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# Farm Politics and the Separation of Powers

By Charles M. Hardin

## PRESIDENT vs. CONGRESS

Every President has had trouble with Congress. The friction began in Washington's first term and continues in the Eisenhower administration.

Presidential-Congressional difficulties are rooted in the Constitution. "All legislative power herein granted shall be vested in a Congress of the United States . . ." begins Article I. But the President must approve legislation unless his veto is overridden by two-thirds of each House. Actually, the President has become "chief legislator." He is also the nation's chief in foreign affairs, commander-in-chief of the armed forces, and chief administrator. Indeed, Article II begins, "The executive power shall be vested in a President of the United States." Yet two-thirds of the Senate must approve all treaties. Congress must provide and support the armed forces and make rules for their governance. Under the practice of "senatorial courtesy" the senior Senator of the President's party controls presidential appointments in his state. The canny Founding Fathers underwrote the separation of powers by giving each power a word in the management of the other's affairs.

Sometimes President and Congress cooperate; sometimes one blocks the other; and again one forces the other's hand. Frequently, they vie for leadership. The separation of powers does not mean that Congress makes the laws and that the President enforces them. Rather, it means "that one branch will be open for contesting the control that has previously been established in the other branch."<sup>1</sup>

How serious for the American political system is the recurrent friction between President and Congress? To discuss this question, we must ask, first, whether the general public is disturbed by the problem? The immediate answer is "no." The public is little informed about or interested in such matters. The

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<sup>1</sup>Pendleton Herring, *Presidential Leadership*, Rinehart and Company, 1940, p. 8.

amount of time a “typical citizen” devotes to worrying about Presidential-Congressional relationships must be infinitesimal.

If the public is massively indifferent to the problem, its electoral behavior has some bearing on Presidential-Congressional relationships. Even in the 1952 presidential election, only 63 percent of the adults voted; but some 4,000,000 more of them voted for presidential candidates than for Congressmen. Let us contrast presidential and mid-term Congressional elections. In the six presidential elections since 1932, an average of 48,700,000 voted.

How alarmed should we be? Highly competent analysts—the “standpatters”—pooh-pooh these fears. One writer considers the electoral college a dangerous anomaly, but finds the domestic operations of the American Constitution generally satisfactory; however, the conduct of foreign affairs “discloses a fundamental defect in the American political system.”<sup>2</sup>

Others—the “reformers”—say that the situation calls for changes, more or less drastic. Some reformers merely favor creation of majority and minority policy committees in Congress, the provision that cabinet members may be questioned on the floor of Congress, and the elimination both of senatorial filibusters and also of the designation of committee chairmen by seniority. Going farther, others would do away with mid-term elections, arguing that if Congress and the President stand together for election a more responsible national government—one less subject to local pressures—will emerge. Going still farther, some would give us government by a cabinet subject to votes of confidence in Congress; as in Great Britain, the cabinet would either resign on an adverse vote or would dissolve Congress and appeal to the country in a general election on the issues.

Nearly all reformers want to stress the judgment of the national electorate upon the national government for its national program and diminish the weight of local electoral judgments upon local Congressmen respecting local issues. They want the high-powered engines of government to concentrate on big problems rather than little ones (for the Congress to appropriate for janitorial service in the Alaskan Governor’s mansion is worse than using a bulldozer to weed the garden). Finally, reformers in general assume the need to strengthen political parties and make

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<sup>2</sup>A. N. Holcombe, *Our More Perfect Union*, Harvard University Press, Cambridge, Massachusetts, 1950, pp. 107, 426 *et passim*.

them more responsible for policy—this means that the electorate will be better able to fix responsibility; in short, it means party government.

Reformer or standpatter—who is right? The latter can point to predictions of disaster which history has not borne out. Alexander Hamilton write: “Mine is an odd destiny. Perhaps no man in the United States has sacrificed or done more for the present Constitution than myself; and contrary to my anticipations of its fate, . . . I am still laboring to prop the frail and worthless fabric.” No prophet of disaster could be more eminent than Hamilton. No one could have been more wrong.

