

MODERN AGE

A QUARTERLY REVIEW



The Future of Conservatism

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A SURVEY OF THE PRESENT American political scene provides, I believe, the background and point of departure for examining more permanent and basic aspects of American institutions and politics that pose enormous obstacles to the realization of principles long associated with traditional conservatism. More specifically the eclipse (some might say the disappearance) of traditional conservatism when both Congress and the presidency are controlled by Republicans is no anomaly; it is, instead, the predictable outgrowth of an interplay between the political culture and institutions. Let me begin with three salient observations relating to conservatism and to our present political environment.

I

First, a consensus exists among media pundits, editorial writers and the like—and, therefore, one would assume among wide sectors of the politically aware as well—that the current Bush administra-

tion is among the most conservative in history. Some media commentators, perhaps most, even regard it as the most conservative ever. In any event, there is no dearth of analyses that stress President George W. Bush's conservative values and outlook, as well as how they find expression in the policies he advances. Moreover, liberal Democrats who take exception with administration policies contribute to this consensus by frequently characterizing these policies as conservative in the extreme. In a more general vein, it is not at all uncommon to hear that, with the election of Bush, and now with Republican majorities in both chambers of Congress, the country has witnessed a triumph of conservative principles over the badly divided, defensive, and intellectually barren forces of liberalism.¹

Second, what is not widely known, save in certain "conservative" circles, is that there are those—once avid readers of *National Review*, die-hard Reagan supporters, long-time subscribers to avowedly conservative causes and such—who regard Bush as something other than conservative.² Indeed, what many call, for lack of a better term, "paleo" or "traditional conservatives" see the Bush ad-

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ministration as actually advancing the cause of liberalism or, if not that, as pursuing the path of a calculated, poll-driven political expediency devoid of any principle. Consequently, in their view, to apply the word “conservative” to Bush and his administration, as the media routinely does, not only is misleading but also debases conservatism. In short, there is now an apparently unbridgeable divide between traditional conservatives and the Bush administration on major policy matters.

There are aspects of this chasm that bear mention. It can be viewed as the fruition of bitter conflicts between neoconservatives and “paleo” or “traditional” conservatives over policies and personalities that first arose early in the Reagan administration and that have simmered ever since. From the perspective of the traditionalists, the media’s failure to note this conflict, as well as its penchant for conflating neoconservatism with the broader, longer standing (“traditional”) conservatism, has contributed to a distorted and truncated understanding of conservatism particularly among large, politically unsophisticated sectors of the American people. Of course, what may well account for the media’s skewed perception of conservatism is the ascendancy of the neoconservatives to positions of prominence in the Bush administration and in the major think tanks; that is, they simply overshadow the traditionalists in the political arena, and are, therefore, more readily accessible to the media. But whatever the reason, this conflation has led some traditional conservatives to abandon the very term conservative, arguing either that it no longer has meaning (certainly not that which it possessed prior to Bush’s first election) or that the very use of the term leads to a misunderstanding or confusion too troublesome to unravel.³

Third, the Bush II administration has also drastically altered the character of

the Republican party, moving it away from its longstanding conservative positions. This much seems obvious when the Democrats can boast, and not without substantial justification, of being the party of fiscal responsibility. Congressional Republicans, following the lead of the administration, now seem unconcerned about expansive and expensive long-term federal programs, centralization, the growth of bureaucracy, a growing debt, or balanced budgets. Or, again acceding to the administration’s wishes, they seem to have watered down or abandoned positions on significant policy issues, *e.g.*, farm subsidies, the role of the Department of Education, school vouchers.

To be sure, not all of the administration’s policies are displeasing to the more traditional conservatives, the most notable exceptions being perhaps taxation policy, most judicial appointments, and positions on certain cultural issues.⁴ The fact remains, nevertheless, that there have been highly significant deviations from basic principles long shared by both the Republican party and the traditional conservatives. To see this clearly, let us suppose that at some point during William Jefferson Clinton’s second term a prominent politician had advanced the policies now embraced by the Bush administration? How would his political outlook have been characterized?

