Will the U.S. Constitution survive its bicentennial?

by Kathleen Klenetsky

If Trilateral Commission member Lloyd Cutler and his Committee on the Constitutional System (CCS) get their way, 1987, the bicentennial celebration of the U.S. Constitution, could be the last year in which the republican form of government continues in force.

Instead of a government representing "we the people," and dedicated to providing for the "common defense and general welfare" of the population, every essential element of U.S. policymaking will be controlled by a small gang of oligarchical elitists who, like Cutler, bitterly oppose the Founding Fathers' belief in the capacity of an enlightened citizenry to participate in ordering the affairs of their country.

Since 1980, Cutler, former chief counsel to Jimmy Carter, has waged an aggressive public war against the Constitution, charging that it is outmoded and incapable of meeting the challenges now facing the United States.

That contention is nonsense, as Cutler well knows. The problems now engulfing the United States lie not with the Constitution, but with the failure of successive administrations, including the present one, to commit themselves firmly to the American System of economic development and scientific progress the Constitution was explicitly designed to promote. Cutler, and the oligarchical faction he represents, have historically opposed the American System, and believe that by eliminating the Constitution, they can obviate a potential return to these principles.

Cutler's battle against the Constitution went into a a new phase last month, when the CCS, a group which Cutler founded in the early 1980s as a vehicle for his anti-Constitution campaign, issued a report recommending sweeping changes in America's constitutional system, ranging from strengthening the two-party system, to amending the Constitution's treaty-ratification provision. If implemented, these changes would effectively eliminate the last vestiges of constituency politics in this country.

The CCS's 51-member board is heavily weighted with Trilateral Commission members; the Trilateral Commission's antipathy to republican government was first expressed in a notorious 1974 publication, *The Crisis of Democracy*.

Among the Trilateraloids whom Cutler has publicly lined up in support of subverting the Constitution are former Transportation Secretary William Coleman; Bruce MacLaury, president of the Brookings Institution; Glenn Watts, head of the Communication Workers of America; and Robert McNamara, the former defense secretary and World Bank president who backs mass genocide against the Third World, and *de facto* surrender to Soviet hegemony.

Other prominent members of Cutler's anti-Constitution campaign include former Treasury Secretary C. Douglas Dillon, whose daughter married into the Belgian oligarchy, and who serves as CCS co-chairman with Cutler and Sen. Nancy Kassebaum (R-Kan.); former CIA Director William Colby, now active in the anti-SDI, pro-disarmament lobby; Douglass Cater of the Aspen Institute; historian James MacGregor Burns; and Sen. Daniel Patrick Moynihan (D-N.Y.). A relatively new member of the CCS, Moynihan is a protégé of New York's oligarchical Harriman family, which has been warring against the Constitution for a century. (Perhaps Moynihan's recent affiliation with the CCS can be explained by the fact that last spring, he became so incensed when LaRouche Democrats triumphed in the Illinois state elections, that he called for eliminating primaries altogether!)

Getting rid of representative government

Calling itself a "Bicentennial Analysis of the American Political Structure," the CCS report flatly asserts that the constitutional system devised by the Founding Fathers no longer works, and requires fundamental revisions.

The report claims that the system's major problem is the separation of powers. The Constitution's framers put this unique arrangement of legislative-executive-judicial checks and balances into place in order to keep the government answerable to the nation's citizens. As John Adams wrote to Thomas Jefferson, "Checks and balances, Jefferson . . . are

our only Security, for the progress of Mind, as well as the Security of the Body."

But, charging that the separation of powers, particularly in executive-legislative relations, has produced chronic "confrontation, indecision, and deadlock," and has made it next to impossible for the President and the Congress to agree on common approaches to problems such as budget deficits, nuclear disarmament, and international treaties, the CCS advocates that this foundation of the constitutional system be overturned.

It is no accident that the CCS document should complain about the alleged "stalemate" that has occurred in these specific policy areas. Placing total decision-making powers over the crucial realms of economic and strategic policy, in the hands of technocrats controlled by the Eastern Establishment, instead of elected politicians who can be swayed by their constituents, has been Cutler's primary purpose since he first inaugurated his anti-Constitution campaign.

