



The American Leviathan: A Historical View

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THE AMERICAN LEVIATHAN: A HISTORICAL VIEW

By HERBERT S. SCHELL

ONE of the most significant features of American social development has been the tremendous expansion of the function of government at both the state and national levels. Public services have been augmented to such a degree and governmental controls so extended as to create in the minds of many a genuine concern over the fate of our democratic way of life. Government has been viewed as a modern leviathan, jeopardizing the freedom of the individual and creating an irresponsible bureaucracy. Such a view, however, is a distorted one and stems from the failure to understand the historic forces that have shaped the course of American history. We need to invoke the perspective of history to discern the process of logical growth and change.

Our present-day, complex, highly industrialized society is a far cry from the simple social organization

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idealized by Thomas Jefferson with the function of government reduced to a negative position of policeman. Moreover, within the Jeffersonian framework, the center of gravity was the locality or state with untrammelled authority except in such special spheres where problems of wider scope transcended state lines. National authority was conceded in such matters as military defense, the public lands, immigration and naturalization, the tariff, and Indian policy. As the country began to outgrow its narrow boundaries and its economy became more complex, the inevitable tug of war naturally ensued between the forces of localism and nationalism.

It was, however, not until after the Civil War that nationalizing tendencies began a gradual but constant erosion of state barriers so as to mould American social and economic institutions into their national or interstate pattern. In this connection we need but note the revolution wrought in the fields of transportation and communication, the growth of national farm organizations and national labor unions, and the creation of large business organizations to perceive this focalization of economic interests along national lines.

While the centripetal forces of industrialism after the Civil War were thus shaping the economic structure along national lines, strong dissatisfaction was expressed against the spirit of exploitation which characterized the period. Early targets were railroad corporations and grain warehouses and elevators serving agrarian patrons in western communities. The attack was gradually extended to include corporate wealth in general, assuming the form of an antimonopoly campaign. Corporate interests were allegedly engaged in unfair competitive practices and subverting government agencies to selfish purposes.

Thus was born a general reform movement, seeking the amelioration of undesirable social, economic, and political conditions through the medium of government. The goals sought included the regulation of corporations

and the popular control of political machinery. The principle of social justice was invoked in defense of an interference with private enterprise. The subsequent implementation of a policy of public regulation proved to be a body blow to the philosophy of *laissez faire* adhered to with much reverence prior to 1900. The end result was a tremendous growth of the powers of government, whether exercised at the state or national level.

The reform movement has followed its course in an irregular way from the period of the 1870's to the present. Its impetus, historically, has come from two major sources—one, the agrarian West; the other, the urban East. Its greatest advances have come during periods of economic crisis.

The expansion of government functions can be traced through three major periods of American history: (1) the period of the Granger and Populist movements; (2) the period of the so-called Progressive Movement from 1900 to approximately 1916; and (3) the period of the New Deal, the postwar Fair Deal, and Modern Republicanism. Grangerism and Populism were essentially agrarian phenomena of the Middle West; Progressivism was more national in scope but, nevertheless, had its deepest roots in the Middle West. The manifestations of the last twenty-five years have been fully national in scope and deeply imbedded in both the rural West and the urban East.

The initial movement for governmental regulation of business began in the agricultural Middle West out of protest against unfavorable economic conditions. It had its sources in the Grange or Patrons of Husbandry which, against the wishes of its founders, led to the organization of political clubs interested in political action. Through the application of pressure politics, disgruntled farmers evolved a program of action whereby they invoked the assistance of state governments in correcting what they regarded as economic abuses. The Granger activities were particularly directed against railroad corporations, result-

ing in a flurry of rate-fixing and other regulatory measures. Although the Granger laws were of short tenure, the principle of regulation was written into the body of constitutional law by the Supreme Court of the United States in the Granger Cases of 1876 and 1877.

It is pertinent to our purpose to observe here that the initial attack upon corporations was made by the state governments. The problem, however, transcended state lines and called for action on a wider front. The enactment of the Interstate Commerce Act of 1887 and the Sherman Antitrust Law of 1890 was a recognition of national responsibility despite the ineffective character of the legislation at the time.

