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Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership

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Like his progeny the New Deal, Franklin Roosevelt's legacy as a democratic leader is disputed. To be sure, scholars of the presidency and commonsense opinion consider him to be one of our greatest presidents. With Washington and Lincoln, Franklin D. Roosevelt is considered, as Arthur Schlesinger puts it, one of the "immortals" of the American presidency.¹ Yet, most historians and presidential scholars view his principal legacy, the New Deal, as a series of ad hoc responses to the political and economic emergencies created by the Great Depression. The perception of the New Deal as "all brawn and no brain" is more often than not attributed to the nature of Roosevelt's leadership.² In James MacGregor Burns's well-known characterization, Roosevelt was a "broker" leader whose "shiftness" and "improvising" detracted from "hard, long-range purposeful building of a strong popular movement behind a coherent political program."³

In contrast, I have argued that FDR had a rather coherent understanding and program of reform and that he made a distinct contribution to both the development of modern presidential leadership and the progressive tradition.⁴ Roosevelt's contribution to leadership of public opinion, to the so-called rhetorical presidency, was limited, but it was deliberately so.⁵ As he put it to Ray Stannard Baker, Woodrow Wilson's biographer, who in 1935 urged FDR to give the same emphasis to "vision" that his Democratic predecessor had, "You are abso-

lutely right about the response this country gives to vision and profound moral purpose that I can only assure you of my hearty concurrence and my constant desire to make that appeal. . . . I know at the same time that you will be sympathetic to the point of view that the public psychology and, for that matter, individual psychology, cannot, because of human weakness, be attuned to a constant repetition of the highest note on the scale." Reform leadership, FDR insisted, had to combine principled rhetoric and solid accomplishments of administration. In this respect, FDR believed, his cousin Theodore offered valuable lessons on leadership. "Theodore Roosevelt lacked Woodrow Wilson's appeal to the fundamental and failed to stir, as Wilson did, the truly profound moral and social convictions," he acknowledged. But, FDR continued, Wilson "failed where Theodore Roosevelt succeeded in stirring people to enthusiasm about individual events, even though these specific events may have been superficial in comparison with the fundamentals."⁶

Whereas Wilson believed that the burdens of executive administration should be reduced, thus enabling presidents to become strong leaders of their parties and provide rhetorical leadership that would enable the country to form its judgments of party principles and policies, Roosevelt's concept of the modern presidency emphasized executive administration with limits on partisanship and rhetoric. Like his cousin, FDR hoped to emancipate the president from the constraining influence of American political parties, which made national administrative power chimerical. As one of Roosevelt's aides, Ernest Cuneo, put it, "FDR ran against only one opponent his whole life—Teddy Roosevelt, his relative." FDR admired his cousin's New Nationalism, his attack on party, his aggressive use of executive power, and his commitment to building a strong national government, which Wilson's New Freedom made impractical.⁷

FDR's contribution to the progressive tradition was to combine elements of Wilson's New Freedom and Roosevelt's New Nationalism, thus formulating a new American political philosophy: New Deal Liberalism. An important part of this accomplishment was "rhetorical," but in the more classical understanding of this term.⁸ His task was to challenge the core belief in the Anglo-American tradition that freedom was inherently *natural* and that the protection of natural rights required that a "wall of separation," as Thomas Jefferson put it, stand between society and the

national government. Roosevelt sought not to reject but to revive and renew the American constitutional heritage: to persuade the American people that the expansion of the industrial economy had rendered their understanding of inalienable rights inadequate to assure equality in the pursuit of happiness, and to teach them that a strong national government and executive were not alien to their values.

As Felix Frankfurter put it, FDR had a rare gift for taking "the country to school," for giving the American people "a full dress exposition and analysis" of principles and policies he supported.⁹ In "taking the American people to school," FDR explained that the economic system would destroy itself if it were not subject to constitutional reform and that this transformed economic constitution would be based on a new right—the right to economic security. This redefinition of the social contract, obligating the national government to provide an adequate standard of living for all its people, presupposed not only a new understanding of individual rights but also a change in constitutional arrangements; it meant that the executive, as the leading national institution in American politics, would have to be strengthened. The president, rather than the Congress or party organizations, would have to become the leading instrument of popular rule. Like that of Jefferson, Jackson, and Lincoln, Roosevelt's leadership was the principal ingredient in a full-scale partisan realignment, but the New Deal realignment was the first one dedicated to expanding national administrative power and to placing presidential power at the heart of its approach to politics and government. The consolidation of modern executive leadership required not only increasing presidential opportunities to persuade but also enhancing the executive's capacity for solid programmatic achievement.¹⁰

Franklin D. Roosevelt's program to reconstruct American political life left an ambiguous legacy. In the wake of the Roosevelt "revolution," the presidency was freed from the strictures of party, only to be constrained by an unwieldy bureaucracy and a fractious political environment. These constraints did not result from the absence of serious and original thought but followed from a principled understanding of American political life that allied national administration to a new understanding of rights, to an "economic constitutional order" that gave rise to a more active and better-equipped national state, but one without adequate means of public debate and judgment.

Redefining the Social Contract

Because FDR was a gifted politician who knew when to trim as well as when to set full sail, scholars have tended to underestimate how steadfast and resolute was his course, viewing him as a president of extraordinary political gifts, although one lacking a coherent political philosophy. "At the heart of the New Deal there was not a philosophy but a temperament," Hofstadter wrote. "The essence of this temperament was Roosevelt's confidence that even when he was operating in unfamiliar territory he could do no wrong, commit no serious mistakes." FDR's confidence was born of an "intuitive wisdom" that the people "wanted experiment, activity, trial and error, anything that would expose a sense of movement and novelty."¹¹

Yet there was a method to FDR's bold leadership. This was apparent to James Farley, who served as postmaster general and head of the Democratic National Committee during Roosevelt's first two terms. As Farley noted in his memoirs, "Some of the things he has done during his administration, while appearing to the ordinary man on the street as a wonderful accomplishment, quickly performed, are things I have heard him discuss not only before he was elected, but before he was nominated." Roosevelt's discussions with Farley and other close associates revealed that when FDR was "elected President he had a full knowledge of the [office], and had in mind more or less definitely, the program he proposed to put into effect as soon as he could bring about the necessary legislation and other actions necessary in order to carry out his ideas."¹²

Roosevelt's 1936 tribute to Abraham Lincoln hinted at the depth and purpose of the ideas that governed his actions. He praised Lincoln "for transfusing with new meaning the concepts of our constitutional fathers and to assure a Government having for its broad purpose the promotion of life, liberty, and the pursuit of happiness."¹³ So FDR defined his own task. It was not to rouse public opinion but to teach the American people a new public philosophy, albeit one that promised to reinvigorate the Framers' understanding of the social contract. New Deal Liberalism did not presume to transform America's public philosophy in the fundamental sense given it by Walter Lippman.¹⁴ Nor, however, was Liberalism merely a set of governing principles that justified the New Deal realignment.