But, if there be any doubts about deviations from traditional conservatism and the Republican heritage in the domestic field, there can be none over the major goals and principles of Bush II’s foreign policy. His aggressive foreign policy, perhaps best described as Wilsonianism on steroids, has its roots in the traditions of the Democratic party and clearly runs counter to well-established conservative principles. The Iraq War and the reasons given to support it, for example, would hardly find support in the writings of the more traditional conservatives such as Russell Kirk, Robert Nisbet, or Richard M. Weaver.⁵

Most interesting in this connection are Condoleezza Rice's remarks at the *Institut d'Etudes Politiques de Paris* (8 February 2005) that reveal a mind-set totally at odds with the intellectual foundations of traditional conservatism. After pointing out how the histories of the United States and France are "intertwined" (the 1989 "bicentennial celebration of the French Revolution and the Rights of Man" was also "the 200th anniversary of our nation's Constitution and our Bill of Rights"⁶), she adds that these "shared celebrations" were something more "than mere coincidence." On the contrary, as she would have it, "The founders of both the French and American republics were inspired by the very same values, and by each other. They shared the universal values of freedom and democracy and human dignity that have inspired men and women across the globe for centuries."⁷

Traditional conservatives, of course, can only look upon these remarks as rank heresy because they contradict the teachings of Edmund Burke—regarded by many scholars to be the "father" of modern conservatism—and the philosophical heritage which they inspired. Her remarks, whether intended or not, link American foreign policy to those very principles against which Burke and a long line of conservative thinkers have inveighed.⁸ The traditionalist, thus, is to be forgiven his bewilderment and even resentment when he confronts statements of this kind from the leading international spokesperson for an administration reputed by many to be the most conservative in our nation's history.

What the foregoing shows is that in a very short period of time a major transformation in the American political landscape has occurred. The Republican party has, so to speak, changed its spots virtually without attracting much critical attention, the major exception being that of disillusioned and disgruntled traditionalists. Moreover, along with the trans-

formation of the Republican party, we have witnessed a corresponding transformation of the popularly accepted understanding of conservatism. The two, this is to say, go hand in hand, with neoconservatism providing a "cover" that allowed the administration to drastically transform the character of the Republican party without its spokesmen being obliged to renounce conservatism. All this was facilitated because, with a few exceptions, neither the Democrats nor the media were either interested in or aware of philosophical divisions within Republican ranks.⁹

II

Assuming that I am essentially correct in describing the salient aspects of the transformation of the Republican party, wherein do we find the more basic and permanent concerns to which I referred at the outset? We come to see the nature of these concerns by inquiring first into how Bush II could accomplish what he has in such short order without any apparent "rebellion" by a significant number of his own party in Congress. After all, it would seem that a transformation of the dimensions alluded to above would involve far greater intra-party conflict and dissent than we have witnessed. Instead we find the rebellion, if it can be called that, confined to a small number of Representatives. The question thus becomes, Why have Republicans in Congress been so compliant?

To a great degree the reasons for this compliance are attributable to the nature of our political culture. To begin with, the president nowadays has abundant means at his disposal to bring recalcitrant congressional members of his party around to his views. Republicans in Congress, for instance, are no doubt thankful to Bush II for his generosity in allowing record expenditures for "pork barrel" projects. But, more significantly,

the presidency, being the only elective national office, is the main prize sought in the struggle between the two major parties. And there are very substantial reasons why it is valued so highly. The powers of the office have grown enormously over time so that the rewards, honors, favors, and such that flow from controlling it provide strong incentives for the members of Congress to defend and to support a president of their party. They want to share in this bounty, which is also important to their own political success, and they are smart enough to know that, if members of the congressional wing of the party split with their president, intra-party conflicts might well result that could imperil continued control of the presidency. Thus, any sizeable congressional group, even one united on doctrines or policy, being fully aware of just how high the costs can potentially be in defying a president of their party, is most reluctant to do so save in the most extreme cases.