The economic discontent voiced by the Granger Movement was not allayed and became the rallying ground for various reform groups during the 1880's and 1890's. Politically, the most articulate of these dissident groups were the Farmers' Alliance and the Knights of Labor. Regarding the two major parties as mere tools of corporate interests, the Farmers' Alliance backed their own candidates in various states with considerable success in the elections of 1890, electing a United States Senator in Kansas and South Dakota and several Congressmen in Kansas, Minnesota, and Nebraska. In the latter state they gained control of the state senate and almost elected a governor. In a number of southern states the Southern Alliance was able to wrest control from the conservative leadership within the Democratic party.

The organization of a People's party along national lines soon followed. Although the new party was designed to attract also the laboring classes in the industrialized areas of the country, it derived its main strength from western farmers and miners. Its platform was skillfully drawn so as to draw support from various protest groups, including single-taxers and Christian Socialists. Charging that the political machinery of the nation had fallen under the domination of corporate interests, the People's party

sought to restore the government to the hands of "the plain people." With the control of the government once in their hands, the Populists hoped to write into law their program of economic and social reform "to the end that oppression, injustice, and poverty shall eventually cease in the land." To gain these objectives, they would expand the powers of government "as rapidly and as far as the good sense of an intelligent people and the teachings of experience shall justify."

The Populists sought currency reform, including the coinage of silver; a reorganization of the country's banking system through the abolition of the national banks; economy in government spending; a graduated income tax; the secret ballot; the direct election of United States Senators; the initiative and referendum; a single presidential term; and government ownership and operation of railroads, and telegraph and telephone lines. Demands for restrictions on immigration and a shorter working day catered to the working classes in the cities. Most of the reforms sought were national in character.

The Populist influences were mainly concentrated in the agricultural states of the South and West. Nationally, the party in 1896 in a spirit of expediency allowed itself to become submerged in the Democratic party, finding a common point of agreement in the free silver question. In such states as the two Dakotas, Nebraska, and Kansas, it directed its energies against corporations, particularly railroads, although with indifferent success. South Dakota is a case in point. Here a fusion ticket of Populists, Democrats, and Silver Republicans, by a very scant margin, captured control of the legislature and the governorship, and elected two Congressmen. Its effort at rate-fixing was successfully blocked by court action, and Governor Lee failed in his efforts to increase the assessment of railway property. The most tangible contribution of the Populist administration in South Dakota was the enactment of an initiative and referendum law in 1897.

The political and social ferment symbolized in the Granger and Populist movements must be viewed as a precursor of the spirit of progressivism that became so prevalent after 1900. As Professor Hicks and other historians of the Populist Movement have so well pointed out, the elements of discontent made the American people aware of imperfection in the economic and political order. What the conservatives of that period dismissed as sheer demagoguery and unadulterated socialism became commonplace to a subsequent generation. Most of the ideas of the Populists were eventually accepted in some form or other, excepting of course, free silver. A decade or two later, in the words of William Allen White, the reform politician "caught the Populists in swimming and stole all of their clothing except the frayed underdrawers of free silver." The concept of social control through the processes of government was fast undermining the older philosophy of *laissez faire*.

The reform movement during the years bridging the period from the defeat of Bryan and Populism to World War I was promoted within the framework of the major political parties rather than from outside. Leadership was furnished by men who accepted the philosophy that a representative government had an inherent responsibility for the promotion of the public welfare. Bitter intraparty contests generally resulted in political victory for the so-called Progressives. The net results of this change of direction in the political thinking included more effective measures for the control of railway corporations and trusts and numerous so-called social and labor laws.

While most of these enactments were adopted under the police powers of the states, the national government strengthened its regulatory measures and concerned itself in greater degree with the complexities of society that spilled across state lines. The "New Nationalism" voiced by Theodore Roosevelt in 1911 reads like a prologue to the New Deal of the 1930's. The Bull Moose leader particularly insisted that the national government assert its authority

over all matters falling within the "twilight zone," that controversial area of governmental responsibility where the lines of demarcation between the individual state and the nation are not clear-cut.