Rather, like the political realignment of the Civil War period, the po-

litical transformation of the 1930s gave new meaning to the understanding of rights. Roosevelt first spoke of the need to modernize the elements of the old faith in his famous Commonwealth Club Address, delivered during the 1932 campaign and appropriately understood as the New Deal manifesto. This speech's theme was that the time had come—indeed, it had come three decades earlier—to recognize the "new terms of the old social contract." It was necessary to rewrite the social contract to take account of a national economy remade by industrial capitalism and the concentration of economic power, a new contract to establish countervailing power—a stronger national state—lest the United States steer "a steady course toward economic oligarchy." Protection of national welfare must shift from the private citizen to the government. As FDR put it, in a famous turn of phrase, "The day of enlightened administration has come."¹⁵

Significantly, a draft of the Commonwealth Club Address, prepared by Adolf Berle, had read, "The day of the *manager* has come." The final version of the address, fashioned by Roosevelt and Raymond Moley, pronounced the day of "enlightened administration" instead, thus pushing home more clearly than the draft language the extent to which the reform of American democracy seemed to bring with it administrative aggrandizement. The objective was not merely to accentuate the role of expertise within public councils but also to elevate administrative officials and agencies to a central position in the realization of a progressive democratic policy.¹⁶

Yet FDR acknowledged that the creation of a national state with expansive supervisory powers would be a "long, slow task." He was sensitive to the uneasy fit between energetic central government and the Constitution. It was imperative, therefore, that the New Deal be informed by a public philosophy in which the new concept of state power would be carefully interwoven with earlier conceptions of American government. The task of modern government, FDR announced, was "to assist the development of an economic declaration of rights, an economic constitutional order."¹⁷ The traditional emphasis in American politics on individual self-reliance should therefore give way to a new understanding of the social contract, in which the government guaranteed individual men and women protection from the uncertainties of the marketplace. Security was to be the new self-evident truth of political life in the United States.

The defense of progressive reform in terms of an economic constitutional order was a critical development in the advent of a positive understanding of government responsibility in the United States. Although Theodore Roosevelt and Woodrow Wilson anticipated many elements of this argument, FDR was the first advocate of an ongoing supervisory role for the government to link this new public responsibility to constitutional principles. Wilson's New Freedom remained in its essentials committed to the decentralization of power, to a natural rights understanding of the Constitution. Herbert Croly and Theodore Roosevelt expressed an alternative progressive understanding, one that envisioned a "new nationalism" and a dominant president who would serve as "the steward of the public welfare."¹⁸ TR's bolt from the Republican Party in 1912, his rejection of partisan control of presidential politics and government, was part of a broader effort to advance a "neo-Hamiltonian" program that would free national administration from the forces of decentralization.¹⁹

Theodore Roosevelt's 1912 Progressive Party campaign anticipated many of the social welfare measures that would become central to the New Deal reform program, but the political division between progressives and conservatives, drawn so boldly by TR and Croly, placed reformers in opposition to popular conceptions of the "pursuit of happiness" and constitutional government. The New Nationalism's reform aspirations were wedded to measures of "pure democracy," including the universal use of the direct primary, an easier method to amend the Constitution, the initiative, recall of elected officials (including the president), and referenda on laws that the state courts declared unconstitutional. The Progressive Party's program of "pure democracy" was sanctified as a "covenant with the people," as a deep and abiding pledge to make the people the "masters of their constitution."²⁰ This vision of democracy rejected traditional party politics as they had worked in the United States. To be sure, localized parties were not part of the original Constitution, but they had become a bulwark of limited constitutional government and federalism during the nineteenth century. Progressives disdained such intermediary organizations that might interfere with "pure democracy" and instead championed a form of popular rule that would reach fulfillment in an independent executive, directly tied to public opinion and freed from the provincial and corrupt influence of party and commercial interests. "It was not in the specific schemes of

economic or social change embodied in the Progressive party's platform that the essential point of departure of that party was to be found," the *Nation* observed in its postmortem of the 1912 election. Rather, the editorial continued, "impatience . . . of any restraints as are imposed by a written Constitution is of the very essence of the movement; and even this does not by any means measure the extent of its departure from the American tradition."²¹

Indeed, the Progressives' dream of national community appeared to prescribe an unvarnished majoritarianism that threatened the Constitution's promise to protect individual freedom against the vagaries of public opinion. Croly, in fact, had begun to rethink his celebration of New Nationalism during World War I. Toward the end of 1917, his essays in the *New Republic* began to warn that America's "liberal democracy" risked becoming a "jacobin democracy" unless it tolerated, indeed fostered, "competition" from intermediary economic and social groups.²²

Croly's anxiety about progressive democracy degenerating into plebiscitary politics was given a more complete elaboration in John Dewey's struggles during the 1920s to reconcile individualism with progressive ideals. For Dewey, progressivism could have an enduring and salubrious effect on the American polity only insofar as it could be transformed into a new liberal tradition, one that did not celebrate a rugged individualism and abhor state interference with private property but instead viewed the state as the guarantor of social and economic welfare. Dewey's concept of "new individualism" was an important precursor to New Deal Liberalism. Indeed, FDR's economic constitutional order pronounced in the Commonwealth Club Address bore striking similarities to the views Dewey had expressed in his six-part series "Individualism: Old and New," published by the *New Republic* during late 1929 and early 1930. Whereas Croly hoped for the "substitution of a frank social policy for the individualism of the past," Dewey advocated a reform program suited to a new understanding of individualism, one that was appropriate for the modern social and economic stresses of the twentieth century.²³

Dewey did not create new individualism out of whole cloth, of course. He greatly admired English liberal thinkers such as T. H. Green. Dewey credited the teachings of this new liberal school for breaking "down the idea that freedom is something that individuals have as a ready-made pos-

session,” for fostering “the idea that the state has the responsibility for creating institutions under which individuals can effectively realize the potentialities that are theirs.”²⁴ But Green lectured on the duties and responsibilities of the *individual* as well. He proposed strong temperance measures, for instance, arguing that there “was no right to freedom in the purchase and sale of a particular commodity, if the general result of allowing such freedom is to detract from freedom in the higher sense, from the general power of men to make the best of themselves.”²⁵ This kind of social control, which drew considerable support from American progressives during the enactment and ratification of the Eighteenth Amendment, had been discredited by the early 1930s. In adapting English liberalism for American soil, Dewey spoke less of duties than he did of education as a means to strengthen the character of individual men and women. He emphasized the responsibility of the state, rather than that of the citizen, to create the conditions for individuals to realize their full potential, to advance social welfare policy and foster community participation in the “cause of the liberty of the human spirit.”²⁶

