historical Society Press, 1985, p. viii

⁴⁴ Frank R. Kent, *The Great Game of Politics*, Smith, Keynes & Marshall, Buffalo, 1923, pp. 6-7

⁴⁵ Kent, *ibid.*, pp. 8

⁴⁶ *The Philadelphia Inquirer*, May 18, 2006, pp. A1 and 20. In contrast, the story in *The New York Times*, datelined Washington, attributes the principal Republican voter anger to frustration of conservatives with their party incumbents. The story quotes various Republican leaders as saying "Republicans have controlled the Legislature here since 1995, but the size, the scope and even the ineffectiveness of our government has continued to grow"; "People are just tired of Republicans who don't represent the bedrock conservative values of the party. They're Republican in name only!" May 18, 2006, p. A16

⁴⁷ Quoted by F. Ross Peterson in his piece on Morse in *Dictionary of American Biography, Supp. Nine*, op. cit., p. 566

⁴⁸ See *The New York Times* editorial Public vs. Private Schools, July 19, 2006, p. A20:

Instead of arguing about the alleged superiority of one category (of school) over another, the country should stay focused on the overarching problem: on average, American schoolchildren are performing at mediocre levels in reading, math and science – wherever they attend school.

⁴⁹ See the piece by then Representative (now Senator) Bernard Sanders of Vermont, an Independent, Whither American Democracy, in the *Los Angeles Times*, January 16, 1994, p. M5:

The United States of America is, increasingly, an oligarchy. The richest 1% of our population now owns 37% of the wealth, more than the bottom 90% of the people...Oligarchy refers not just to the unfair distribution of wealth, but to the fact that the *decisions* that shape our consciousness and affect our lives are made by a very small and powerful group of people.

⁵⁰ See *The New York Times* editorial *The Golden Touch of Leadership*, July 20, 2006, p. A29:

The true talents of the new House majority leader, John Boehner, are becoming appallingly evident when it comes to the top item on Congress's real agenda: the need to raise lots and lots of political money...It's all too clear that nothing serious can come of the vows of Mr. Boehner and other Congressional leaders to rein in ethical lapses so long as members remain addicted to lobbyist-generated campaign money.

⁵¹ Denis W. Brogan, *The American Political System*, Hamish Hamilton, London, 1933, p. 321. Brogan follows by asserting that:

(The choice of a president) is a task of great difficulty, calling for diplomatic management, a task for which the Convention may be ill-fitted, but for which the primary is not fitted at all.

Recent history, ignorant or forgetful of Brogan's opinion of the primary, has seen it oust the Convention as the medium for selecting the major party nominees for president. See the Afterword on p. 63.

⁵² Quoted in A. Robert Smith, *The Tiger in the Senate: The Biography of Wayne Morse*, Doubleday & Company, Inc., Garden City, New York, 1962, pp. 184-185

⁵³ *The New York Times* editorial *Drop Out of the College*, March 14, 2006, p. A26:

There is an innovative new proposal (National Popular Vote) for states to take the lead in undoing the Electoral College. Legislatures across the country should get behind it.

Compare the article, "A backdoor plan to thwart the electoral college", in *The Christian Science Monitor*, June 16, 2006, pp. 1 and 10:

The NPV proposes that "(A) bunch of states team up and give all their electoral votes to the national popular vote winner, regardless of who won the most votes in their state. Then the candidate who garners the most citizen votes in the country moves to the White House." The article goes on to cite several objections to the scheme, including that it is an attempt "to amend the Constitution without amending the Constitution."

Proposals which transform the majority electoral vote into a mere instrument of a popular plurality assume, perhaps naively, that voters will continue to adhere to the two-party voting pattern; but an open popular vote can invite multiple parties to join the campaign; the country might face run-off elections, and Congress, a complete subversion of its two-party modus operandi.

In 1893, William A. Pepper, a Populist from Kansas, calling for the abolition of the Electoral College, declared on the floor of the Senate:

Once give to the people the privilege of casting their votes directly for the chief officer of the Republic...and you bring about a new and better education of voters, who would then divide themselves on present issues; they would rise to a higher plane of political thought; they would organize on principles and not on prejudices, taking care of today rather than of yesterday, and they would hold to parties only as long as they were useful in promoting the general welfare...*It would permit the birth of new parties* without placing weights and manacles on them, for then all will have learned that new parties are needed to handle new issues. Voters would change their party alignment with every change of issue, and when a victory is won, it would be a victory of the people. (italics supplied)

Quoted in Leonard J. Rosenfeld, *The Presidential Electoral System and American Political Life, 1787-1939*, unpublished master's thesis, Columbia University, New York, 1939, pp. 74-75

Much later, in 1929, Representative Clarence F. Lea of California, the then leading exponent of reform of the electoral system, called for abolition of the Electoral College, but retention of each state's "fictitious" electoral vote; for direct election by the people, with the electoral vote of each state being divided in proportion to the number of popular votes received by each candidate, a plurality of electoral votes being sufficient to elect. As he put it:

The electoral system is regarded by the man in the street as a peculiar institution, but he does not understand why it was adopted nor why it is no longer good. The method seems crude and complex; but the man in the street is unaware of the serious objections to it – its inherent injustice,

its inability to reflect public sentiment accurately, the possibility of its resulting in the legal election of one candidate over one more preferred by the people, *its unfitness where there are three sizeable parties*, its likelihood of creating deadlocks in the election, and the deplorable results that may follow its crude ways of breaking deadlocks. (italics supplied)

Quoted by Rosenfeld, *The Presidential Electoral System*, *ibid.*, p. 81.