The essence of the Progressive Movement was a more effective application of the democratic process so as to ensure popular control of economic and social institutions. The "Wisconsin Idea," formulated by Governor Robert M. LaFollette at the turn of the century, became the model for reformist endeavors throughout the nation. The basic features of the "Wisconsin Idea" included the direct primary, corrupt-practices legislation, numerous commissions to regulate public utilities and industrial corporations, an inheritance tax, and a state income tax.

Other states fell under the spell of the progressive spirit. In Iowa Albert B. Cummins was elected governor on a reform platform in 1900. In both Nebraska and South Dakota the progressive wing of the Republican party captured control of the party machinery in 1906, electing George Sheldon to the governorship in the former state and Coe I. Crawford in the latter, and at the next legislative session in each state enacting direct primary laws, antipass laws, more effective railway legislation which included authority to fix rates, and antilobbying legislation, as well as other measures designed to destroy the influences exerted by business corporations upon the body politic. The liberal upsurge within the major parties brought to the fore such leaders as Charles E. Hughes in New York, Woodrow Wilson in New Jersey, and Hiram Johnson in California. In Nebraska, of course, George W. Norris continued to carry the cloak of progressivism for almost half a century, particularly making major contributions in national legislation.

At the national level, the spirit of reform was demonstrated through supplementary railway and antitrust legislation. The principle of public control over railway rates was definitely established. Conservation programs, tariff

revision, and the enactment of an income tax law were other significant features.

The preoccupation with the events of World War I brought a halt to the reforming proclivities of the Progressive Movement. The efforts of LaFollette to spearhead a national movement in 1924 failed to catch fire, receiving, however, considerable support in middle western states and in a few scattered industrial communities. To historians generally, the 1920's represent a period of reaction with little genuine interest in the further advance of social and economic reforms. Conservatism reflected the temper of the times.

Nevertheless, despite the conservative mood of the country, there continued during the 1920's a gradual expansion of the federal power and a further erosion of state sovereignty. Through Congressional legislation concerning transportation and communications and through a liberal interpretation by the Supreme Court of the commerce clause in the Constitution, the national government made further encroachment upon the regulatory powers of the states. The state railroad commission was virtually bereft of its regulatory functions over railroads operating within the state.

The spirit of complacency that characterized the 1920's suffered a rude shock in the panic of 1929. The Great Depression that followed generated a new program of reform and change. The New Deal program and the subsequent historical events are so well known that a few broad generalizations will suffice here. Although much of the New Deal concerned itself with social and economic maladjustments and curative policies, a positive approach was injected by proposals for a "planned economy" in order to bolster the structure of capitalism. Much of the New Deal was purely experimental and temporary. Out of the hodge-podge of New Deal ideas a greater degree of governmental responsibility for the social and economic welfare clearly emerges.

The national government greatly extended its sphere of action. The relative financial helplessness of the state and local units forced the national government to assume the burden of relief, heretofore regarded as primarily a local responsibility. Pump priming and other policies designed to restore purchasing power promoted further the growing trend toward centralized authority. The regulatory powers of the national government were extended to cover labor relations. Public welfare became a national concern under the social security programs as did the related problems of housing and slum clearance.

A multipurpose project for regional development was undertaken under the Tennessee Valley Authority, followed in subsequent years by other projects including one for the development of the Missouri River Valley. In promoting these projects, such time-honored objectives as flood control, reclamation, and the conservation of natural resources were promoted. The ancillary question of public power, quite controversial in nature, was included and received public approbation.

The New Deal shaded off into the activities of World War II which further changed the landscape of American society. It is almost trite to say that modern life has been becoming progressively more complex, aggravating old problems and creating fresh ones. Consider, for instance, the growing complexities of transportation, both air and surface, the various new modes of communication, the development of control of atomic energy, and the growing concern over public health and public safety. These are all problems of nation-wide scope, demanding a national approach.

In tracing the expansion of governmental activity, one readily notes the tremendous influence exerted by the states of the Middle West, including in this category the Plains region from Kansas to North Dakota. These were the states that raised the banner of revolt under Grangerism and Populism and promoted the initial movement for the

regulation of railways and grain warehouses. Much of the zeal for the reform crusade after 1900, likewise, came from this general area. Historians have been trying to discover some explanation for this western habit of turning to the government for assistance. Some see a relationship with the status of dependency during the territorial period.