From Dewey, New Dealers discovered how to circumvent American hostility to administrative centralization and persuade Americans that expansive national power was consistent with revered traditions. “The great tradition of America is liberal,” the philosopher H. M. Kallen wrote in 1935, which Dewey “restates in language under the conditions of his time what Jefferson’s Declaration of Independence affirmed in the language and under the conditions of his.”²⁷ Borrowing from Dewey, FDR termed his philosophy “Liberalism” rather than “Progressivism” and thereby meant to convey the idea that the dignity of the democratic individual now required a strengthening of national resolve. The New Deal understanding of reform, however, appealed more directly to the American constitutional tradition. For Dewey, liberalism’s fate lay not in a new understanding of rights but, instead, with a greater sense of community, more particularly with reform of local communities as forums of educated public inquiry.²⁸ In contrast, the New Deal asserted a connection between nationalism and rights, albeit rights that looked beyond the original social contract.

New Deal Liberalism was the foundation on which a full-scale partisan realignment arose. Roosevelt’s triumph was greatly aided, of course, by the economic exigencies created by the Great Depression. But FDR’s deft reinterpretation of the American constitutional tradition was no less im-

portant.²⁹ The economic constitutional order gave allegiance to constitutional principles and forms, even as it required the national government to assume responsibility for protecting individual men and women from unfair business practices and the vagaries of the marketplace. FDR gave legitimacy to progressive principles by embedding them in the language of constitutionalism and interpreting them as an expansion rather than a subversion of the natural rights tradition. As Roosevelt made clear in the Commonwealth Club Address, this new understanding of rights required both a return to and a redefinition of the Declaration: “Under the [Declaration] rulers were accorded power, and the people consented to that power on consideration that they be accorded certain rights. The task of statesmanship has always been the redefinition of these rights in terms of a changing and growing social order. New conditions impose new requirements upon government and those who conduct government.”³⁰

Roosevelt reaffirmed the principles of the Commonwealth Club Address throughout his presidency. Indeed, each key rhetorical moment represented an opportunity to elaborate on the meaning of an economic constitutional order. Significantly, the new understanding of the Constitution was the principal message of Roosevelt’s first reelection bid in 1936, the decisive triumph that established the Democrats as the majority party in American politics for a generation.

Lincoln had “transfused with new meaning the concepts of our constitutional fathers” by defending the Declaration of Independence as America’s founding document, by teaching how the centrality of the Declaration to the American constitutional heritage justified a “new birth of freedom.” This constitutional teaching was sanctified by the Republican Party’s 1860 campaign platform, which included and celebrated the importance of the Declaration.³¹ Just as the 1860 Republican platform included the Declaration of Independence, so too the 1936 Democratic platform, drafted by FDR, was written as a pastiche of the Declaration, emphasizing the need for a fundamental reconsideration of rights. As the platform claimed with respect to the 1935 Social Security Act: “We hold this truth to be self-evident—that government in a modern civilization has certain inescapable obligations to its citizens,” among which is the responsibility “to erect a structure of economic security for [its] people, making sure that this benefit shall keep step with the ever increasing capacity of America to provide a high standard of living for all its citizens.”³²

The 1936 election appeared to sanction FDR's redefinition of the social contract. Roosevelt, of course, won every state but Maine and Vermont. More significant, FDR won the day on the issue of whether New Deal policies meant greater liberty or tyranny. The *New York Times* reported in February 1936: "Liberalism and all it stands for is coming forward as an issue in the national campaign. Both New Deal and anti-administration spokesmen declare their devotion to the liberal ideal of freedom and democracy; both assail each other as opponents of true liberalism."³³ The 1936 Republican platform declared that "America was in peril" and dedicated the party to "the preservation of . . . political liberty," which "for the first time" was "threatened by Government itself." The Republican Party, with its historical commitment to preserving a large sphere of unrestricted private action, "must become the true liberal party," argued former president Herbert Hoover. The New Deal, he said, was a "false liberalism" that regimented people and extended bureaucracy.³⁴ But Roosevelt successfully defended the New Deal in terms of liberalism. Excoriating the unreconstructed segment of the business community that opposed his program as "economic royalists," FDR's 1936 convention address was dedicated to the proposition that "freedom is no half-and-half affair":

The royalists of the new economic order have conceded that political freedom was the business of government, but they have maintained that economic slavery was nobody's business. They granted that the Government could protect the citizen in his own right to vote, but they denied that Government could do anything to protect the citizen in his right to work and his right to live. . . . If the average citizen is guaranteed equal opportunity in the polling place, he must have equal opportunity in the marketplace.³⁵

The campaign for a new understanding of rights must have been successful, Ronald Rotunda has written, "for although Hoover continually insisted that he was a liberal, the 1936 election presented the first instances of some Hoover-like liberals who began to admit they were really conservatives."³⁶

The Third New Deal and the Consolidation of the Modern Presidency

Roosevelt's reappraisal of values is important to understanding the New Deal, but it is also important in understanding his influence on laws and institutional change. Historians have generally divided Roosevelt's first

term into two periods, each identified by a flurry of legislative activity lasting approximately one hundred days. The first (1933–34) responded to FDR's call for "bold, persistent experimentation" to meet the great emergency at hand. Among those measures were the Emergency Banking Relief Bill and other legislation establishing the Public Works Administration, the Agricultural Adjustment Administration, and the National Recovery Administration.³⁷ The second period (1935–36) brought laws such as the Social Security Act and the National Labor Relations Act that converted emergency programs into ongoing obligations of the national government. The "economic constitutional order" conceived of such programs as Social Security and collective bargaining as rights. In principle, these programs were to be permanent entitlements, like speech and assembly, beyond the vagaries of public opinion and the reach of elections and party politics. Once established, as one New Dealer observed hopefully, "we may assume the nature of the problems of American life are such as not to permit any political party for any length of time to abandon most of the collectivist functions which are now being exercised. This is true, even though the details of policy programs may differ and even though the old slogans of opposition to government activity will survive long after their meaning has been sucked out."³⁸

