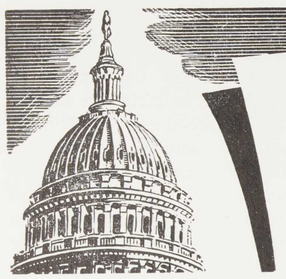

WASHINGTON, D.C.

by Frank C. Hanighen

As the tumult of the last congressional session retreats into the dim recent past, some echoes linger. One is of the constitutional fight over the Status of Forces Treaty—an issue that, by reason of parliamentary restrictions, found vent in bitter debate on an amendment of the military reserves bill. In the House, Representative Frank Bow (See the FREEMAN, July) battled for the constitutional rights of American servicemen abroad — from Tokyo to Turkey—endangered by the abdication of those rights (from habeas corpus to trial by jury) under the Status of Forces Treaty. But in the Senate, the great constitutional case against this surrender was argued by Senator William E. Jenner, Republican from Indiana. For some years, both on Capitol Hill and out through the country, the Indiana Senator has been attracting increasing interest. It is time to examine his philosophy and actions.

In the Senate, Jenner has deservedly won the name of the "militant constitutionalist." The Eastern metropolitan press, of course, has long stamped him as a "wild isolationist" and "right-wing reactionary," and several "roundups" on Washington by "liberal" commentators have rated him as among the ten "worst" senators (with Morse and Humphrey, naturally, as the "best"). The "isolationist" epithet is patently as absurd as if it were applied to Herbert Hoover, and "reactionary" in the "liberal" lexicon now signifies "constitutionalist."

"Wild"? Certainly not with the facts or the statements of traditional American doctrine. But definitely audacious in voicing what he considers the truth too long concealed from the American people. One story on the Hill about Jenner is illuminating. When, in 1949, he was the first (even before McCarthy) to debunk the legend of the "great" General George C. Marshall, actually the gravedigger of our policy in the Far East, Jenner was approached by a friendly Southern conservative. "Your speech on Marshall, Bill—," warned the friend, "the Eastern gang will destroy you for that." Jenner, mindful of the money and propaganda jobs expended to defeat Wheeler, La Follette, Shipstead and others, knew well what his colleague meant. But he never pulled his punches, and he won re-election in 1952.

Born in Southern Indiana in 1908, raised in a middle-class small-town atmosphere (his father was an auto dealer), he was graduated from the Indiana University Law School just as the great depression started. Almost immediately, he entered politics and was elected as a Republican State Senator in 1934, rising to the position of Majority Leader in the State Senate in 1941. After the war (in which he served as an Air Corps officer), he ran for U.S. Senator in 1946 and came to Washington in the same "class" as many other GOP visitors in the famous "had enough?" defeat of the Democrats in that year. He supported Taft in 1952, holding the Indiana delegation to the Ohioan until the literally bitter end in the GOP convention.

In short, a Hoosier, with all the stubborn individualism and tenacious adherence to the traditional principles of the Republican Party which characterize the politics of the state of Indiana.

In 1951, the Indiana Legislature (Republican) passed a law that opened welfare rolls for publication. Since the federal government had entered the welfare picture, Indiana's costs had gone up fantastically. The federal government, disapproving of the Legislature's move, threatened to withhold millions of dollars which it had been contributing to the state exchequer. Citizen groups were aroused and urged defiance of "federal bureaucratic dictation." They wanted the state to pay entirely for its own welfare system, under strict local supervision.

Senator Jenner leaped into national prominence when he introduced into Congress an amendment to the Revenue Bill in 1951 to prohibit the Federal Security Adminstration from withholding federal funds from any state which, by legislation, opened relief rolls to public inspection. The amendment was adopted. Other states followed Indiana's example and found not only that the system reduced sharply the number of fraudulent relief cases, but also that the fact did not bear out the claims of welfare workers that needy persons were humiliated or exploited by publication. Since then Jenner has been known in the Senate, not only for this defense of state autonomy in such matters, but also for his constant interest in states rights.

"The Welfare State," said Jenner in a speech on May 7, 1952, "is a trap with iron jaws to seize and hold the liberties of the people. It is always covered with pretty leaves and flowers to look like a bit of woodland scenery, so that the innocent victims will not be aware of any danger until they are caught and held so tightly they cannot move. Every step taken by the Welfare State has been a step in the direction of pure executive power, unhampered by law. Every step has been camouflaged by gifts the government gives each class or group to win its electoral support until the trap is closed."