The public land states began their existence under the tutelage of the national government. A beneficent national government not only provided free land, but also carried a considerable portion of the administrative and legislative expenses. In Dakota Territory, no taxes of any kind were even collected during the first five years of settlement. One writer, in chronicling the history of Dakota Territory, has suggested that the first settlers actually made their living off the national government either through the Indian Bureau or in some other governmental capacity. This reliance on governmental support seems to him to be the rationale for the demands of the Populists and the later socialistic experimentation of the Nonpartisan League era. Parenthetically, this writer further naively suggests that government even today seems to be the major industry of the Dakotas inasmuch as the two states to the north lead all others in the proportion of population employed by government, including federal, state, and local.

It is, of course, incorrect to assume that the reform movement has been indigenous to the western or frontier states. States along the North Atlantic seaboard have pioneered in the enactment of social legislation as well as the western states. Such states as New York and Massachusetts have sponsored progressive legislation as well as the state of Wisconsin. Nevertheless, whatever the explanation, the constituencies of western states have generally been in the van of the movement. They spearheaded the agitation for the regulation of corporations and were the first to adopt such political innovations as woman suffrage, the initiative, the referendum, and the recall.

Another moot point about the reform movement, particularly in the western states, has been its alleged socialistic nature. In reality, the major drive has come from the desire for a democratic control of economic institutions. The goal has been the elimination of abuses within the capitalistic structure. It was the apparent ineffectiveness of railroad legislation at both state and federal levels prior to 1900 that prompted the Populist demand for government ownership and operation of railroads. Although utterances of Populist orators and editors plainly reveal influences from the writings of Henry George, Edward Bellamy, and Henry Demarest Lloyd, there was actually little support for a blueprint for a new economic system. The coterie of self-styled Socialists within the Populist ranks remained small. Occasionally, however, it must be admitted, such individuals were not without their influence. The fusion victory of 1896 in South Dakota, for instance, sent an out-and-out Socialist to the lower house of Congress.

Also of tremendous influence in South Dakota was the versatile Roman Catholic priest, Robert W. Haire, whose humanitarian impulses induced him to espouse a non-Marxian type of socialism. Father Haire headed the Knights of Labor in the state for a number of years, authored the state's initiative and referendum measure, and served the public institutions of higher learning with distinction as a member of the South Dakota Board of Regents. The Populist party, it must be admitted, nurtured many varieties of social beliefs in its ranks, but its tenets, nevertheless, were not those of socialism, with the major exception of the demand for national ownership of railroads and telephone and telegraph lines.

The closest approach to state socialism was witnessed in the two Dakotas during the second and third decades of the present century. In North Dakota the driving force behind the socialistic movement was the Nonpartisan League. In South Dakota, on the other hand, the program was espoused by the leaders of the Republican party,

partly, perhaps, as a means of staving off defeat at the hands of the League.

The flirtation with state socialism in South Dakota included the purchase and operation of a lignite coal mine, a state hail insurance program, a state owned and operated cement plant, and a state operated rural credit scheme. The constitution was freely amended in 1918 to remove the limitation on the state's public indebtedness and to permit the state to engage in internal improvement projects. An amendment, adopted in 1918 by a vote of approximately 41,000 to 25,000, even gave the state authority to own and operate elevators, warehouses, flour mills, and packing plants. Its official endorsement by the Republican party assured its adoption, but not its implementation. The support given the amendment was merely part of the Republican strategy in meeting the threat of a Nonpartisan League victory.

In 1918 the voters of South Dakota also empowered the legislature to authorize a hydroelectric project on the Missouri River. Four years later, however, the voters, in an initiated measure, reversed their earlier position by overwhelmingly refusing to accept a plan to harness the waters of the Missouri for public power.

