

New Deal Democracy

Franklin Delano Roosevelt assumed the Presidency on March 4, 1933, and died in that office early in his fourth term, on April 12, 1945. The only visible change in the Constitution during these twelve years was the adoption of the Twenty-first Amendment, which had been submitted to the States for ratification before Mr. Roosevelt took office. As this merely repealed the Eighteenth (Prohibition) Amendment one might conclude that there was no further centralization of government during the era of the New Deal.

Such a conclusion would be correct only as far as outward structure is concerned. In spirit, American political philosophy altered enormously between 1933 and 1945. The conception of government as a service agency then for the first time took firm hold on American thinking. As a necessary corollary, the principles of federalism were severely subordinated to those of a centralized Service State. This strong movement towards socialism, however,

was never defined as such. It was all done in the name of democracy, a word which Mr. Roosevelt did much to popularize.

But while he employed the word thousands of times, in hundreds of speeches and state papers, this President never used it with any precision. Lincoln, on the other hand, rarely spoke of democracy, but always with clarity when he did so. In 1858 he wrote: "As I would not be a slave, so I would not be a master. This expresses my idea of democracy." And on July 4, 1861, after civil war had begun, Lincoln supplied the positive political side of this description by calling democracy "a government of the people, by the same people"—a definition which did not in any way conflict with Calhoun's plea for "concurrent" majorities.¹

Probably the nearest approach to a definition of democracy by Franklin D. Roosevelt was in his Chicago campaign speech of October 28, 1944:

The creed of our democracy is that liberty is acquired and kept by men and women who are strong and self-reliant, and possessed of such wisdom as God gives to mankind—men and women who are just, and understanding, and generous to others—men and women who are capable of disciplining themselves. For they are the rulers and they must rule themselves.

¹ Lord Charnwood, whose biography of Lincoln is the more interesting because written from the viewpoint of an English nobleman, says of the martyred President: "He was a citizen of that far country where there is neither aristocrat nor democrat." *Abraham Lincoln*, Henry Holt & Co. (New York 1917) see esp. pp. 455-6.

This seems to say that in a political democracy an elite of the strong and self-reliant become the rulers and then are subject to no external rules. The same, of course, could be said of a dictatorship. But the meaning is very cloudy, perhaps intentionally so. It is not the words but the actions of F.D.R. that give us a true understanding of his conception of the American system of government.

If there is doubt as to what President Roosevelt meant by "democracy" there is no question about the one unvarying objective of his protracted Administration. It was the centralization of power in the executive arm of the national government. The power thus vested in the White House and its subordinate agencies was of all sorts—political, economic and social. And it was taken from a great variety of other agencies, public and private, both by direct and by indirect action. Political power was drained both from the State governments and from the Congress of the United States. Economic power was drained from business and banking, while social power, in the broad sense of the word, was taken from the localities and concentrated in the new network of alphabetical agencies.

The one notable exception to this capture of power was in the case of the labor unions, which were strengthened by governmental action without being subjected, in any significant manner, to governmental control. Critics of Mr. Roosevelt charged that this exception was made to guarantee the support of organized labor for the Democratic Party. However that may be, it seems probable that the trade unions also would have been brought to heel if

Mr. Roosevelt had continued much longer in office. When the general policy is comprehensive centralization no single element in the community can long be favored at the expense of others—unless the aim is to turn political domination over to that element.

Mr. Roosevelt's statements on his political objectives were as precise as his use of the word "democracy," to describe procedures, was vague and intangible. The following quotation, out of the hundreds available, shows that this four-term President had a reasoned philosophy of government, and was by no means the mere political juggler, the apostle of expediency, that is sometimes charged. It is from the foreword to his compilation entitled *On Our Way*, describing the first year of the New Deal:

In spite of the necessary complexity of the group of organizations whose abbreviated titles have caused some amusement, and through what has seemed to some a mere reaching out for centralized power by the Federal Government, there has run a very definite, deep and permanent objective.

The President then proceeded to define this objective, as "a measured control of the economic structure," justifying his program by the scope of the "emergency" when he took office. That emergency, he asserted,

covered the whole economic and therefore the whole social structure of the country. It was an emergency that went to the roots of our agriculture, our commerce and our industry. . . . It could be cured only by a complete reorganization and a measured control of the economic structure. . . . It called for a long series of

new laws, new administrative agencies. It required separate measures affecting different subjects; but all of them component parts of a fairly definite broad plan. . . . We could never go back to the old order.

