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WHERE HAVE ALL THE PATRIOTS GONE?

BY MIKE HOEY



George Washington Crossing the Delaware, Emanuel Gottlieb Leutze

Under a clear sky on April 30, 1789, crowds gathered to watch from streets and rooftops as George Washington stood on the second floor balcony of Federal Hall in New York City and took the oath of office to become the first president of the United States. Although idolized by the people for defeating the Redcoats, he wore no uniform, but instead a double-breasted brown suit. Appearances were important; this was no military coup or royal coronation. He placed a hand on the Bible, recited the oath, and legend has it, added: “So Help Me God.” After the ceremony, he entered the Senate Chamber to deliver his inaugural address to a joint session of Congress.

Giving this address was no treat for Washington. According to Pennsylvania Senator William Maclay, Washington trembled and was agitated “more than ever he was by the leveled Cannon or pointed musket.” The newly installed president spoke humbly, confessing his own “inferior endowments of nature,” but said he drew solace from the “Almighty Being.” He called for a national unity that would overcome local prejudices and party animosities and said the new Republic was an “experiment entrusted to the hands of the American people.”

We are a long way from 18th century America, but we can still derive important lessons from patriots like George Washington. If major political figures are a true mirror of the country, then we have some soul-searching to do. Do the 2016 candidates understand that they are called to be honest public servants who work with others to secure the common good? Will a candidate, once in office, respect the rule of law? Will he or she consult with others? In short, will this candidate aspire to be a ruler or a democratic leader?

Catholic teaching outlines some of the attributes public officials should possess: “In this perspective, responsible authority also means

authority exercised with those virtues that make it possible to *put power into practice as service* (patience, modesty, moderation, charity, efforts to share) an authority exercised by persons who are able to accept the common good, and not prestige or the gaining of personal advantages, as the true goal of their work.” (*Compendium of the Social Doctrine of the Church*, par. 410)

These attributes are essential for anyone aspiring to become the president of the United States because this office possesses far more power than any other, with control over the nuclear launch codes and military intervention. President Washington would be astonished at how much power has flowed into the executive branch since his days and how Congress has surrendered much of its say, especially in the area of foreign policy.

Washington or Caesar?

This amassing of power in the presidency has often occurred when presidents faced dire emergencies that demanded immediate action. When Fort Sumter fell, President Lincoln did not wait for Congress to mobilize state militias, call out volunteers for three-year military service, blockade Confederate ports and authorize the arrests of those suspected of disloyalty. He never pretended the Constitution authorized these steps; instead, he argued that the very life of the nation was at stake, and that the Constitution was nothing without the nation.

Lincoln believed that only a life or death threat to the nation, such as the Civil War, could justify these kinds of unilateral actions. But since the close of World War II, America has intervened in nations around the globe when national interests only *seemed* at stake. Presidents have taken military action without authorization or even consultation with Congress. National security concerns can lead Presidents and Congress to take drastic action on the home front, too. Right now, in the wake of

terrorist attacks, some have urged that Muslim Americans be registered and placed under special surveillance.

The abridgment of individual liberties is made easier when the target of persecution is seen as an “enemy within,” which is the case with Muslim Americans. This is the tyranny of the majority that James Madison warned about in Federalist No. 51. “In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign, as in a state of nature where the weaker individual is not secured against the violence of the stronger,” Madison wrote.

Even American patriots can sometimes overreact to perceived threats. When John Adams became president and the country appeared to be on the brink of war with France, the federalist Congress saw an opportunity to crush the Republican opposition. They passed the Alien and Sedition Acts. One of these laws changed the residency requirement to become a U.S. citizen from five to fourteen years, while another authorized a surveillance system of foreign nationals.

The most disturbing of these laws was the Sedition Act, which made it a crime to criticize members of Congress or the president. Tellingly, no crime was created for criticizing Vice President Thomas Jefferson, who supported the Republican cause. Indictments and jailing of Republican opponents followed. Jefferson and Madison opposed the Alien and Sedition Acts, and one suspects they would also oppose abridging the rights of Muslim Americans.