With the notable exception of the state cement plant at Rapid City, which, incidentally, is an efficiently operated, going concern today, the several business ventures of South Dakota were eventually written off as failures. Although their economic soundness was called in question by many at the time of their adoption, the projects were deemed justifiable under the public welfare. In the words of the constitutional amendments, the projects were declared to be "works of public necessity and importance in which the state may engage."

Many of the Republican leaders of South Dakota who, under the direction of Governor Peter Norbeck, sponsored the measures, were successful businessmen; they were not rank Socialists but actually strong believers in the capital-

istic system. The program must be viewed in retrospect as a part of the contemporary campaign against trusts and the monopolistic prices the trusts fostered during the inflationary years from 1918 to 1921. The voters of South Dakota who endorsed the projects at the polls regarded them as necessary to their economic welfare because, in their estimation, the competitive system was breaking down under the impact of huge and powerful monopolies.

A similar reasoning can be advanced with reference to the New Deal program. Its avowed goal was the correction and amelioration of definite abuses so as to strengthen the established economy. Radical proposals to refashion institutions found little favor with the public. The Tugwellian experimentation with resettlement through the establishment of new communities along co-operative, if not collective, lines is a case in point in this connection. The idea of resettlement originated with eastern theorists and visionaries and was given a trial under an attitude of sufferance rather than one of approval. The farmstead associations formed in Nebraska and South Dakota to promote subsistence farming were kept within modest bounds while doomed to be written off as expensive failures by their very impracticability. The alleged socialistic tendencies of the New Deal have been greatly exaggerated. The major objective of the whole program was to bolster up the capitalistic system rather than to destroy it.

This general expansion of government that we have been considering here has been a logical development arising from the growing complexity of a highly integrated society. A basic characteristic of a democratic society is a concern for the welfare of its members. The services demanded of local and state government have been mounting in direct proportion with the growth of population. At the same time, the mobility of a transient population, made possible by the modern modes of transportation, has tended to erode or obscure still further the political boundaries within the nation. Amidst this process, problems, formerly regarded as local in nature, have assumed a national signi-

ficance. The political self-sufficiency of the local and state jurisdictions accordingly tends to break down. Such matters as a farm policy, public education, the prevention of crime, and public health are thus becoming more and more of national import.

No area demonstrates so well the gradualness of the process whereby governmental activity has become expanded as does the field of agriculture. From fairly early times agriculture has been the recipient of educational and technical assistance from the national government. Agricultural research was recognized by Congress as a public function as early as 1839. The land-grant colleges were established under the Morrill Act of 1862 to provide technical training for young people aspiring to careers in agriculture and the mechanic arts. Grants-in-aid were provided for the establishment of agricultural experiment stations under the Hatch Act of 1887. A Department of Agriculture was created in 1862 and given Cabinet status in 1889. The first efforts of the national government were directed toward the problem of production. Soil analyses, the introduction of new plants or new varieties, plant breeding, the eradication of plant and animal diseases, weather research, and market reports represent some of the early activities.

In the course of time these activities of the national government were greatly expanded and strengthened to become important permanent and lasting features of federal aid to farming enterprise. Programs were also eventually promoted to improve farm living conditions. Such programs included rural mail delivery, a parcel post system, home extension work, and still more recently the promotion of rural electrification. The Public Roads Act of 1916, beginning the dollar-matching policy for highways, was supposedly enacted for the improvement of farm-to-market roads, although there is considerable evidence that its successful passage must be accredited primarily to the efforts of automobile manufacturers.

The advance of settlement into the semiarid and arid areas of the Great Plains and the regions farther west led to a growing interest in the problem of proper land utilization. Through both state and federal action, irrigation activities have been promoted and dry farming practices emphasized. The severity of droughts during the 1930's led to the formulation of a more orderly program of conservation under the Soil Conservation Act of 1935 with reference to both agricultural and grazing lands. Federal demonstration projects were conducted in various states, particularly in the Great Plains region, to encourage farmers to use soil-conserving techniques on their lands. It is interesting to note that since the 1940's the soil conservation districts have been locally organized and set up under state supervision. Federal funds, nevertheless, are supplied in the form of benefit payments for conservation practices.