The reason Lea wanted a plurality to elect, was his hatred of election by the House if no candidate won a *majority* of the electoral vote, the House, where Representatives “are expected to vote according to their party affiliations... without regard for popular desire as expressed at the election.” Apparently he was not concerned that his plurality rule could often – perhaps most often – result in the election of a president by a minority of the electorate, albeit the largest of the minorities.

Peffer’s and Lea’s efforts at reform, as the efforts of many others before them and after, failed. Others, from time to time, have advanced the proposal that each state award one of its electoral votes to the winner of the popular vote in each of its Congressional districts, with the two “senatorial electoral votes” going to the winner of the statewide popular vote. Today only Maine and Nebraska use the so-called “district system.” Most states seem to fear diluting their electoral strength, and politicians, the throwing of elections into the House of Representatives if a multiplicity of parties, attracted to the campaign by the prospect of winning Congressional district votes, prevents any one candidate from winning a *majority* of electoral votes. Surely the caution light should begin flashing whenever presidential electoral reform is broached.

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AFTERWORD

The importance of the direct party primary was central to *A Modest Proposal's* proposal, i.e. that some independently-minded, able people run for Congress by invading the primary of the major party in which they are registered, campaigning for the nomination *as avowed nonpartisans* in hopes of winning the party line on the general election ballot from the candidate designated by the regular party organization. That proposal focused on Congressional races; but the direct party primary has in recent years become central to the presidential nominating process, as well. Indeed, it has irresistibly nudged the national party convention out of the nominating process altogether, transforming it into a pep-rally coronation. In 2000, the presidential nominees of both parties were settled by March 7th, when 16 primaries, including those of California and New York, were held. Gore won after a bruising battle with Bill Bradley for the Democrats; Bush, after a bruising contest with John McCain. But it would be months before the Democratic National Convention was held that year in July, and the Republican National Convention in August! In 2004, the presidential party primaries sorted Kerry out of the pack by March, again immediately after mega-primary day. It appears that in 2008, with some important states moving their presidential primary dates forward, presumptive nominees may well be determined even earlier than March.

Although presidential primaries are irrelevant to, and beyond the scope of, *A Modest Proposal*, the reverse is not true: the experience of the Nonpartisan League (NPL) in North Dakota and neighboring states in 1916-1918, discussed in Part II, can set

off some fantastic brainstorming with definite implications for today's presidential primaries.

Were the NPL experience to be replicated these days, a National Nonpartisan League (NNPL) of nonpartisan proponents would form, hold an open convention (perhaps by Internet) *well before* the presidential primary season, adopt a platform that grapples with crucial issues that elude the Republican and Democratic parties, nominate a NNPL registered Republican or Democrat – or NNPL Republican *and* a NNPL Democrat – *to enter their party's presidential primaries*, campaign frankly as nonpartisans in an attempt to wrest the nomination from a party regular. The hope would be that the NNPL Republican or the NNPL Democrat would decisively win the party's presidential primary series, be crowned formally at the national convention, and in the general election face off against the other party's victorious candidate.

In an even more fantastic scenario, the NNPL Republican *and* the NNPL Democrat would each win their party primary series and face off against each other in the general election, virtually assuring that a nonpartisan would end up in the White House.

As each presidential candidate would be free to choose a running mate, the choice of vice president could well be from the other party, or an independent.

The consequences of either scenario are, of course, unforeseeable. If no clear nominee emerges in a major party from the succession of presidential primaries, neither a candidate of the party's regular organization nor a NNPL candidate, would power, then, return to the party national convention to choose among the contenders who've emerged

from the primaries, or, failing that, choose a “dark horse”? And would the choice then be that of an open convention or “boss-ridden”?

Some who’ve been exposed to the idea of a NNPL, assuming without warrant that it will be a left-of-center enterprise, cry that it will draw votes from the Democrats in the general election. Their fear is groundless. Even in terms of their scenario, a decent NNPL candidate who fails in the Democratic primary series, should concede gracefully, and remain and campaign and vote as a Democrat in the general election. The beauty of the NNPL approach is that it acknowledges the reality that American politics is two-party politics and avoids the dubious role of a third party. The NNPL will have done its best in the presidential primaries, and may even find that as a consequence of its campaign the subsequent party national convention will adopt some of its worthy platform planks. The NNPL approach can do no harm and may just do much good.