What was not emphasized was the fact that “a complete reorganization” of the economic structure necessarily involved profound modification of the political structure within which the free economy had developed. Whether or not that economic reorganization was actually as necessary and desirable as President Roosevelt claimed is a separate issue. We are here concerned with the effect of the policy on the federal system. But it should be emphasized that the New Deal policy of centralization was evolved without the stimulus of war. Roosevelt and Hitler took office on the same day and the statement of objective quoted above was published early in 1934—nearly eight years before Pearl Harbor.

At first there was nothing sharply invidious to established constitutional procedures. Before his inauguration President Roosevelt had invited the Governors of all the States to meet with him in Washington immediately after the ceremony, and all of them came or sent representatives. At this meeting, on March 6, 1933, Mr. Roosevelt spoke of his familiarity “with the duties of Governors and also with the rights and duties of States.” He said that in a number of respects, which were mentioned, policies should be coordinated along national lines, but there was no threat of interference with traditional State functions. On unemployment relief, for instance, Mr. Roosevelt said:

The Federal Government, of course, does have to keep anybody from starving, but the Federal Government should not be called upon to exercise that duty until other agencies fail. The primary duty is that of the locality, the city, county, town—if they fail and cannot raise enough to meet the needs, the next responsibility is on the States.

But in his first Inaugural Address, two days earlier, President Roosevelt had said: “Our Constitution is so simple and practical that it is possible always to meet extraordinary needs by changes in emphasis and arrangement, without loss of essential form.” There was a disturbing note in this observation—how does a President change the “arrangement” of the Constitution? And Mr. Roosevelt underlined this by warning that, if necessary, he would ask the Congress for “broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.”

These hints of what Mr. Roosevelt liked to call “positive leadership” soon acquired more substance, as people responded to his invigorating personality and read personally helpful meanings into his references to “essential democracy.” The fist broke through the velvet glove, when, on July 24, 1933, the President told the nation that “this is no time to cavil or to question” the NRA, which was soon to be declared unconstitutional by the Supreme Court. And with that check Mr. Roosevelt revealed that his interpretation of democracy was executive domination.

The National Recovery Act was a very significant step in the totalitarian development of American thinking. The wholly logical reasoning behind it was that since the Fourteenth Amendment had already nationalized civil rights, nobody should “cavil” at the nationalization of that political power necessary to enforce those rights.² The Act was clearly designed to promote the cartelization of American industry. Its price- and wage-fixing provisions were of course in direct contradiction to the anti-trust laws, as Mr. Roosevelt himself was compelled to admit. He ignored the salient factor of the free economy by posing the issue as between price-fixing by market operation and price-fixing by government authority. The latter would be more “democratic,” even though it would need “a rigorous licensing power” to force all employers into line. Many business leaders, however, were wholly willing to be so coerced. They pinned blue eagles in their coat lapels, to signify their acquiescence, and meekly awaited orders from Washington.

But the Supreme Court, as then constituted, saw a great difference between the earlier protection of property rights

² There is as yet no fully adequate study of the inception, purpose, implementation and collapse of the National Industrial Recovery Act and Administration. A good summary is found in: Leverett S. Lyon and Victor Abramson, *Government and Economic Life*, Brookings Institution (Washington 1940) Vol. II. Ch. 27. As here observed: “The legislative process of code making in the NRA . . . was in large degree entrusted to representatives of special interest groups, chosen by these groups and charged with preserving and improving the competitive advantages of those groups.” (p. 1041) This well describes the way that many developments described as “democratic” work out in actual practice.

against State encroachment and the currently demanded surrender of industry to guidance by centralized government. On May 27, 1935, the Court unanimously declared the NRA unconstitutional. The President, four days later, said this decision had returned the United States to the "horse and buggy age." He predicted, bitterly, that the Court would also invalidate the AAA, which it promptly did. With his whole program of centralized power jeopardized, the President fought back. On July 5, 1935, he sent his notorious letter to Representative Samuel B. Hill, chairman of the subcommittee then considering the Guffey-Vinson bill for regulation of the coal industry. To Mr. Hill the President wrote: "I hope your committee will not permit doubts as to constitutionality, however reasonable, to block the suggested legislation." The legislation was enacted, but since the purpose was to re-establish for the coal industry the monopoly system already outlawed for industry as a whole, its elimination by Supreme Court action, on May 18, 1936, was all but automatic.