This utterance came in a speech the Indiana Senator made about the Truman seizure of the steel industry in 1952. He perceived in the President's step another example of executive "despotism above the law," camouflaged by the plea that it was for the "welfare of the people." But Jenner called it a mistake to assume that when another President (that was what the Republicans were hopefully talking about in that spring) replaced the assertive Truman, the problem would be solved. "No President," he declared, "can dismantle the Colossus on the Potomac. From the moment he was elected, any President would be a prisoner of the forces which are working for absolute power. We have in this body men who would make good Presidents, but we do not have in this body or outside it anyone who, as President, could dismantle the Colossus." Today, the statistics on federal employees, only a tiny bit fewer than in 1952, bear out the Indianan's prediction.

The Hoosier constitutionalist went on: "Neither the courts, the Constitution, nor the law enforce themselves. When the Executive is not bound by the law, who is to enforce the law? The Executive operates by power . . . There is no answer to power but power." The power, he emphasized, resides in the Legislative branch: "I say Congress is responsible for the twenty-year erosion of our liberties. Without the means voted by Congress, the New Dealers and Fair Dealers would appear for what they are—men of straw."

Those in the Senate Cloakroom know that Jenner has made an intensive study of the bureaucracy, questioning former bureaucrats and ex-New Dealers, accumulating a store of knowledge on how the bureaucracy thinks and works, how it formulates strategy and tactics. On June 6 of this year, speaking in Minneapolis, the Indiana Senator described the "rule of the elite," the "fourth house" (additional to the Executive, Judiciary and Legislative branches), "the planning bureaucracy," with such "loose powers and vast funds that it virtually escapes control by the Congress, the President and the courts." He says the elite have "banded together out of self-interest, in time of crisis, to seize power and make themselves a permanent governing class." This elite which we have been training for over twenty years "under the New and Fair Deals and the present Adminstration . . . have been learning how to handle the high-tension wires of big government and hiding from us how much they have learned." Our government, Jenner concludes, "is now operating through two rival centers of power competing for sovereignty, one under the Constitution, one against it. Every issue and every problem of politics and government must be judged in terms of this irrepressible conflict."

Did the defeat of the Democrats reduce the power of the elite? Jenner declares: "In 1953, the revolutionary elite went underground while the Republicans took over the constitutional offices. In 1954, the elite surfaced again. They were sure we had been put to sleep." Then, he points out, the Berlin conference, the 1954 Geneva conference, the Indo-China debacle, the violations of the Korean truce followed—"were the 'line' of the same hidden revolutionists who had seized control of the Democratic Party."

The process develops in 1955. "Disarmament is obviously a key proposal in this revolution. . . . International plans for disarmament not only limit American sovereignty but they add to the power of civilian appointees over our fighting forces," says the Indiana Senator, who regards the appointment of Harold Stassen to the Cabinet as a major development. Stassen, as Jenner sees it, "outflanks the State Department, the Defense officials, and the American delegates to the UN, not to mention Congress!" And what does Stassen want and intend to do? "To divide our resources with the rest of the world, while our ablest minds are integrated with those of other nations, so they can do little or nothing for the United States."

In a speech in 1951, Jenner said we were being governed by a "blueprint for our destruction." Today, he says, "the blueprint is so perfect, the whole system is controlled by automation. There are only a few key switches and the members of the revolutionary elite have the switches in their own hands."

This, indeed, is a dismal diagnosis. Has Senator Jenner no remedy? The course he recommends emerges in recent speeches. "If we will organize political action, to support the pro-Americans in our government and in public life, the world conflict will soon be over. We can win true peace for all the world if we will gird ourselves to defeat the enemy within. . . . We need a drastic cut in taxes. We can never dismantle the elite until we revive the Tenth Amendment which insures that all powers not delegated to the federal government by the Constitution or prohibited by it to the states, are reserved to the states or the people."

His finale—"I hope yet to see the House and Senate suspend all work on legislation, appropriations, treaties and appointments, and form themselves into a committee of the whole, to end the appropriating of our money to a government within a Government, whose purpose is to abolish the Constitution."