True enough, say the reformers, but times change. As crisis spawns crisis, governmental programs must be more coherent; policy conflicts must be minimized. What kind of conflicts? Buy-American legislation, quotas, tariff barriers, and complicated customs administration—all embarrass our international trade policies. The immigration act is a standing affront to our allies. Despite an internationally minded administration, the doctrine of isolationism continues to be advanced in high places at critical moments. Antitrust policy sometimes handicaps the conduct of foreign affairs. Domestically, budget balancing is bedevilled by armed-service pressures and by traditional logrolling. National farm policy prices some commodities out of the market at the same time that it stimulates their production. Taxes unduly burden some businesses and indefensibly benefit others. The 1950-51 conflict of the Treasury versus Federal Reserve Board was resolved but only after inflation had been given a further boost. When free enterprise in thought is sorely needed, federal inquisitions threaten to turn each man against his neighbor and to undermine civil liberties.

We need not search for elusive criteria to judge between reformers and standpatters. Both agree that the American system of government is hard to work. Given the interests to be accommodated and the ends to be reconciled, it could not be otherwise. The harder a political system is to work, the more important it is to have an intelligent grasp of it. Educators in the field of public policy are especially obligated to improve the public's grasp of the political system. Agricultural extension workers have a peculiar duty to interpret the role of farm politics in that system. What is its significance for the separation of powers?

## ORGANIZED AGRICULTURE PREFERS CONGRESS TO THE PRESIDENT

Farmers in the United States are better represented in Congress than in the President. Congress is the natural forum for organized agriculture to make its political gains. Farm leaders profess to fear executive rather than legislative tyranny. Let us examine each of these propositions.

**REPRESENTATION.** Farmers are heavily overrepresented in the federal Senate and will remain so unless by a miracle urban population becomes equally distributed among 48 states. The 435 seats of the House of Representatives are reapportioned among the states according to population after each decennial census. States entitled to more than one Congressman are required by federal law to be divided into Congressional districts. But the districting agents are state legislatures, which are commonly dominated by rural and small-town members. The frequent consequence is that legislatures either refuse to redistrict or else draw the lines so that urban areas are disadvantaged. Thus 235 rural and small-town Congressional districts average 283,000 population while 122 urban districts average 331,000.

If rural and small-town areas are overrepresented in the Congress, so are the great metropolitan areas in presidential elections. The candidate who barely wins the popular vote in a state still gets its total electoral vote. The winner needs 266 electoral votes. Eight states,<sup>3</sup> all with great cities, all being "close states" have 213 electoral votes. It is easy to see that these states, plus the votes that either party can usually count on would be enough for victory. This extremely simple arithmetic illuminates somewhat the actual working of our Constitution; the President's electorate is different from that of Congress; it is urban-dominated and much larger.

**THE CONGRESS: AGRICULTURE'S POLITICAL FORUM.** Congress, then, is the natural channel of access for farm politicians. This is true, even though the modern need for executive leadership is very great in agricultural policy, as in other fields. The farm vote no longer determines which party will control the House, the Senate—or the Presidency, for that matter. But the

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<sup>3</sup>New York, California, Pennsylvania, Illinois, Ohio, Michigan, New Jersey, and Massachusetts.

re-election of Congressmen from rural and small-town districts often gives them the seniority necessary to become committee chairmen. Naturally, Wesley McCune found the "center of operations" of the farm bloc to be Congress.<sup>4</sup>

The original agricultural bloc, formed in Congress in 1921, pressed successfully for regulation of the packers and stockyards and grain exchanges as well as for liberalization of farm credit. In 1926 and 1927, Congress passed McNary-Haugen Bills twice. In 1933, the widely felt emergency dictated the rapid enactment of the original Agricultural Adjustment Act, although the Senate almost tacked on a cost-of-production amendment. Congress recaptured leadership in agricultural legislation in 1934 with the Bankhead (cotton) and the Kerr (tobacco) Acts. In the confusion following the judicial liquidation of the first AAA, the Soil Conservation and Domestic Allotment Act was passed. "Secretary Wallace and the farm leaders drafted the legislation, the President blessed it, and Congress made it the law of the land."<sup>5</sup> The Agricultural Adjustment Act of 1938 was a compromise between the administration bill in the House and the Farm Bureau's bill in the Senate. In 1941, Congress again took charge of agricultural policy by raising Commodity Credit Corporation loan rates on basic agricultural commodities to a flat 85 percent of parity. Meanwhile, Congress was beginning to override the President's budget for the United States Department of Agriculture—1939 foreshadowed 1953 in this respect. The agricultural appropriation for fiscal 1940 was increased \$353,000,000 over the President's request. That year Congress cut all other budget estimates, except for the civil functions of the War Department—the pork barrel.