In an article published in the Fall 1980 issue of *Foreign Affairs,* the journal of the New York Council on Foreign Relations, Cutler openly acknowledged that his objective in calling for constitutional "reform" was to ensure that the oligarchs' policy agenda, specifically, the imposition of drastic levels of austerity on the domestic economy, and selling out U.S. national security interests to the Soviet Union, could be implemented with an absolute minimum of political opposition.

Written while he was still serving as President Jimmy Carter's White House counsel, Cutler's widely publicized article called outright for junking the constitutional system, and replacing it with one modeled on the outmoded, oligarchically oriented, British parliamentary form of government.

The crux of Cutler's argument was that the United States was inexorably entering a period of economic contraction, which would require adoption of harsh economic policies. Because these would be so politically unpalatable, the constitutional system, with its inherent constituency-orientation, would have to be replaced with something less susceptible to popular pressures.

"During the second half of this century," Cutler wrote, "our government has adopted a wide variety of national goals. Many of these goals—checking inflation, spurring economic growth, reducing unemployment, protecting our national security, assuring equal opportunity, increasing social security, cleaning up the environment, improving energy efficiency—conflict with one another, and all of them compete for the same resources. There may have been a time when we would simultaneously pursue all of these goals to the utmost."

But, "that time has past," Cutler claimed, and now one of the "central tasks of modern government is to make wise balancing choices among courses of action that pursue one or more of our many conflicting and competing objectives. . . . A responsible government must be able to adapt its programs to achieve the best balance among its conflicting goals. . . . For balancing choices like these, it is almost impossible to achieve a broad consensus. Every group will be against some part of the balance. If the 'losers' on each item are given a veto on the part of the balance, a sensible balance cannot be struck."

Cutler also cited the Senate's failure to ratify SALT II as another major reason the United States should toss out the Constitution.

Previous attacks on the Constitution, notably that launched during the so-called Progressive Period in the early part of this century, were also explicitly aimed at wresting control over economic and foreign policymaking away from constituency-oriented politicians.

One of the best examples of this was Charles Beard, whose 1913 book blasting the Constitution was sponsored by Averell Harriman's mother, a dévotée of the British parliamentary system. Beard, a perfervid admirer of Benito Mussolini, ran the Harriman-funded Bureau of Municipal Research, which promoted the idea that unelected technocrats should replace elected officials as much as possible. When Beard helped draft a model state constitution for New York in 1920, he wrote extensively on the need to get control of the budget out of the hands of politicians, and into the hands of technocratic experts.

Although not quite as extreme as Cutler's *Foreign Affairs* article or Charles Beard's fulminations, the CCS report expresses the same basic outlook and objectives. For example, the report points to the fact that SALT II and several other related treaties, including the 1974 and 1976 treaties on underground nuclear tests and explosions, have not been ratified by the Senate, as evidence of unmistakable "signs of strain in our governing processes." This contention blithely ignores the fact that SALT II was rejected, because it was seen to run counter to U.S. national security interests.

Cutler and his fellow Constitution-haters have a ready solution for this dilemma: To avoid future untoward interference by the Senate in the oligarchs' plans for striking a deal with the Kremlin, the CCS proposes "relaxing" the existing, constitutionally mandated procedures governing treaty ratification.

"The present constitutional requirement that treaties require the approval of two-thirds of the Senate has been a major barrier to the use of treaties and has led to evasion of the treaty process by way of executive agreements. To restore an appropriate congressional role in the making of agreements with foreign powers, this provision should be amended to require that treaties can take effect with the approving vote of a constitutional majority of both houses. If the Senate does not join in proposing such an amendment, it should at least approve an amendment reducing the present requirement of approval by two-thirds of the Senate to 60%."

Moving toward the British system

Most of the CCS's recommendations would bring the

United States much closer to a parliamentary form of government—a system which the Constitution's drafters found to be gravely flawed.

The report calls for a four-year term for House members, and eight-year terms for senators, with federal elections every four years. According to the CCS, this would enable closer policy coordination between the executive and the legislative branches, and enable both to implement politically unpopular policies without being encumbered by the political constraints of mid-term elections. "Presidents and legislators could join to enact necessary measures with the promise of longer-run benefits, without having to worry about an imminent election before the benefits were realized."