After the bombing of Pearl Harbor, President Franklin D. Roosevelt issued an executive order placing more than 110,000 Americans of Japanese descent into internment camps. Two-thirds of these people were U.S. citizens. It was not until 1976 that President Gerald R. Ford formally acknowledged this action as wrong. “We now know what we should have known then, not only was that evacuation wrong, but Japanese-Americans were and are loyal Americans,” he said. Government has both the right and the duty to protect its people, but Catholic teaching cautions that “...this right cannot be exercised in the absence of moral and legal norms, because the struggle against terrorists must be carried out with respect for human rights and for the principle of a State ruled by law.” (*Compendium*, par. 514)

A president who wishes to respect American democracy will zealously guard against abuses by intelligence agencies and handle classified materials with great care. It is not reassuring when citizens learn that a presidential candidate has taken classified materials out of government hands and placed them onto her private computer server. When a presidential candidate opines that he can order military personnel to ignore federal laws prohibiting torture, this reveals an instinct to bypass the rule of law, even if the statement is later clumsily retracted.

What can easily happen to presidents of either party is the development of an attitude of superiority, and with it a mindset that they alone know what is best for the country. This is the kind of imperious attitude that led to the downfall of President Richard Nixon, who largely ignored Congress, undertook a secret bombing campaign of Cambodia, began to see political opponents as enemies of the state, and finally, when Congress sought information about these matters, invoked “executive privilege” in order to withhold information. In fact, victory in a presidential election offers no mandate to ignore Congress or to put oneself above the law. Yet, three years after his fall from grace, Nixon was unrepentant, asserting: “When the President does it, that means that it is not illegal.” (For more on how the power of the presidency has grown, see *The Imperial Presidency*, Arthur Schlesinger, Jr.)

When the French nobleman Alexis de Tocqueville visited America in the early 1830s he saw much to admire, but he also marveled at how public officials could exceed legal bounds if backed by popular

How Citizens Can Foster Political Cooperation:

No matter who gets elected in 2016, there will be a great need for bipartisan cooperation if serious national problems are to be addressed. How can citizens encourage this cooperation? Here are a few suggestions:

- Ask elected officials to stop campaigning once the election is over. Instead of political rhetoric tell them you want results.
- Demand civil dialogue and mutual respect. Differences of opinion should be expressed without vicious personal attacks.
- Urge legislators to co-sponsor bills with members of the other party.
- Ask legislators to publicize their bipartisan efforts; this sets a good example.
- Defend legislators who work with political opponents. When legislators are denounced for compromises on generally positive legislation, offer your support.
- Urge legislators to put aside hot-button issues when national emergencies or grave fiscal issues demand immediate response.
- Encourage reforms in congressional and White House operations that will facilitate bipartisan cooperation. The current process of addressing the federal budget, for example, involves lurching from crisis to crisis. This is a disservice to the country.
- Stay informed. Join the Missouri Catholic Conference legislative network by visiting us at www.mocatholic.org or calling 1-800-456-1679.
- Pray for your public officials. Most of them are doing the best they can under very difficult circumstances.



The Battle Of Princeton by William Ranney

“I hope I shall possess firmness and virtue enough to maintain what I consider the most enviable of all titles, the character of an honest man.”

- George Washington

support. “They dare to do things that even a European, accustomed as he is to arbitrary power, is astonished at,” he wrote. Tocqueville found Americans generally contemptuous of what he called “forms” or what today we would call rules of democratic procedure. Yet, he thought these forms essential. “Forms become more necessary in proportion as the government becomes more active and more powerful, while private persons are becoming more indolent and more feeble,” he wrote. The “forms” that are so necessary to preserve democracy can be found to some extent in the U.S. Constitution, which carefully distributes power among three branches of government.

But the presidency, despite some retrenchment in the post-Watergate years, continues to exercise enormous power. This past summer, Utah Senator Mike Lee told readers of the *National Review* that executive orders are now effectively rewriting many federal laws. He lamented the loss of Congressional initiative. “Whatever the merits of same-sex marriage, Common Core, amnesty for illegal immigrants, forcing Catholic nuns to buy contraception, or requiring high schools to open their girls’ bathrooms to teenage boys, the fact that *all of these things* recently became federal policy without ever receiving a vote in Congress represents a huge threat to American self-government,” he said.