Just as the Roosevelt administration's first term was dedicated to the formulation of a new social contract and to the enactment of legislation called for by the economic constitutional order, so FDR pursued a program during his second term that would thoroughly reconstruct the institutions and practices of constitutional government in the United States. This program—the Third New Deal—was pursued with the understanding that programmatic rights, such as Social Security and collective bargaining, would not amount to anything unless new institutional arrangements were established that would reorganize the institutions and redistribute the powers of government.³⁹ It included three extremely controversial initiatives: the Executive Reorganization Act, the centerpiece of the program, announced in January 1937; the "court-packing" plan, proposed just a few weeks after the administrative reform program; and the so-called purge campaign, attempted during the 1938 primary elections. These measures had the common objective of strengthening national administrative power. They marked an effort to transform a decentralized polity, dominated by localized parties and court rulings that supported property and states rights, a "state of courts

and parties," as Stephen Skowronek has called it, into a more centralized, even bureaucratic, form of democracy that could deliver the goods championed by New Dealers.⁴⁰

Transforming the Institution of the Presidency

The centerpiece of the Third New Deal was the Executive Reorganization Bill, which strengthened the administrative power and capacity of the president. Significantly, the bill proposed to create a number of new administrative tools and support staff, not just for Roosevelt but for the office as an institution. "No measure was closer to Roosevelt's heart," the *New York Times* reported, and none aroused "more determination to force it through Congress than the reorganization bill."⁴¹

The executive reorganization proposal was based on a report prepared by the President's Committee on Administrative Management (PCAM), which was directed by three of the country's foremost scholars on public administration: Louis Brownlow, the chairman; Charles E. Merriam; and Luther Gulick. Roosevelt formally convened the Brownlow Committee in March 1936 and consulted often with Brownlow, Gulick, and Merriam during the remainder of the year.

Soon after the 1936 election, during a planning session with Gulick and Brownlow, Roosevelt revealed that he considered the Brownlow Committee a surrogate constitutional convention. As Gulick's notes of the meeting read: "[Roosevelt] said that since the election he had received a great many suggestions that he move for a constitutional convention for the United States and observed that there was no way of keeping such an affair from getting out of hand what with [Father] Coughlin and other crackpots about. 'But,' he said, 'there is more than one way of killing a cat, just as in the job I assigned you.'"⁴²

The objective of the Brownlow Committee's constitutional deliberations was executive dominion. Its report proposed measures that would significantly expand the staff support of the executive office and greatly extend presidential authority over the executive branch, including the independent regulatory commissions. As Gulick anticipated, the strengthened executive emerging from this reform would be delegated authority to govern. Laws would be little more than "a declaration of war, so that the essence of the program is in the gradual unfolding of the plan in actual administration."⁴³

Localized democracy shaped by party politics would thereby be re-

placed by the activities of a dominant and dominating presidency. Whereas Wilson had proposed and slouched toward a reconstituted party system in the hope of establishing stronger linkages between the executive and the legislature, the administrative program of the New Deal would combine executive action and public policy, so that the president and administrative agencies would be delegated authority to govern, thus making unnecessary the constant cooperation of party members in Congress and the states.⁴⁴ The traditional party system had provided presidents with a stable basis of popular support and, episodically, during critical partisan alignments, with the opportunity to achieve national reform. What was once episodic, New Deal reformers insisted, must now become routine. As the Brownlow Committee report put it, "Our national will must be expressed not merely in a brief, exultant moment of electoral decision, but in persistent, determined, competent day-by-day administration of what the nation has decided to do."⁴⁵

To be sure, party politics were not irrelevant to the task of strengthening national administration. In fact, the administrative reform program became, at FDR's urging, a party program. Ironically, a policy aimed at making party politics less important became a major focus of party responsibility. So strongly did Roosevelt favor this legislation that House Majority Leader Sam Rayburn appealed for party unity before the critical vote on the Executive Reorganization Bill, arguing that the defeat of this legislation would amount to a "vote of no confidence" in the president.⁴⁶

Administrative Reform and Party Responsibility

Roosevelt lost this vote of confidence on administrative reform in April 1938, as the House of Representatives, with massive Democratic defections, voted down the legislation. It was a devastating defeat for FDR and had an important influence on his decision to undertake the purge campaign, in which he intervened directly in one gubernatorial and several congressional primary campaigns in a bold effort to replace conservative Democrats with candidates who were "100 percent New Dealers." In June, Democratic senator Josh Lee of Oklahoma urged FDR to "bear down on those who voted against your program, who are now patting you on the back in their campaigns, feeling for a soft place to stick a knife after [the] elections." The vote on the reorganization legislation, Lee suggested, "might be a good one to use as an example or test of loy-

alty."⁴⁷ Two days later, interestingly, FDR announced in a fireside speech his intention to purge the Democratic Party of conservatives. The defeat of the administrative reform proposal, coming on the heels of the defeat of the "court-packing" plan, also closely linked to strengthening administrative power, left Roosevelt little recourse but to go to the country.⁴⁸

Roosevelt's attempt to influence his party's nomination contests was not unprecedented. William Howard Taft and Wilson had made limited efforts to remove recalcitrants from their parties. But Roosevelt's campaign took place on a larger scale than those of Taft and Wilson and, unlike previous efforts, made no attempt to work through regular partisan channels. In all but one case, Roosevelt chose to make a direct appeal to public opinion, rather than attempt to cooperate with or reform the regular party apparatus. Indeed, during the general election, Roosevelt announced that he would prefer liberal Republicans to conservatives of his own party and that he would continue to campaign for the election of liberals in national and state politics, regardless of their party affiliation.⁴⁹

Roosevelt's purge campaign, charged James Farley, Democratic chairman, violated "a cardinal political creed" of American politics "that the President keep out of local matters."⁵⁰ The degree to which FDR's actions were viewed as a shocking violation of the norm is indicated by the press's labeling of it as the "purge," a term associated with Adolf Hitler's attempt to weed out dissension in Germany's National Socialist Party, and Joseph Stalin's elimination of "disloyal" party members from the Soviet Communist Party. FDR's "purge" was hardly despotic, and yet the "campaign for saving liberalism," as he called it, was a jarring departure from the traditions of party politics in the United States.