During World War II, the President and the farm bloc in Congress were frequent antagonists. The first explosion came in 1942 after Franklin D. Roosevelt's famous Labor Day message which told Congress to permit price ceilings on agricultural commodities at parity by October 1—"In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act." When the smoke cleared, the administration had won a partial victory. In 1943, Congress passed the Bankhead Bill to raise farm parity, Roosevelt vetoed it, and the Senate

<sup>4</sup>*The Farm Bloc*, Doubleday, Doran and Company, Garden City, New York, 1943, p. 1.

<sup>5</sup>O. R. Altman, "Second Session of the 74th Congress," *American Political Science Review*, December 1936, pp. 1086, ff. at p. 1096

referred his message to the Committee on Agriculture and Forestry without action; that is, the Senate maintained the threat to override the veto. The President bitterly criticized this "shot-gun-behind-the-door," but to no avail. In 1944, Congress attempted to repeal the consumer subsidy program but failed to override the President's veto; and so it went.

Throughout recent years, the farm politician's love for Congress has usually been matched by his distrust of the executive. The President was suspected of preferring the interests of business in the twenties, or labor in the late thirties. President Harding opposed the original farm bloc, and President Coolidge deftly removed its floor leader, Senator Kenyon, by appointing him to the federal bench. In 1925, Coolidge appeared at the American Farm Bureau Federation Convention, where he was given a "great build-up. . . ." But his address, urging farmers to rely upon free enterprise tempered by cooperation, "fell on the audience like a wet blanket. . . . applause was notably slight and the atmosphere chilly and barely respectful."<sup>6</sup> As with other policy problems, Franklin D. Roosevelt relied heavily on farm groups in the making of farm policy; and his honeymoon with agriculture was protracted. In 1935, the American Farm Bureau Convention cheered him to the echo. But rural midwestern defections from the New Deal, which began in some sections in 1936, swelled greatly in 1938 and 1940. The honeymoon was over.

In 1948, many midwestern farmers voted Democratic, although their influence in the Truman victory has been greatly exaggerated, and it is a nice question whether their love for the one or their fear of the other motivated the vote. Then Messrs. Truman and Brannan departed from the Rooseveltian method of group consultation in formulating farm policy; the Brannan Plan was evolved within the administration, so far as counseling with farm groups was concerned. Nor were Congressional leaders advised. The Farm Bureau broke with the administration, and Congress took charge once more of farm policy.

**FARM ORGANIZATION VIEWS.** Spokesmen of the American Farm Bureau Federation, with 1,500,000 family members, by all odds the largest farm organization, have obligingly expressed their preference for Congress. Allan Kline, President of the AFBF, declared,

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<sup>6</sup>O. M. Kile, *The Farm Bureau Through Three Decades*, Waverly Press, Baltimore, 1948, p. 109.

Freedom is not guaranteed by powerful Executives. That . . . would be freedom by sufferance. Its name is benevolent dictatorship. It is not freedom at all. Insofar as freedom is guaranteed by a political system, it is guaranteed by legislative bodies, elected by and freely responsible to the citizens. True freedom is freedom under law.<sup>7</sup>

President H. E. Slusher of the Missouri Farm Bureau recently praised the power of farmers in Congress and the control by Congress of the government, although he expressed alarm at the recent growth of government by executive decree. George H. Wilson of the California Farm Bureau has attributed the rise of Hitler to the subversion of the legislature by the executive. In its 1952 resolutions, the AFBF proclaimed "the Principles of Democracy and the Philosophy of Government" essentially as providing that the individual shall be able to make what he can and do what he will. The AFBF urged, among other things, "Restraint by Congress in enlarging the powers of the executive branch of the federal government." And the Farm Bureau has supported the Bricker Amendment which proposes severe limitations upon the power of the President in foreign affairs.