This was the final straw that determined the President to strike directly at the Supreme Court as an undemocratic block to executive authority. A Presidential election was coming up, and with his faith in political democracy one would have thought that Mr. Roosevelt would have raised the Court-packing plan as a campaign issue. Prior to the 1936 election there were unconfirmable rumors of what he had in mind. But Mr. Roosevelt did not reveal his design until his Republican opponent, Governor Landon of Kansas, was snowed under and a Congress with only

sixteen Republican Senators and eighty-nine Republican Representatives had been returned.

Then he struck. "The deeper purpose of democratic government," the President told the new Congress on January 6, 1937, "is to assist as many of its citizens as possible . . . to improve their conditions of life." But, "adequate pay for labor and just return for agriculture" cannot be obtained "by State action alone." The Legislative branch of the national government, said the President, must "continue to meet the demands of democracy" and "the Judicial branch also is asked by the people to do its part in making democracy successful. We do not ask the Courts to call non-existent powers into being, but we have a right to expect that conceded powers, or those legitimately implied, shall be made effective instruments for the common good."

Never was sophistry used more effectively by a great political leader than in this Annual Message of 1937. Of course State legislation cannot secure "*adequate* pay for labor and *just* return for agriculture." No legislation can achieve and none should even attempt such imponderable and undefinable objectives. But by the half-truth of pinning inability to do the impossible on the States alone, Mr. Roosevelt neatly impugned the whole theory of federal government and strongly suggested that he personally would provide these benefits—described as "making democracy successful"—provided the Congress and the Courts were acquiescent. And there didn't seem to be much doubt about the Congress, with the House nearly

four to one, and the Senate five to one, of the President's own party.

The scheme for controlling the recalcitrant judiciary was unveiled a month later, in the special message of February 5, 1937. It was both simple and ingenious. If a Federal judge failed to retire voluntarily at age seventy, the President was to be empowered to appoint a duplicate judge, with equal authority. The proposal was obviously aimed directly at the existing Supreme Court, to which it would have added six new judges immediately. The prompt confirmation of Mr. Roosevelt's personal selections, by a Senate composed of eighty Democrats and sixteen Republicans, was scarcely improbable.

Yet the whole scheme blew up in the President's face.³ It was just too smart. On March 9, 1937, worried by the dim reception given the Court-packing plan, the President explained in a "fireside chat" that his only purpose was "to make democracy succeed." If the personal note is excusable, this radio speech for the first time brought home to me, as the then editor of the *Washington Post*, the demonstrable fact that uncritical praise and practice of political democracy can readily be the highway to dictatorship, even in the United States. The collection of material for this book was begun that evening.

The Senate, with characteristic indifference to democratic theory, simply refused to act on the Court-packing bill. It was condemned, in a scathing report from the Ju-

³ An excellent summary account, written contemporaneously, is by Merlo J. Pusey, *The Supreme Court Crisis*, The Macmillan Co. (New York 1937).

diciary Committee, as calculated to “subjugate the courts to the will of Congress and the President and thereby destroy the independence of the judiciary, the only certain shield of individual rights.” Then a motion to recommit was adopted by a vote of 70 to 25, in spite of the President’s assertion, at the Democratic Victory Dinner of March 4, 1937, that “If we would keep faith with those who had faith in us, if we would make democracy succeed, I say we must act—NOW!”

In the 1938 primaries Mr. Roosevelt personally intervened to defeat the Democratic Senators who had been most instrumental in scuttling his Court-packing plan. In not one case was this attempted purge successful. The attempt has generally been attributed to the vindictive streak which many detractors of Franklin D. Roosevelt believe to have been an important part of his nature. It is more impartial to conclude that Roosevelt, like Robespierre before him, was really imbued with the *mystique* of that “democracy” which he so incessantly praised. This able President unquestionably realized that the federal principle is an insurmountable barrier to the triumph of that *volunté générale* which he felt fully competent to interpret and indeed personify. His popularity, however, led him to underestimate State pride and to commit the egregious political blunder of interfering in State primaries.