Fifty years ago James Burnham lamented that Congress, once the dominant institution in our constitutional system, had been eclipsed by the presidency.¹⁰ Yet, there is good reason to believe that in the intervening decades, despite Nixon's resignation and Clinton's impeachment, the presidency has grown stronger relative to Congress and, as evidenced by the behavior of the Bush II administration, in significant, non-constitutional ways. Woodrow Wilson's observations provide here a framework for understanding the nature of these new dimensions of presidential power. He was among the first to set forth the outlines of a presidentially-oriented system that in many respects is a forerunner of the disciplined and responsible party schemes so attractive to many modern American political scientists.

Given the diffusive constitutional distribution of authority, Wilson saw the need for strong political parties in order

to assure accountability, responsibility, and reasoned policies. In this vein, he viewed the political party, much as moderns do, as a mechanism that could overcome the undesirable separation between Congress, the law-making institution, and the executive, the executor of the law. He prophesied that the president's role would grow immensely: as the demands of the office increased over time "incumbents...will more and more come to feel that they are administering it in its truest purpose and with the greatest effect by regarding themselves as less and less executive officers and more and more directors of affairs and leaders of the nation,—men of counsel and of the sort of action that makes for enlightenment."¹¹

Wilson's prediction concerning presidential leadership has come to pass. What also seems to have transpired, as we see from Bush's rejection of traditional Republican/conservative principles, is that the president is now the head of his political party, representing not what Wilson's intellectual disciples would prefer, *i.e.*, a leader who ably presents and advances the policies and the principles that are at least shared by the "grassroots" of the party,¹² but instead, a leader who is free within the bounds of political reality to redefine what the party stands for, even if this means changing the direction of the party by repudiating or abandoning its traditional principles and values. For reasons I have set forth, the modern president in this capacity will carry the party with him, provided he does not take outlandish positions that would endanger the party's status or adversely affect his party's congressional delegation. Yet, as Bush II's example attests, even with these and similar limitations, the president still has a wide latitude in determining the party's direction.¹³ This is particularly true in the foreign policy area where, normally, there are even fewer restrictions on the president's course of action.

The question arises, Is this develop-

ment good or bad? For instance, the country might well benefit from a periodic reorientation of the political parties brought about by presidential dictation. Or it might be that the common good is promoted when presidents are free to shed their partisanship and promote policies and principles more in keeping with the public interest. As I have indicated, however, neither of these outcomes seems likely given the character of our political culture. Beyond this, there is ample reason to believe that presidential “leadership” of this kind does not bode well from the perspective of traditional conservatives. Why so? The answer comes from recognizing the simple fact that Progressives have long dreamed of a presidentially-oriented constitutional order, one in which the president dominates the Congress. The periodic polls which consistently reveal that historians and political scientists, most of them confirmed liberals, give their highest rankings to “strong” presidents—*i.e.*, those who have asserted and expanded the prerogatives of the presidency—simply manifest this view. Generations of Americans have been weaned on the notion that strong presidents are also “great” presidents. What is more, as Burnham documents, and what is still the case today, in American history and politics texts and commentaries, the presidency is normally pictured in the most positive terms, particularly in contrast to Congress. Again, Woodrow Wilson set the tone in describing the president as “representative of no constituency, but of the whole people”; “the political leader of the nation”; “the only voice in national affairs.”¹⁴ And this vision has been reinforced by normally sober historians and political scientists who see the president as the one individual best equipped to express the “general will” of the nation.¹⁵

Progressives are quite correct in assuming that their values are best served by strong presidents, but for a reason that

is not sufficiently emphasized, namely, the presidency is an office inherently suited to their goals and aspirations. As a constitutional office, of course, it is well structured to satisfy their normal penchant for centralization; *i.e.*, in this context, centralized decision-making without what they deem to be the undue, perhaps corrupting, influence of parochial or local interests. But other, more intangible factors, relating to the status of the office and the character of the individuals who aspire to it, influence the substance and the tenor of these decisions.