In a proposal even more directly copied from the parliamentary system, the report calls for allowing members of Congress to serve in the cabinet. Noting that the constitutional taboo against such an arrangement "was intended to prevent the President from dominating Congress by offering executive positions to key legislators," the CCS nevertheless insists that "its principal effect has been to deprive the nation of administrators who would have the confidence of both the executive and legislative branches." Removing this "barrier" from the Constitution, and enabling Presidents to appoint leading legislators to cabinet positions, would encourage "closer collaboration" between the branches and help to prevent stalemate.

The report makes several recommendations which are supposedly aimed at strengthening the party system, but which are actually geared at ensuring that a select few would be able to determine party policy. One calls for partial public financing of congressional campaigns, in which party leaders would be given control over half the funds. In practice, this means that if a candidate were to run afoul of party leaders, for instance, if a Democratic candidate were to oppose his party's official support for the SALT II agreement, he would probably lose half of the funds allocated by the federal government.

In addition to these measures, the report contains several other recommendations that did not command the majority approval by the CCS board, but were nevertheless deemed "worth considering." One of the most important is the proposal, avidly promoted by Cutler, that either the President, or Congress, or both, be allowed to call new elections, as is done in parliamentary systems, as a "mechanism for resolving deadlocks over fundamental policy issues." Such a provision would make the United States susceptible to the kind of topsy-turvy shifts in government which have plagued other countries with parliamentary systems, such as France.

Another, also supported by Cutler, calls for forcing voters to vote a straight party ticket.

Propaganda offensive

The CCS is cynically exploiting the Constitution's bicentennial to promote its program for replacing that document. According to a CCS spokesman, the group has a wide variety of propaganda operations in the works, including a series of regional meetings across the country, newspaper articles by sympathetic journalists, etc., which will popularize the notion that the Constitution needs to be revised. The group has already held two regional seminars on "constitutional reform," and has several others planned for late winter.

CCS will attempt to reach a larger audience in May, when Public Broadcasting System airs a five-part series dealing with the Constitution's "problems," and publicizing the CCS's recommendations. One segment of the series has already been taped, and provides a good clue as to its overall intent. It features such prominent individuals as CCS board members Cutler and Kassebaum, Gramm-Rudman architect Sen. Warren Rudman (R-N.H.), former Supreme Court Chief Justice Warren Burger, ABC White House correspondent Sam Donaldson, and Attorney General Ed Meese, participating in panels entitled "The President, the Congress, and the Making of War," "The President, the Budget, and the Separation of Powers," and "Proposed Changes in the Constitution." The series is being produced by Fred Friendly, who used to sit on CCS's board, and whose wife, Ruth, still does.

The Cutler pedigree

In a very real sense, Cutler's proposals for changing the Constitution have already been put into effect via the Gramm-Rudman-Hollings balanced-budget law, which handed extraordinary powers over federal budget policy to the number-crunchers at the Office of Management and Budget.

It is hardly a coincidence that Cutler was right in the middle of the legal battle contesting Gramm-Rudman's constitutionality last winter, serving as the chief counsel for the government's case to keep the bill intact. In an interview shortly after the bill was enacted, CCS coordinator Peter Schlauffer predicted that it "will cause such a political and constitutional crisis, it will force people to see the need for constitutional reform."

Over a long career as Washington lawyer and Democratic Party "statesman," Cutler has specialized in subverting governments. Last year, for example, he figured prominently in the "Greenpeace" affair, a scandal launched by the Trilateral Commission to destroy patriotic sections of the French intelligence services. Cutler provided free legal services to Greenpeace, the terrorist, Moscow-linked "ecology" group.

More recently, Cutler's role as the chief architect of the Carter administration's secret agreements with Ayatollah Khomeini, which began the immoral and stupid U.S. policy of supplying arms and political support to Iran—has come to light in press exposés of the Iran-Contra affair.

Although it will not be easy to convince Americans to get rid of a political system which has served them so well for 200 years, Cutler himself is optimistic. He told an interviewer that support for scrapping the Constitution will become widespread under conditions of economic and political crisis—a description more than applicable to 1987.