The unfavorable conditions affecting American agriculture after World War I gave rise to demands for more direct assistance from the national government. The problem facing agriculture was basically one of distribution involving adjustments in both production and marketing. Industry has been generally capable of handling its own problems of production through its corporate organization, whereas agriculture, on the other hand, has been too individualized to help itself. Efforts were made during the 1920's to extend to farmers easier credit facilities and to assist them in their marketing operations. During the depression years of the 1930's a farm policy was evolved whereby the regulatory or interventionist powers of the national government were applied to the agricultural industry, involving far-reaching production controls as well as price-fixing features. More liberal credit facilities were provided and direct aid was furnished to low-income farmers. Crop insurance was an added feature of the new farm policy. The conservation program with its benefit payments was designed in part to control production.

What is significant to us in our present discussion is

the reliance on government aid in the management of agricultural affairs, entailing as it does a greater degree of government intervention than had ever been invoked before except in the case of the regulation of railroads. Whatever the outcome of the perennial debate over farm policy, the national government will inevitably continue to direct much of its energies toward the farming industry. Regardless of the merits of current agricultural policies, the national character of the farm problem must be conceded. Any course of action concerning agriculture must perforce be at the national level. Aside from the controversial question of parity price, price control, and crop restrictions, important contributions have been made by the national government under the noncontroversial features. Under the land utilization program, for instance, constructive effort has been made to classify lands according to their proper or efficient use.

This aspect of the program, together with the application of conservation principles, is of particular significance to the Great Plains. Most of the problems facing agriculture in this region have had their origin in an improper utilization of the land, arising in large part from a lack of proper supervision under national land policies. The present program represents, as it were, a belated effort to correct some of the maladjustments in the land-use pattern foisted upon the Great Plains. This is a constructive approach and a likely refutation of those who would hold that Nebraska and South Dakota comprise a rim of the western desert.

It might be pointed out, further, that the national government has, in many instances, shown itself more capable of administering certain programs than the states. The national system of bank deposit insurance adopted by the national government under the Glass-Steagall Act of 1933 has been proven sound and feasible. During the period from 1907 to 1917 bank deposit guaranty legislation was enacted in eight western and southern states, including Nebraska and South Dakota. All these state programs ended in failure. Nebraska adopted such a scheme in 1909;

at the time of its repeal in 1930, the deposit insurance fund had incurred a deficit of \$22,000,000. The experience of South Dakota was even worse. After eleven years of operation, the state was obliged to repeal its law in 1926 by which time its insurance fund had accumulated a deficit of \$43,000,000. It might be also noted that the state of South Dakota, as well as Minnesota, experimented unsuccessfully with a state system of rural credits. During the last twenty-five years the national government has evolved, with relative success, an elaborate system of government-sponsored credit for agriculture.

The whole problem of intergovernmental relations, including the demarcation of the spheres of responsibility, has received much attention during the past several years. Of particular concern has been the trend toward greater federal aid to state and local units. The state of South Dakota in the year 1952 received 27 per cent of her total general expenditures from the national government in the form of grants-in-aid. For Nebraska the corresponding percentage for the same period was 23, for Kansas 22, and for Wyoming 43 per cent. Most of these funds were earmarked for road construction and public welfare. While the debate goes on *pro* and *con* concerning the propriety and wisdom of such financial assistance, it is pertinent to point out that full responsibility rests with the states for administering the services aided with such federal funds. Indeed, there are those who contend that the political integrity of the state jurisdiction is best safeguarded through such assistance. The alternative in many cases could well be the assumption of complete responsibility by the national government.

The social and economic forces that have promoted "bigness" in government have considerably obscured the fine line of distinction between the local and the national. Call it the welfare state or by some less formidable sounding name, the fact remains that the multifarious demands for public services in a highly complex society have reared a colossal structure of government at the national or federal

level. The crux of the whole problem is not so much a matter of relaxing or abandoning governmental activities as what President Eisenhower has aptly termed the proper diffusion of responsibilities. The trend toward the expansion of the national authority can be stayed or reversed only if the states assume their full responsibilities. If, as the President has warningly suggested, the states shirk their responsibilities or appear unable to handle specific problems, the vacuum created merely invites further federal interposition.