Consider, to begin with, that presidential aspirants are pathological, even though their pathology may not as yet be clinically defined. The distant prospects of fame and power must be sufficient to overcome the trials and tribulations of campaigning for and holding office. For instance, to say nothing of the physical demands and pressures, they must anticipate that their lives and those of their family will be scrutinized in great detail; that rumors and falsehoods about them and their family will abound; that their positions will be distorted; or that, in the course of their campaigns and tenure in office, they must be prepared to fudge the truth and even lie. Only extremely ambitious individuals with oversized, fortified egos, at least sufficiently so to mitigate or make bearable these and a host of other deprivations and debasements, can hope to win the office. It is hardly surprising, then, when we learn that once in office (or maybe even before election) individuals with such steely egoism and overwhelming ambition start to think about how they will be viewed by historians of the future or, what amounts to much the same thing, what their “legacy” will be.

We can profitably ask, how would an incumbent president go about securing a favorable judgment down the line? If the past is our guide—and it might well be our most reliable guide—he should try to be

a “strong” president in the sense I have indicated. We already have a clue about what this entails: namely, expanding the prerogatives and powers of the presidency.¹⁶ But there is more than this involved. Indeed, the expansion of powers and prerogatives by themselves scarcely seems sufficient unless they are associated with bold action, leadership in crisis, or policies directed toward eliminating or resolving perennial problems or concerns. As frequently remarked, events and circumstances beyond the control of presidents—*e.g.*, wars, depression—dictate their place in history. That is, when they seem to rise to the occasion, to meet the challenges posed by the impersonal “forces” and events, they have been accorded high status.

What, however, of incumbents who do not have the opportunity to face such challenges? Lacking war, economic collapse, or some widespread catastrophe, how can they secure a high place in history? One obvious answer is to pursue policies, preferably new and bold policies, that will be looked upon with great favor by those who are to judge in the future. Again, while there is no way of knowing for sure what policies will serve this purpose, the past helps to provide a guide. Incumbents who have expanded the role and the functions of the national government, who have promoted greater political centralization, who have initiated programs designed to promote security along with greater economic and social equality—those who, in sum, have advanced the progressive agenda—are assured perhaps not the highest status, but a thoroughly respectable one. To put this otherwise, the incumbent concerned about posterity’s view of his legacy has to think about what standards or criteria will be used for judging it. And, in this respect, a sense of inevitability in the continued ascendance of progressive values seems to prevail. At the very least, incumbents know that the pursuit of pro-

gressive agenda is likely to compensate for their failures and shortcomings in other areas.

III

What I have advanced thus far are two interrelated propositions. First, the powers and the status of modern presidents allow them great leeway in transforming or even abandoning party principles, especially when an incumbent’s party controls both chambers of Congress. Indeed, under these circumstances, a president may even alter the party’s course by unilaterally promulgating new goals and principles. Second, in transforming the old or in setting forth the new, presidents are strongly inclined to move in directions that advance progressive values and goals. In these terms, the transformation of the Republican party by the Bush II administration and its embrace of progressive values is best understood. Though beyond the scope of our concern here, I also believe that this inclination accounts for the “leftward” drift of the Republican party since World War II.¹⁷ If this analysis is largely correct, this drift can be expected to continue into the indefinite future.

These more or less political concerns are closely related to others that are more theoretical and relate to the whys and wherefores of our constitutional structures. To appreciate these concerns fully in the context with which we are concerned, some background is necessary. I can best start by noting that political parties, as the progressive reform literature emphasizes, provide the means for overcoming the separation of powers. The arguments against the separation of powers advanced by progressives reveal a hostility toward the constitutional fragmentation of powers; from the progressive vantage point this fragmentation makes the passage of coherent and necessary policy extremely difficult and blurs

the lines of responsibility and accountability. Parties provide the link or the thread between institutions; they are the instrumentalities that can overcome the constitutionally mandated fragmentation, thereby enabling the branches (principally Congress and the presidency) to act in unison.