Roosevelt and his political allies believed, however, as one aide put it, that "the President, and not either party, was now the instrument of the people as a whole."⁵¹ In truth, the conditions seemed right for such a presidential challenge to partisan responsibility in 1938. Columnist Raymond Clapper, in fact, suggested that developments since Wilson's occupation of the White House had made the sort of campaign FDR waged against conservative Democrats inevitable. "It awaited only the appearance of a strong president in a highly controversial setting."⁵²

First, there had been the spread of the direct primary during the first three decades of the twentieth century. This reform had begun to weaken greatly the grip of local party organizations on the electorate. William H. Meier, Democratic county chairman from Nebraska, for ex-

ample, wrote Farley in 1938 that his state's direct primary law had "created a situation which made candidates too independent of the party."⁵³

The spread of the direct primary gave the president the opportunity to make a direct appeal to the people over the heads of congressional candidates and local party leaders. Thereby, it provided an attractive vehicle for an attack on traditional party politics, which Roosevelt saw as an obstacle to his policy objectives. Furthermore, radio broadcasting made the opportunity to speak to large audiences even more enticing. Of course, the use of the mass media was bound to be especially tempting to an extremely popular president with as fine a radio presence as Roosevelt. Indeed, Frankfurter encouraged FDR to go to the country in the midst of the president's monumental struggles with the Seventy-fifth Congress, assuring him that "the contagiousness of your personality over the radio, the warmth of your voice and your being," would "renew [the public's] dependence on you." Frankfurter was "absolutely right," FDR responded a few days later. In anticipation of the purge campaign, he wrote, "I feel like saying to the country—'You will hear from me soon and often. This is not a threat but a promise.'"⁵⁴

Roosevelt's purge campaign thus marked an important event in the development of the "rhetorical presidency." But this advance in popular leadership was hitched to a program dedicated to administrative aggrandizement. In the final analysis, the objective of the Third New Deal, including the purge, was not to persuade Congress to give up its control over the party councils, which were becoming less significant in the scheme of things. Rather, the purpose of the New Deal institutional program was to force Congress to relinquish its control over national administration, which was becoming the center of political life in industrial societies.

The Executive Reorganization Act of 1939

The purge failed at the polls, but it frightened recalcitrant Democrats, who after the 1938 elections became more conciliatory toward their president on a few matters. Administrative reform was one of these, and in 1939 a compromise but nonetheless significant reorganization bill passed Congress.⁵⁵ Although considerably weaker than the original proposal, the 1939 Executive Reorganization Act provided authority for the creation of the Executive Office of the President, which included the newly formed White House Office and a strengthened and refurbished

Bureau of the Budget, and it enhanced the chief executive's control over administrative agencies. As such, this legislation was, in effect, the organic statute of the "modern" presidency. Roosevelt's extraordinary leadership was, so to speak, institutionalized by the administrative reform bill, for this statute ratified a process in which public expectations and institutional arrangements established the president as the principal agent of popular rule. It set off a new dynamic whereby executive administration, coupled with the greater personal responsibility of the president enhanced by FDR's political leadership and the emergence of the mass media, displaced collective responsibility in important ways.⁵⁶

With the strengthening of executive administration, the presidency became disassociated from party politics, undermining the latter's importance. As the presidency evolved into a ubiquitous institution, it preempted party leaders in many of their limited but significant tasks: linking the president to interest groups, staffing the executive department, policy development, and, most important, campaign support. Presidents no longer were elected and governed as head of a party but were elected and governed as the head of a personal organization they created in their own image.

But the purpose of New Deal reform was not to strengthen presidential government *per se*. Rather, the presidency was strengthened on the assumption that, as the one national office, it would be an ally of progressive reform. Consequently, executive power was refurbished in a way that was compatible with the objectives of programmatic liberalism, and administrative reform was intended to insulate reformers and reforms from the presidential election cycle. By executive orders issued with authority granted by the 1939 Executive Reorganization Act, most of the emergency programs of the New Deal were established as permanent institutions. Moreover, the Roosevelt administration obtained legislative authority in the 1940 Ramspeck Act to extend civil service protection over New Deal loyalists who were brought to Washington to staff the newly created welfare state.⁵⁷ New Deal civil service reform, therefore, did not replace politics with administration, nor did it replace patronage practices with civil service procedures dedicated to "scientific management"—to what Herbert Kaufman has called "neutral competence."⁵⁸ Rather, it transformed the political character of administration. Previously, the choice was posed as one between politics and spoils, on the one hand, and nonpartisan, nonpolitical administration on the other.

The New Deal celebrated an administrative politics that denied nourishment to the regular party apparatus but fed instead an executive department oriented toward expanding liberal programs. As the administrative historian Paul Van Riper has noted, the new practice created another kind of patronage, "a sort of intellectual and ideological patronage rather than the more partisan type."⁵⁹

In this sense, the New Deal realignment prepared the ground for an administrative constitution that would protect reforms and reformers from future contests of opinion. The Democratic Party triumphed as a party of administration, dedicated to subordinating partisanship to enlightened government. Interestingly, FDR chose the 1940 Jackson Day dinner, a party event, to herald a less partisan future. To establish the right mood, FDR went so far as to invite the Republican leaders to the Democratic celebration, an invitation they declined. In his address, Roosevelt observed that the independent vote was on the increase, that party loyalties were becoming less significant, and that "the future lies with those wise political leaders who realize the great public is interested more in government than in politics."⁶⁰ The fate of the modern presidency, then, was not predicated on popular leadership alone. Its future was allied to a policymaking state in which partisanship and debate were subordinated to programmatic rights and the delivery of services associated with those rights.

Breaking the Two-Term Tradition

The Ramspeck Act and its aftermath point to the importance of FDR's defiance of the two-term tradition. Indeed, Roosevelt's success in inspiring and managing the recasting of the executive might not have happened had he not taken the extraordinary step of running for a third term in 1940. Congress might have been willing to resist the Ramspeck Act had it been championed by a "lame duck" but found it difficult to forestall a popular president during an election year, especially on an issue trumpeted by the Roosevelt administration and the press as an assault on the spoils system.⁶¹

The approach of war gave Roosevelt the opportunity to stand for an unprecedented third term, which in turn enabled him to use this legislation to secure civil service protection for New Deal loyalists in the federal bureaucracy. The decision to try for a third term was in truth, however, made during the woeful beating Roosevelt suffered in the 1938

elections. "They are already casting lots for the cloak of the Master," White House aide Thomas Corcoran told Roosevelt that summer. But while Democratic leaders were already discussing FDR's possible successor, the White House was planning his precedent-shattering try for a third term. Apparently a decision was made by Corcoran and other New Dealers in July 1938 that the salvation of the New Deal required that Roosevelt run again. No liberal could get the Democratic nomination in 1940, they concluded, except for Roosevelt, and they were determined to draft him.⁶²

The White House bid for a third term, unlike the purge campaign, was hidden from public view, but it was no less energetic and was perhaps better organized. In important respects, Roosevelt's nomination in Chicago in July 1940 reversed the bitter defeats the White House suffered during the Seventy-fifth Congress and the 1938 primary elections. Despite spirited competition from Farley and Vice President John Nance Garner (the first time an incumbent vice president challenged his "chief" for a party's nomination), Roosevelt was easily renominated. "For the first time since 1932 Franklin Roosevelt was in absolute command of the party," *Time* magazine reported after the convention. "The purge that had failed in 1938 was being carried through in 1940."⁶³

