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It's time to bring back BRICKER

By Nathan Tabor

Very few people now living will remember John Bricker, but his most memorable claim to fame was the highly controversial Bricker Amendment of 1953. Had it passed, our nation would be a much safer place to live today.

John Bricker was born in Ohio in 1893 and admitted to the bar in 1917. After serving as an Army officer in World War I, Bricker entered Ohio politics as a conservative. He was elected governor in 1938 and re-elected twice more. In 1946 Bricker was elected to the U.S. Senate, where he served alongside another staunch Ohio conservative, Sen. Robert Taft, the son of former President William Howard Taft.

Taft, who was widely known as "Mr. Republican," unsuccessfully sought the GOP nomination for President in both 1948 and 1952. The Draft Eisenhower forces, who successfully challenged the credentials of Taft's southern delegation, engineered his bitter last-minute defeat at the Chicago convention in July 1952, which Taft had entered as the clear front-runner. According to the Encyclopedia Britannica, Taft's defeat by Eisenhower "was indicative of the defeat of isolationism by the internationalist wing of the party." At least the identification of Eisenhower as an internationalist is dead on target.

Anti-communist sentiment was running high in 1952. That's why Ike chose Richard Nixon, who had strong anti-communist credentials, as his running mate. The Republican Platform blasted Truman for his "appeasement of Communism at home and abroad." It also criticized the "hordes of loafers" and "incompetents" at the State Department — which was widely perceived as an agency infiltrated by Communists and catering to their demands in the United Nations.

This perception was entirely understandable. Earlier in 1952, statesman John Foster Dulles, who had been both a U.S. delegate to the United Nations and an Ambassador at Large for President Truman, had addressed the American Bar Association in Louisville, Kentucky. In his highly controversial speech, Dulles had declared:

"Treaties make international law and they also make domestic law. Under our Constitution, treaties become the Supreme Law of the Land. They are indeed more supreme than ordinary laws, for Congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can override the Constitution." (Emphasis added.)

The assembled attorneys were aghast. Dulles was speaking New Deal heresy, and they would have none of it. The ABA called for a Constitutional Amendment limiting the power of the Executive branch to conclude treaties.

The specific language demanded by the ABA read: "A provision of a treaty which conflicts with any provision of this Constitution shall not be of any force and effect. A treaty shall become effective as internal law of the United States only through legislation in Congress which it could enact under its delegated powers in the absence of such a treaty."

Sen. John Bricker was the patriot who obliged. On January 7, 1953, he introduced the Bricker Amendment, which became the focus of a fight to the political death between Eisenhower and Sen. Taft, the new Majority Leader. Like the ABA, Bricker and Taft saw the amendment — rightly, in my view — as a necessary roadblock to the subversive internationalist influences that threatened to undermine the Constitution, diminish American sovereignty, and subvert U.S. national security.

Dulles, now in the role of Eisenhower's new Secretary of State, testified before the Judiciary Committee on April 6, arguing that the amendment would both embarrass the President and hinder his ability to conduct foreign policy. Eisenhower threw all the weight of the presidency and all the force of his war-hero personality into opposing Bricker. One Senator said that in 20 years of public service, he had "never seen as urgent, unreasonable, and unceasing pressure exerted on the members of either body of Congress by any President for any purpose, as Eisenhower put on him and the other Senators to defeat the original Bricker Amendment."

The Bricker Amendment temporarily stalled in committee without coming before the Senate for a vote, and Taft died that summer in New York City. In 1954, a revised version of the amendment failed by just one vote to get the two-thirds majority needed. If it had passed, the tangled web of international treaties — which now bind America down like the Lilliputians bound Gulliver — would not exist.

John Bricker was the Jesse Helms of a half-century ago. It's time we find another American patriot made in that heroic mold, and reintroduce the Bricker Amendment.