On the other hand, it is apparent that our founding fathers viewed the separation of powers from an almost entirely different perspective. A separation of the legislative, executive, and judicial branches was felt to be essential across the entire political spectrum. In fact, Madison in *Federalist* essay no. 47 feels obliged to respond to those Anti-Federalists contending that the proposed Constitution blended these powers to a dangerous degree. In this same essay, Madison expresses a view that was widely shared; namely, the very concentration of these three functions in the hand of the one, the few, or the many was tyranny. It was, it should be remarked, the mere concentration of powers, quite apart from the purposes for which they were employed, that constituted tyranny. As the *Federalist* text makes clear, the concerns over maintaining the separation of powers and insuring that each branch possess a will of its own are intimately linked to securing the rule of law, to preventing arbitrary and capricious rule. As such, the principle of separation, involving both powers and functions, was considered essential to the preservation of liberty and, we may infer, it was also felt to be a prerequisite for stable republican government.

From the vantage point of those who share the Framers' concerns about the concentration of powers, the potential dangers inherent in the president's role as party leader are evident, particularly when his party controls both the Senate and the House. Abuses can take the form of discriminatory legislation, not perhaps in the sense or to the degree the Framers

had in mind, but rather as carefully crafted measures intended to secure the party's popular base for the long term. This, of course, entails the use of the machinery of government and its resources for maximum partisan advantage to the fullest extent possible without encountering an opposition that might diminish the party's popular support. But this strategy is hardly surprising. The most casual observer of American politics soon realizes that the goal of gaining and retaining power—that which, we should recall, accounts for the abrupt transformation of political parties—is paramount. Control of the legislative and executive branches helps to attain a clear unimpeded path to this end.

What should not to be overlooked when a party possesses control—particularly with the growth of the administrative state—is the relative freedom that the president and his administration enjoy since neither legislative branch is likely to undertake serious investigations of their activities and policies lest it embarrass the party. In short, when a single party dominates, there are no “make-weights” (to use Bertrand de Jouvenel's terminology),¹⁸ save as an issue might make its way into the judicial system. The president is a single, strong-willed individual who, with the example of his most admired predecessors before him (*i.e.*, the “strong” presidents), is bound to feel the need to preserve and to advance the institutional interests of his office. In this regard, neither chamber of Congress is his match; circumstances dictate that he is bound to feel the pull of institutional interest far more intensely than members of a numerous representative assembly, either collectively or individually. For this reason, a president, far more than Congress, is inclined to “push the envelope” in striving to expand his powers and to do so with anticipation of success.

Now it is true, as I have already intimated, that one-party control of the leg-

islative and the executive functions has not resulted in tyranny in the “hard” sense. Moreover, the country is wealthy enough so that whatever discrimination is suffered by one faction can be, and usually is, mitigated sometime down the line according to its preferential treatment. Certainly, the fact that we have a competitive two-party system also helps to restrain excesses by the temporarily dominant party. These mitigating factors, however, have not proven sufficient to prevent a party, when in total control of the legislative process, from initiating sweeping and costly social programs of one sort or another that have proven ineffective and wasteful.

The party’s quest to secure continued dominance by catering to large sectors of the population and the president’s desire for a “legacy,” joined with the realization that the window of opportunity might close, are conducive to such extravagant and ill-considered policies. These and similar policies also reflect a mind-set that seems to predominate among the politically active in both parties, namely, that government is omnipotent, that the ills that plague society and individuals can be cured through legislation. The result is that the reach of the government expands to embrace more and more activities, functions, and problems, an expansion that increases when one party comes to control the entire policy-making apparatus.

The lack of makeweights also imperils the constitutional limitations and restraints on the range of the government’s authority and functions that are central to traditional conservatism. In their absence, state and local autonomy and the principle of federalism are respected only to the degree that they do not interfere with realization of the president’s “legacy” or the pursuit of policies designed to secure and to expand the party’s base. With the initiation of new programs and expansion of the old comes a correspond-

ing increase in the scope of the national government’s authority, normally with greater controls over all other levels of government and private sectors as well. And given a compliant Congress, power also centralizes in the presidency, thereby compromising the separation of powers. In this process, conservative values and principles are repudiated. In fact, though, what we witness is perhaps far graver: A base politics virtually devoid of principles.