But the "purge" of 1940 did not secure the liberalism of the Democratic Party. Indeed, Roosevelt did not take over the party in shattering the two-term precedent; instead, his domination of the 1940 Democratic convention confirmed the displacement of party politics by executive administration. As his aide Ernest Cuneo put it, FDR had "pistol-whipped" the Democratic Party chieftains into nominating him for a third term and into accepting Secretary of Agriculture Henry Wallace, a militant liberal with virtually no support in the Democratic organization, as his running mate. That the secretary of agriculture did not even have the delegation of his home state, Iowa, behind him testified to his complete disconnection from the party organization.⁶⁴ Nevertheless, the Democratic delegates grudgingly ratified the president's choice, sobered by the warning of his surrogates in Chicago that FDR would not run unless Wallace were nominated. It is little wonder, then, that in spite of FDR's nomination and the election to a third term as the Democratic standard-bearer, Samuel Lubell's postmortem on the 1940 campaign bespoke of a New Deal—not a Democratic—triumph: "The Republicans do not know what hit them; the Democrats, certainly, as distin-

guished from the New Dealers, do not know what they hit the Republicans with. The New Deal aimed at a bloodless revolution. In 1940 it went a long way toward accomplishing it."⁶⁵

The New Deal Goes to War

The economic crisis that dominated Roosevelt's first two terms was displaced in the third by the approach and then the outbreak of the Second World War. The old saw of the historical literature on the New Deal is that the national security state displaced domestic reform, that the economic constitutional order had to be abandoned to unite the nation and mobilize for war.

But, as Jytte Klausen argues in this volume, "Dr. Win the War" did not eclipse "Dr. New Deal." Indeed, the condition of total war gave Roosevelt the authority he needed to shape further the reconstructed executive as an agent of New Deal policies. Woodrow Wilson had put business leaders such as Bernard Baruch in charge of industrial mobilization during World War I. In contrast, FDR scuttled the business-backed War Resources Board (WRB), formed in 1939, which recommended the appointment of a single individual to control mobilization, a czar with extraordinary power who would, presumably, be chosen from among industry's managerial leaders. Baruch, who had directed the War Industries Board (WIB) in the Great War—directing the defense industry, setting priorities, and fixing prices—pressed the WRB's plan on Roosevelt. But Roosevelt had no intention of turning power over to industry or one of its leaders. The Nye Committee investigation of 1934 had confirmed that munitions manufacturers and bankers had profited handsomely from World War I. Even though the Senate investigation could not lay these excess profits directly at the feet of the WIB, "New Dealers dreaded regulation written and administered by big businessmen that might favor great corporations." Roosevelt promoted partnerships with business in public enterprises such as electric generation, but as Jordan Schwarz has shown, FDR's disbanding of the WRB testified to his insistence that defense preparations be directed from cabinet departments. "If they needed any emergency setup, he would originate it in the White House and make it consonant with New Deal principles."⁶⁶

This is not to suggest that Roosevelt led a well-coordinated planning effort during the war that efficiently melded war production and liberal

reform. His success in centralizing power in the White House came at the expense of systematic coordination of a nationwide mobilization effort. As Barry Karl has argued, Roosevelt's reluctance to delegate authority to industrialists also "blocked the tendency of his industrial administrators to centralize production in a way that would turn the process of post-war conversion into a bonanza for the country's largest industries."⁶⁷ By the same token, FDR's unwillingness to turn war production over to industrial leaders ensured that New Deal liberalism would not be lost amid the exigencies of war. Roosevelt staffed many key positions during World War II with New Dealers who were committed to his perception of the nation's needs. With such loyal New Dealers as Harold Smith, who headed the Bureau of the Budget, and Chester Bowles, who directed the Office of Price Administration, playing key roles in industrial mobilization, the Roosevelt revolution and the war effort were combined so as to establish the government's responsibility for the welfare of the American people irrevocably.

The change was more than economic; Roosevelt's leadership elevated this new government responsibility into a new creed. The condition of total war not only accelerated the flow of power to the executive but also strengthened Roosevelt's moral authority, thus giving him the opportunity to root the New Deal vision of a good society more securely in American soil. World War II "mobilized most of the society and as a consequence, the number of people who worried over issues of obligation was broad and diverse," Robert Westbrook has written. It was also the "first American war to follow the consolidation of mass culture and social science," thus the common themes of FDR's rhetoric may more readily have influenced widely shared attitudes about politics and government.⁶⁸

The power of New Deal Liberalism's influence on American political culture was suggested symbolically in 1943 when Norman Rockwell illustrated the "freedom from want" on the cover of the *Saturday Evening Post*. This revealed, FDR enthused, "the plain, everyday truths," "the staunchly American values" contained in the new understanding of rights that he hoped to make a permanent part of the American political heritage.⁶⁹

The Four Freedoms

The freedom from want was first pronounced in FDR's annual address to Congress on January 6, 1941. The principal message of the speech was

not the need for domestic reform but the growing crisis abroad. In the face of this crisis, Roosevelt had effectively ended America's stance of neutrality by executive order in the destroyers-for-bases deal with Great Britain, which paved the way for the United States to send fifty naval destroyers to help Great Britain in its desperate battle with Nazi Germany. But the administration's Lend-Lease program, which was announced in FDR's State of the Union Address, proposed aid in a form that required congressional authorization. Equally important, FDR saw the crisis in Europe as an opportunity to engage the Congress and the American people in a great debate about both America's role in the world and the profound changes in the national government's domestic responsibilities. Thus, in a dramatic peroration defining the "four essential freedoms" that his policies aimed to secure, Roosevelt spoke of the need to inoculate the United States from the mounting threat of tyranny abroad with political and economic reforms that had become the *sine qua non* of "a healthy and strong democracy." To the traditional freedoms of speech and religion, Roosevelt added the freedom from fear, dedicated to "a world-wide reduction of armaments to such a point and in such a fashion that no nation will be in a position to commit an act of physical aggression against any neighbor," and the freedom from want, the commitment "to economic understandings which will secure to every nation a healthy peace-time life for its inhabitants."⁷⁰ These four freedoms, depicted in Norman Rockwell's illustrations, soon became, as David Kennedy has written, "a sort of shorthand for America's war aim." More to the point, "they could be taken too, especially the concepts of freedom from want and fear, as a charter for the New Deal itself."⁷¹