Like the Farm Bureau, the National Grange opposes "unwarranted assumption of power by the Executive Branch." Apparently neither the Grange nor the Farm Bureau leaders have been concerned about the possibilities of legislative tyranny. Finally, the Grange, the Farm Bureau, and the National Cooperative Milk Producers Federation have all proposed at various times the establishment of national agricultural bi-partisan commissions; the ostensible aim has been to take farm programs "out of politics"; the almost inevitable effect would be to reduce or eliminate control of farm policy by the federal executive. Only the National Farmers Union has rather consistently applauded the President and his administration in recent Democratic years.

#### INTERPRETATION

Presidential-Congressional friction, considerable at best, is increased by farm politics. The major farm groups work out their compromises in Congress, which is peculiarly agriculture's political forum. It would be easy, though deceptive, to attribute recent rifts between Democratic administrations and farm leaders to the Republican leanings of the latter. Many farm leaders—

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<sup>7</sup>Presidential Address, AFBF Convention, 1948.



outside the National Farmers Union, probably nearly all—gladly welcomed the Eisenhower victory in 1952. In the twenties, however, farm politicians clashed repeatedly with Republican Presidents.

This perennial conflict springs (partly, at least) from the overrepresentation of agriculture in the Congress and its underrepresentation in the executive. Few political analysts will accept “agricultural fundamentalism” as a justification for the overrepresentation of farmers in legislatures. They will be more impressed by the balance thus achieved between a President with a metropolitan base and a Congress with a rural and small-town base. But it may be a dangerous balance. The President and the House of Representatives, at least, might be made to rest upon essentially the same kind of electorate. President and Congress would still check upon each other. But the friction between the President and the House of Representatives would no longer increase the tension between metropolitan populations and the rest of America. Farmers might lose some of the fruits of their present overrepresentation; but they would have little to fear from the oppression of a “unified” urban interest. For the “urban interest” is normally divided and subdivided among employers and employees, landlords and renters, debtors and creditors, union and nonunion, and producers and distributors. Income and educational levels divide the “urban interest”; so, it must be admitted, do religion, national origins, and ethnic derivations. Indeed, the highly differentiated urban population will only be solidified into one interest by the emergence of a joint sentiment of unremitting common adversity—such as might be created from the cumulative disadvantages of underrepresentation in state and national legislatures.

The present confrontation has other dangers. These may be seen in the different regard in which Congress and the President are held. Many individual Congressmen and Senators are respected or admired by a considerable group in their own electorates; but elsewhere, they are usually strangers, even “foreigners.” The reputation of Congress as a whole suffers from its size and from the brawling, quarrelsome quality of its proceedings—qualities that are signs of life in a democratic legislature. But the President speaks with one voice and under the best of circumstances. He occupies the national pulpit. He is the nation’s first

citizen. One can identify with him or with his opponent against him—one can either love him or hate him with great satisfaction. In crises, all eyes turn toward him. His election brings out by far our largest vote. This is why some think of the people as being “embodied” in the President. In pondering this interpretation, farm leaders should ask themselves, first, whether it is really good for the country to maintain unmodified the present separate political bases for the President and Congress, and, second, whether in the long run it is good for farmers to be identified with the Congress and against the President.

Finally, a somewhat different point needs to be made. In championing Congress, farm politicians often fail to see the need in our governmental system for vigorous executive leadership—even though this need has been demonstrated in agricultural policy itself. It is not surprising that most reformers seek to increase Presidential leadership, and also to make it more responsible by joining it with a legislative council of some kind. What is perhaps more impressive is the unanimity among the stand-patters in recognizing the need for strong executive leadership. The American Constitution separates the powers, but it also enjoins a spirit of cooperation in statesmen, whether legislators or Presidents, so that the ends laid down in the preamble may be achieved. In stridently claiming supremacy for the Congress, farm statesmen do not render full justice to the spirit of the Constitution.