Lastly, the president’s traditional role in setting our foreign policy, coupled with his authority as commander-in-chief of our armed forces, has allowed him to commit the nation to prolonged hostilities, whether by seeking a declaration of war or through other means. That the president can lead the nation into war, leaving Congress with essentially no alternative but to give its assent after the fact, is recognized in many quarters as a problem that begs solution.¹⁹ It must be acknowledged that presidents will unilaterally lead the country into war even when there is a “divided” or “split” government, *i.e.*, when the opposition party controls one or both chambers of Congress. What is to be noted, however, is that the president and his policies are at least challenged and brought to public attention when there is such a divided government, sometimes with great effect.²⁰

There would appear to be, therefore, less possibility of a president unscrupulously endeavoring to secure his legacy through war—that is, becoming a “war president” by instigating an unnecessary war or pursuing policies designed to provoke hostilities—when there is an effective makeweight.

IV

The arguments presented here clearly point toward the virtues of a government in which the parties share effective power; a government in which, that is, there is an effective counterweight to the president.

Many commentators have maintained that most Americans, although they may not be able to articulate the reasons why, also favor power-sharing. Their instincts are, I believe, fundamentally sound for reasons I have set forth. Certainly the arguments for partisan power-sharing deserve more public exposure than they have been accorded, the more so in light of the consequences that seem to flow inevitably from one-party control.

At another level, what I have argued provides the stipulations necessary for answering a question that has perplexed traditional conservatives over the years, namely, which institution—the presidency or Congress—is more deserving of their support over the long haul? Which institution is the more inherently conservative? To the extent the foregoing analysis is correct, the answer would be: Congress more than the presidency, but only when party differences enable it to exercise a truly independent will, to demonstrate some institutional pride and backbone along the lines that the Framers envisioned.²¹

Finally, and what is central to my concern, one cannot help but marvel at how easily a modern president can utterly

transform the character of his political party—its goals and what it stands for. In this process, we see that principle is abandoned or rationalized into meaninglessness when it stands athwart the overriding interest of the political party to gain and perpetuate its control of presidential powers. For this reason, principles, even those relating to concerns about the long-term common good, can never have deep roots in the American political culture: the quest for control of the enormous powers of the presidency dictates that parties will assume positions calculated to achieve victory. There is nothing new in this. What is new, as I have tried to show, is that a major factor for a party in this calculation, particularly when it controls Congress, is the imperative to support its incumbent president and, as well, his ambitions to secure a “legacy.” None of this bodes well for either principled parties or politics. Ultimately, one lesson for traditional conservatives, who more than most see the need for a politics guided and restrained by enduring principles, seems clear enough: They should never swear undying allegiance to either political party.

1. See, for example, John Micklethwait and Adrian Wooldridge, “Cheer Up Conservatives, You’re Still Winning,” *The Wall Street Journal*, Tuesday, 21 June 2005, A16. The authors of this piece are also authors of *The Right Nation: Conservative Power in America* (New York, 2005) that traces the rise of conservatism through its various organizations and programs from the 1950s into the first term of George W. Bush. 2. This fact, to my knowledge, has not been widely reported in the mainstream media. That there is a gulf within conservative ranks can be seen in the columns of certain syndicated columnists—e.g., Patrick Buchanan, Paul Craig Roberts—long regarded as conservatives. Certainly the pages of *Chronicles* and *The American Conservative* reflect what would appear to be an unbridgeable divide. Likewise a division among, at least, intellectual conservatives is evident in the *Philadelphia Society*. 3. I base this upon conversations and correspondence with numer-

ous traditional conservatives of long acquaintance. 4. Even on these issues, some questions have been raised by social conservatives regarding the commitment of the Bush II administration. See, for instance, W. James Antle, “Republican Stepchildren,” *The American Conservative*, 11 April 2005. 5. Robert Nisbet’s *The Present Age* (New York, 1989), for example, is a devastating critique of the acknowledged principles that guide Bush II’s foreign policy. 6. The fact that she prematurely fixes the birth of the Bill of Rights is of no matter. What is of greater concern is what purpose, if any, she had in mind by lumping the Bill of Rights and the Constitution together. 7. [Http://www.state.gov/secretary/rm/2005/41973.htm](http://www.state.gov/secretary/rm/2005/41973.htm) 8. This linkage may have been intended. Some traditionalists contend that the goals of Bush II’s foreign policy and Iraq war are a modern extension of the underlying principles and tenets of the French Revolution. See Claes