Critics have charged that Roosevelt's celebration of a rights-based welfare state squandered the opportunity presented by the war to fuse New Deal Liberalism with a sense of *public* responsibility. Nor did artists such as Rockwell challenge the nation's obsession with privacy and rights. Rockwell's artistic renditions of the New Deal, popular as they were, Westbrook argues, did little to remedy the defects of Roosevelt's virtues. By depicting the Four Freedoms in private terms, in illustrations that celebrated the home life and family, Rockwell merely reflected, if he did not compound, FDR's failure to strengthen the American sense of mutual obligation. Westbrook argues that this failure was most significant with respect to Rockwell's depiction of the freedom from want. This was the most controversial of the war aims proclaimed, he acknowledges, "be-

cause it introduced into the reciprocal relationship between the liberal state and its citizens the obligation of the state to provide and protect a minimal level of subsistence for the individuals who compromise it." But, Westbrook laments, this was not conveyed in Rockwell's painting:

The painting portrayed a Thanksgiving dinner for which an extended family has gathered (and to which the viewer is invited). This was intended to convey the message that Americans are fighting to protect the opportunities they had, as Americans, to provide for the material needs of themselves and their families. Here Roosevelt's most controversial "freedom" was rendered not, as Henry Wallace would have had it, as the foundation of a Global New Deal in which every child was guaranteed a quart of milk a day, but rather as the defense of the familial surfeit of a peculiarly American holiday.⁷²

Rockwell, it must be said, was not immune to such criticism. To be sure, he took some comfort from the delight FDR expressed concerning the illustrator's ability to translate his rhetoric into American folklore. But more telling, he feared, was the criticism from overseas. "The Europeans sort of resented it because it wasn't freedom from want," he confessed in his autobiography, "it was overabundance, the table was so loaded down with food." So viewed as an expression of American excess, Rockwell lamented, his illustration of economic rights would not have "any wallop."⁷³ Noting Rockwell's artistic angst about his own work, Westbrook finds FDR's unstinting praise for it curious. That FDR did not shun Rockwell's illustrations, Westbrook concludes, confirms the president's limited vision, his "implicit contention that freedom from want was something that the New Deal had secured for Americans who now wished to extend it to the rest of the world."⁷⁴

Westbrook's criticism of the Four Freedoms stems from a deeper cultural criticism, one that laments the impoverishment of liberalism and champions other—nonliberal—traditions in American life that may foster a sense of community. Michael Sandel has made this argument most strongly, denigrating the New Deal for corroding a competing "republican" ideology that emphasizes community and political participation.⁷⁵

The importance of competing and alternative ideologies in American political culture notwithstanding, Roosevelt understood the reformist potential of the liberal tradition better than have most scholars.⁷⁶ More to the point, FDR deliberately exploited this potential to bring about important changes in American political life. Indeed, his celebration of

Lincoln suggests that FDR believed that true reform in the United States came not by ex cathedra lectures to the American people about the immorality of "rights talk" but rather, as Lincoln put it, from "appeals to their better angels," from vital debate and resolution about the true meaning of their rights.⁷⁷ Indeed, all previous political realignments in American history involved presidential leadership that engaged the people in a great contest of opinion about constitutional principles, about those things—the Declaration, the Bill of Rights, and constitutional forms—that are the essence of community in the United States.⁷⁸

In truth, as the Commonwealth Club Address suggests, Roosevelt's political genius was to recognize not just the promise but also the limits of the Declaration of Independence for his day—to comprehend how the New Deal could transform American political culture without seeming to do so. The Four Freedoms speech and his reaction to Rockwell's paintings reveal how Roosevelt hoped the war might abet him in this enterprise. Of the four freedoms, Roosevelt in his 1941 State of the Union Address devoted the most attention to freedom from want. As Rockwell noted, the famous peroration of FDR's address was stated in such exalted and universal terms as to risk sounding "platitudinous."⁷⁹ But FDR took particular care to give concrete form to freedom from want. "The basic things expected by our people of their political and economic systems" were, he insisted, "equality of Opportunity for youth and for others," "jobs for those who can work," "security for those who need it," "the ending of special privilege for the few," "the preservation of civil liberties for all," and "the enjoyment of the fruits of scientific progress in a wider and constantly rising standard of living."⁸⁰

Pace Westbrook, FDR made clear his understanding that these economic rights had not been secured by the New Deal but remained its exalted yet practical aspiration. A passage he added to the speech called for the expansion of Social Security and unemployment insurance, widening the opportunities for medical care, and developing "a better system by which persons deserving or needing gainful employment may obtain it." These economic obligations did not weaken or deflect attention from America's duties abroad, FDR maintained. Rather, they strengthened the nation's resolve by "making its people conscious of their individual stake in the preservation of democratic life in America."⁸¹

That Roosevelt had been talking since the Commonwealth Club Address about the importance of redefining the social contract, of creating

an “economic constitutional order,” indicates that the pronouncement and elaboration of the freedom from want were not frivolous. Clearly the approach of war caused him to think more boldly about the possibilities of constitutional change. FDR’s ardent but opportunistic New Deal allies encouraged him in this posture. Neither the four freedoms nor the appeal for the enlargement of domestic reform was included in the first draft of the Lend-Lease speech. Their incorporation and elaboration in subsequent drafts were due in no small part to the timely intervention of Secretary of Interior Harold Ickes.⁸² Ickes called Roosevelt’s attention to a new book by Samuel Grafton, *All Out*, which contained a defense of economic rights from a “very surprising source,” the *Economist*.⁸³ Like Grafton, Ickes was pleasantly taken aback by the “better sections” of the British press advocating for an “economic bill of rights,” which was Roosevelt’s term, not that of the *Economist*. But the magazine did recognize the need for Great Britain, even in the midst of its desperate fight against Nazi Germany, to draw up a “modern Bill of Rights, whereby the citizen is guaranteed not only his personal liberties but the minimum of economic welfare and security that will enable him to enjoy those liberties.”⁸⁴

This new understanding of rights was no mere afterthought but integral to the war’s success, according to the editorial, titled “Dynamic Democracy.” The “obligations of the citizens to the community” demanded by war compelled the community to consider that it had “greater obligations to its citizens.” By promising its individual men and women not only their personal liberties but also “minimum standards of housing, food, education, and medical care,” the *Economist* argued, Great Britain and other free nations would serve a dual purpose: democracies would give their citizens a greater stake in their own countries, and in doing so, they would take the wind out of Hitler’s sail by demonstrating that the need was “not to throw overboard the old liberal principles, but to supplement them.”