Senator Lee recommends a number of steps Congress can take to re-assert its constitutional role, such as writing laws that offer more guidance to federal bureaucrats. In the meantime, voters would do well to ascertain which of the presidential candidates is most likely to cooperate with others to work toward the common good, which includes not only consulting with members of Congress but also

engaging in the painstaking international diplomacy that is so necessary to foster a less dangerous world in places like the Middle East. Voters are not electing a president of, say, Switzerland. They are electing the leader of the free world and the commander in chief of the largest military in the world, whose decisions can affect the well-being and safety of people around the globe.

A Squabbling Congress; Some Hope from Missouri

The appeal of presidential candidates this election cycle who are political outsiders and want to throw out the “career politicians” has dismayed both Democratic and Republican politicians in the nation’s capital. But the anger and frustration of voters is not surprising. For too long, the two parties have failed to work together. In his Farewell Address, President Washington warned how party warfare could “incline the minds of men to seek security and repose in the absolute power of an individual...” leading to the “ruins of public liberty.”

No matter who wins the 2016 presidential race, effective governing based on democratic principles is not going to happen unless Congress reasserts its power as one of the three branches of government. For this to happen, the members of Congress must learn to work together in a bipartisan fashion to address the nation’s most pressing problems.

The day after Pope Francis addressed Congress last fall, John Boehner resigned as Speaker of the House. The Holy Father had pleaded for unity: “We must move forward together, as one, in a renewed spirit of fraternity and solidarity, cooperating generously for the common good.” Boehner, a Catholic raised in a working class family of 12 children, knew from an early age the need for give and take and so the pope’s plea for common purpose surely made sense, but he had had enough.

Nearly one in three members of Congress are Catholic, but the adage that Catholics only stand together during the reading of the Gospel is certified daily in the partisan battleground that is the nation’s Capitol. A divided government in which a Democrat holds the White House while Republicans control Congress has led to an impasse on numerous issues. This can be seen in many instances: the failure to adopt a responsible federal budget, the inability to establish a more orderly immigration process, the refusal to hold a Senate hearing for a U.S. Supreme Court nominee, little or no action to address the rising gun violence, and Senate filibusters and House sit-ins that shut down legislative business.

The extreme wings of both parties hold hostage attempts at reasonable compromise. In 2010, the bipartisan National Commission on Fiscal Responsibility and Reform concluded that the current level of federal debt was unsustainable. The commission made a number of recommendations, and in 2011 it appeared that President Obama and former House Speaker John Boehner had fashioned a compromise to reverse the rising deficit through both tax increases and spending cuts in entitlement programs like Medicaid. The idea went nowhere.

In 2013 Florida Senator Marco Rubio worked with Democrats on immigration legislation to grant a path to citizenship for immigrants, while strengthening border security. Democrats wanted the path to citizenship, while Republicans favored more border security. As passed by the Senate, the legislation reflected both ideas, but anti-immigrant activists and media personalities launched a savage attack on Rubio. Immigration reform never happened.

This year, Missouri Senator Roy Blunt has been trying to pass legislation to combat the Zika virus by funding programs to eradicate mosquitoes and develop a vaccine. But his work with Senator Patty Murray (D-Washington) has been pushed aside because of controversial amendments, such as the proposal to remove the ban on national cemeteries flying the Confederate flag. As this *Messenger* is prepared, there is hope that when Congress returns they will fund Zika

research, but the summer impasse is delaying getting a Zika vaccine out to the public. Even grave public health crises must take a back seat to partisan warfare. When dealing with less glamorous issues, however, Congress can sometimes still function. Recently, Missouri Congressmen Emmanuel Cleaver (D-Kansas City) and Blaine Luetkemeyer (R-St. Elizabeth) teamed up to pass a new public housing law that will reduce duplicative regulations and allow tenants to stay in subsidized housing for a year after their income increases. The law will make it easier for people to save money as they transition out of public housing into a new life. As these actions show, there is still hope for bipartisanship.