Ryn, *America the Virtuous: The Crisis of Democracy and the Quest for Empire* (Somerset, N.J., 2003). **9.** This transformation, of course, causes problems for organizations such as the *American Conservative Union*, which finds it increasingly difficult to support both the president and its principles. Pragmatic considerations almost invariably lead such organizations to scrap principle and support party, otherwise they would probably not survive. My impression is that in acknowledged conservative circles the more politically active tend to sublimate principle to party. It is also my impression that most Americans, for a number of reasons, do not experience any cognitive dissonance between party and principle. If and when they do, party seems to trump principle most of the time. **10.** James Burnham, *Congress and the American Tradition* (Chicago, 1957). **11.** Woodrow Wilson, *Constitutional Government in the United States* (New York, 1908; reprint, 1961), 81. **12.** See, for example, James MacGregor Burns, *Deadlock of Democracy* (Englewood Cliffs, N.J., 1963). His final chapter, "Strategy for Americans," synthesizes many of the elements of party reform that have been advanced over the decades and emphasizes the need for parties to "build grass-roots memberships" that are united with the leadership through "their common faith in their party's tradition, doctrine, and policy." **13.** We may speculate that this new dimension of presidential power—*i.e.*, that which stems from the wide latitude he enjoys as both leader and privileged "prince" of his political party—can ultimately be traced to the decline of political parties at the local levels, a decline brought about, in part, by efforts to democratize the parties. **14.** Wilson, 68. **15.** Clinton Rossiter writes that "there have been moments of triumph or dedication or frustration or even shame when the will of the people—the General Will, I suppose we could call it—demanded to be heard clearly and unmistakably." Since the time of Jackson, he continues, presidents have assumed the "prerogative" to do so; "to act,...in Wilson's words, as "the spokesman for

the real sentiment and purpose of the country." *The American Presidency* (New York, 1956), 18. **16.** It is a maxim of American politics that a president never wants to preside over the diminishment of presidential powers and prerogatives. He never wants to leave the office weaker, constitutionally or otherwise, than when he entered it. This would be the sign of a "weak" or failed presidency. **17.** A similar explanation can be offered for the behavior of judges, particularly those on the Supreme Court. There is a widespread suspicion often articulated that judges who move "left" do so to acquire respectability in the quarters that "count." In the eyes of the *New York Times* editorial board, Justice Anthony Kennedy, upon abandoning conservative outlook on key issues, was said to have "grown" in office. **18.** I am referring here to his analysis on the ways in which power can be thwarted and controlled when necessary as presented in *On Power* (Indianapolis, 1994). **19.** Experience has shown that the War Powers Resolution of 1973 directed to ameliorating this problem has been far from effective. Presidents, both Republican and Democratic, have largely ignored it. The reasons for their defiance are largely those I note in the text; presidents look upon this act as an encroachment on their institutional powers. **20.** In this regard, one thinks of the Iran-Contra investigation during the Reagan era, the debate in the Senate over Bush I's Gulf War policy, and Clinton's initial reluctance to commit forces to the Balkans. More telling, in light of what I say below, is that the Vietnam War did not arouse effective congressional scrutiny under Johnson's administration. Rather, this scrutiny began in earnest under Nixon with a divided government. **21.** Thus, I would modify Willmoore Kendall's analysis and conclusion set forth in "Two Majorities," *4 Midwest Journal of Political Science* (November, 1960). The Congress is inherently more conservative than the presidency, but only when an institutional independence in the sense I have indicated above will allow it to reveal its true character.