If it had not been for World War II, and the complete demoralization of the Republican Party after the crushing defeat of 1936, Mr. Roosevelt might well have been retired at the end of his second term. Under the more democratic

British political system the no-confidence vote in the Court-packing issue would alone have brought him down. Although the “off-year” Congressional elections of 1938 could not achieve this, they did reveal Mr. Roosevelt’s prestige at a low ebb. The Republicans then gained eleven governorships, eighty-one more House seats, and eight more Senators, aside from the re-election of all the Democratic Senators whom the President had sought to purge.

But just at this time the storm clouds were growing unmistakably ominous over Europe. Sage Jim Farley was skeptical when Roosevelt told him: “Of course I will not run for a third term.”⁴ At the Chicago Convention, on July 19, 1940, his party “drafted” the President for that third term, and he immediately went on the air from the White House with a speech prepared in anticipation of this “draft.” It would be most improper, he said, to expect others to answer calls “into the service of the nation” and at the same time decline to serve himself.

So F.D.R. served, until his death in the closing stages of America’s biggest war—as yet. Whatever the other results of this war there can be no argument as to its twofold effect on the economic and political structure of the United States. The economy of the country was tremendously stimulated by the war effort, and far-reaching governmental controls were imposed, to direct both production and consumption in accordance with centralized planning. Every type of power was simultaneously concentrated and

⁴ James A. Farley, *Jim Farley’s Story—The Roosevelt Years*, McGraw-Hill Book Co. (New York 1948) pp. 186 ff., esp. p. 190.

nationalized, to the point where it was able to shatter the similarly focused strength of the Axis nations.⁵

On our side this process was carried on in the name of democracy, and on the other side we called it dictatorship. But the political scientist must conclude that there was an extraordinary parallelism of method on both sides. This was symbolized by the equal ease with which Hitler and Roosevelt, at different moments, accepted Soviet Russia as an ally. Undoubtedly there were vitally important differences in the various national objectives and procedures. It is not for a moment suggested that the outcome of the war was a matter for indifference. But it is indisputable that World War II, even more than World War I as curtain-raiser, required in every belligerent country an enormous proliferation and strengthening of central government. As a result of this essentially socialistic process the stimulated and mobilized power was in every case concentrated in an enlarged and increasingly omnipotent bureaucracy.

It is often pointed out that the United States was the only one of the major belligerents which did not experience physical ravishment in either chapter of World War. In Europe this is often emphasized as a reason why our Allies, at least, could accept financial aid for reconstruction without the embarrassment of gratitude. What is never emphasized, in England or France, is that the damage done to the government structure was far greater in the

⁵ A clear summary of techniques used by the New Deal to solve nine "problems" of centralization, in a federal republic, is given by Garet Garrett, *The Revolution Was*, The Caxton Printers, Ltd. (Caldwell, Idaho 1944).

United States than in the case of any other victorious power.

In the latest great war the United States was the only major belligerent with a federal system of government. All the others were unitary states. The necessary concentration of authority in the national executive was therefore far more injurious to our system of check and balance, than to their systems of continuously concentrated power. A damaged city is much more easily restored than a damaged political system, and can much more easily be improved by reconstruction. Even so, we have given far more help to the physical reconstruction of other countries than any of them have given to the governmental reconstruction of the United States.

Sometimes, indeed, one is given to feel that European socialists actually dislike the Constitution of the United States, precisely because it makes the flowering of socialist theory more difficult. After his Premiership in Great Britain, Mr. Clement Attlee made a truthful if tactless observation to that effect. So it might be well to recall the more tactful though no longer wholly true opinion expressed by Daniel Webster, when the cornerstone of the Bunker Hill Monument was laid, in 1825: "We are not propagandists," said Webster:

Wherever other systems are preferred, either as being thought better in themselves, or as better suited to existing condition, we leave the preference to be enjoyed. Our history proves . . . that with wisdom and knowledge men may govern themselves; and the duty incumbent on us is, to preserve the consistency of the

cheering example, and take care that nothing weakens its authority with the world. If, in our case, the Representative system ultimately fails, popular governments must be pronounced impossible. No combination of circumstances more favorable to the experiment can ever be expected to occur. The last hopes of mankind therefore rest with us. . . .

If Americans now prefer to be governed from Washington, rather than to govern themselves, there will certainly be no objection to that choice from other countries. There is a great deal of foreign propaganda, not all of it communist by any means, which continuously urges us to carry political democracy to its logical conclusion of complete centralization. There is no foreign influence, at least of any consequence, that urges us to strengthen representative federalism. Yet if lost here, as Webster warned, that system very likely goes forever.