The Need for Democratic Dialogue

In contrast to the exercise of arbitrary power, democracy requires negotiating competing concerns in order to arrive at the common good while still protecting the rights of individuals. This involves ensuring the nation is secure while protecting individual liberties and upholding the right to free speech, but expecting political leaders to offer accurate facts and reasoned arguments, and allowing political dissent, yet encouraging cooperation. It is a delicate balance that is not easy to maintain, especially in times of great turbulence.

By definition a democracy creates a space where people can discuss their differences, but this space is fragile; it only exists so long as people are willing to talk to each other. The Church calls for cooperation on behalf of the common good. “Cooperation, even in its less structured forms, shows itself to be one of the most effective responses to a mentality of conflict and unlimited competition that seems so prevalent today. The relationships that are established in a climate of cooperation and solidarity overcome ideological divisions, prompting people to seek out what unites them rather than what divides them.” (*Compendium of the Social Doctrine of the Church*, par. 420)

But cooperation can be very difficult when strong moral principles are at stake, and it is always a judgment call as to whether, in a particular instance, the compromise on offer merits support. It is not an abdication of principles, however, to compromise in order to pass legislation that will advance your principles. Saint John Paul II recognized, for example, that incremental steps toward an abortion-free society are necessary. (*The Gospel of Life*, par. 73) Embracing democracy means engaging in face-to-face debate and negotiations. It is the polar opposite of the attack ads seen on TV, which characterize opponents as nothing short of the Devil incarnate. Is there any chance that democratic politics in this positive sense can be revived?

When Patriots Step Forward

At critical moments, Americans have worked together for the common good. During the summer of 1787, delegates from the states straggled into Philadelphia to draft a U.S. Constitution. There were big differences over a range of issues. Alexander Hamilton wanted the rich and well-born to have the most say in the government; he opined that

the mass of the people were too “turbulent and changing.” In *The Rise of American Democracy*, historian Sean Wilentz describes how the delegates listened to Hamilton but chose James Madison’s approach, which rejected privileges based on heredity or wealth, but put brakes on popular rule through the indirect election of the president and senators.

Conservatives urged the franchise be limited to those owning property. Benjamin Franklin, who had to be carried into the convention on a sedan chair because of frail health, argued against such a restriction: “It is of great consequence that we should not depress the virtue and public spirit of our common people.” The property qualification was rejected. There was no C-Span to watch the delegates’ every move and this may have been a blessing. In order to give the new Constitution legitimacy, the delegates decided it should be ratified not by the state legislatures, but by special state conventions.

The ratification debate was vigorous in villages, towns and cities throughout the country. Madison and Hamilton, putting aside their differences, penned the *Federalist Papers*, a series of articles published in newspapers that offered a spirited defense of the proposed Constitution. Opponents published warnings of a centralized, all-powerful federal government. In many ways it was America at its best. In *The Glorious Cause*, historian Robert Middlekauff says of the anti-federalists, “They did not arm themselves or secede from the Union. They did not make another revolution despite all their talk of tyranny hovering in the wings. Nor did anyone imprison them. The ratification process, in short, remained peaceful, despite the wild rhetoric it generated.” In the end, the states ratified the Constitution and Washington was elected president. One can argue it was easier in those days to find agreement. There was, to some extent, a “natural aristocracy” of landed gentry and prominent merchants who handled public affairs. But even then, parties and factions were emerging and compromises had to be made.

During these early days of the Republic, President Washington made extraordinary efforts to seek unity and to avoid divisions. He was the kind of American patriot we need today, scrupulous about his constitutional duties, willing to listen to others, including the often conflicting advice of cabinet members like Jefferson and Hamilton, and able to act with firm resolve when the circumstances called for decisive action, such as the suppression of the whisky rebellion.

American politics may be frustrating, but Pope Francis urges Catholics not to be aloof spectators: “Do I as a Catholic watch from my balcony? No, you can’t watch from the balcony. Get right in there.” If we want to keep our American democracy we have to stand up for individual rights while still working with those we disagree with when reasonable compromises are possible. That’s what patriots do.

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