It is not surprising that Ickes’s letter had an important influence on Roosevelt’s Four Freedoms address. Grafton’s book and the *Economist* essay endorsed, albeit implicitly, a position FDR had been arguing since his first quest for the White House. Roosevelt glimpsed from this new confirmation how the international challenges he faced need not dilute his reform program. Indeed, the abandonment of American neutrality in 1940 made more urgent the need to redefine the social contract. The time was right, as the *Economist* put it, for “nailing our democratic col-

ors to the mast and reinforcing our own faith in the principles to which we adhere.” To be sure, these ideas were being debated seriously in Great Britain, which did not have the same deep-rooted cultural antipathy to statism that had hobbled the New Deal’s forward march. Yet a strikingly similar editorial had appeared in the *New York Post* the day before Ickes penned his letter to Roosevelt.⁸⁵ In truth, as FDR must have realized, the call for a rights-based welfare state, the goal of “supplementing” the liberal tradition, prescribed by the *Economist*, may have been more appropriate, at least at the level of doctrine, in the United States than in Great Britain. As T. H. Green’s attention to duties suggests, English political culture was more amenable to nonliberal social democratic remedies for economic insecurity.

The ruminations in the British and American press encouraged Roosevelt to pronounce the “new” Declaration that was anticipated by the 1936 Democratic platform; the ability of Norman Rockwell to translate the New Deal creed into understandable American folkways appeared to sanctify this new understanding of rights. “This is the first pictorial representation I have seen of the staunchly American values contained in the rights of free speech and free worship,” Roosevelt enthused, “and our goals of freedom from fear and want.” That Rockwell had so engagingly and successfully combined pictorial representations of traditional rights and New Deal programmatic ambitions suggested to Roosevelt that he had gone far, despite the bitter defeats of his second term, in persuading the American people to recognize a new understanding of self-evident truths, to accept New Deal principles as irrevocably interwoven with American ideals and aspirations.⁸⁶

Indeed, Roosevelt was not simply a passive observer of Rockwell’s interpretations. His administration played a critical part in supporting the celebrated illustrator’s efforts, welcoming him to the White House for “a sketching visit” and orchestrating the Four Freedoms War Bond Show, which visited several major cities in the country during the summer of 1943.⁸⁷ The White House sponsorship of Rockwell’s project was rewarded handsomely, as its extraordinary success played an important part not only in supporting the war effort but also in identifying the New Deal principles of freedom from fear and freedom from want with deeply ingrained values of American life.⁸⁸

Given his desire to “supplement” rather than transcend the liberal tradition, FDR believed that Rockwell’s depiction of these principles in

ways that celebrated the home life reinforced rather than diminished them. The representation of economic freedom as the bountiful celebration of Thanksgiving was an effective way to connect private and public values, for it showed the joy of an extended family, the primary relationship that has traditionally linked America's generations. It had been this very linkage that Roosevelt and his New Deal allies built on in establishing Social Security as a new programmatic right.

Moreover, Rockwell's illustration showed three generations celebrating a *civic* holiday. Significantly, Thanksgiving became a national holiday slowly, finding acceptance only in the wake of civil insurrections and reform struggles that tortuously forged a nation. At the beginning of the twentieth century, Thanksgiving, as a distinctly American holiday, was considered an introduction to American values for the millions of immigrants then entering the country. In the face of the Great Depression at home and the threat of tyranny abroad, Roosevelt recognized this unique holiday, combining civic and private virtues, as an opportunity to appeal to America's fragile sense of national community. As he put it in his Thanksgiving Day Proclamation of 1941, the same year he delivered the Four Freedoms speech, "Let us ask the Divine Blessing on our decision and determination to protect *our way of life* against the forces of evil and slavery which seek in these days to encompass us."⁸⁹

The Second Bill of Rights

Roosevelt gave the most detailed account of the freedom from want in his 1944 State of the Union message, in which he proclaimed a "Second Bill of Rights." It was our duty, he announced, to begin to lay the plans and determine the strategy for winning a lasting peace—a peace that was possible only through a program dedicated to the economic truths that the American people now accepted as self-evident: the right to a useful and remunerative job; the right to earn enough to provide adequate food, clothing, and recreation; the right of every family to a decent home; the right to adequate medical care and the opportunity to achieve and enjoy good health; the right to adequate protection from the economic fears of old age, sickness, accident, and unemployment; and the right to a good education. "All these rights spell security," FDR concluded. "And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being."⁹⁰

The Second Bill of Rights had its origins in a report of the National Resources Planning Board (NRPB), a White House planning agency, created in pursuance of the 1939 Executive Reorganization Act.⁹¹ Given the task of coming up with a "vigorous and stimulating" statement of Roosevelt's freedom from want, the board suggested that FDR couch his prescription for the renewal of activist government in a new bill of rights. Such an idea would not have appeared novel to Roosevelt, of course, who had seen this idea debated in the British and American press during his preparation of the Four Freedoms speech.

Still, FDR must have been pleasantly surprised at how well this idea was received by the American people. Just as Rockwell's illustrations suggested the penetration of New Deal values into American political culture, so newly developed polling techniques appeared to confirm that the American people had begun to embrace a new understanding of rights. The radio enabled FDR to cultivate public opinion; the development of polling offered him the opportunity to circumvent his party and the Congress in taking the measure of public opinion. Especially interested in the people's reaction to the NRPB's report on the Second Bill of Rights, which the president made public in March 1943, the Roosevelt administration commissioned the respected pollster Hadley Cantril to investigate public reaction to "The NRPB Report and Social Security." The NRPB worked closely with Cantril, helping his polling organization, the Office of Public Opinion Research, to frame the questions for two national surveys to be taken two weeks after FDR had announced the board's blueprint for the postwar political economy. Cantril's polls showed that the American people were strongly supportive of the idea of an economic bill of rights. When asked to characterize the report, some respondents chose to describe it as "too much like Communism" (23 percent) or "Washington bureaucracy bidding for power" (29 percent), but a far greater number of those surveyed, Democrats and Republicans alike, indicated that they believed the report was best described as reflecting the "duty of government to provide for the needy" (79 percent). Large numbers of those sampled also expressed support for more tangible goals such as the government guaranteeing adequate health care and remunerative employment.⁹²

The work of the NRPB was scorned by Congress, which eliminated the agency's funding during the summer of 1943. But the elimination of the planning agency did not deter Roosevelt. Encouraged by polls that

showed that the people were on his side and urged on by Office of Price Administration director Chester Bowles, FDR was determined to send a "blast" to a Congress dominated by a conservative coalition of Republicans and southern Democrats. But his real audience was the American people, who still had not heard a full-dress exposition of the Second Bill of Rights.⁹³ Thus, the self-evident truths of the economic constitutional order, first pronounced in the 1936 Democratic platform, did not simply constitute a political strategy to win votes. They were now formally delineated and clearly allied with the New Deal dedication to strengthening national administrative power.

In the debates that followed Roosevelt's Second Bill of Rights speech, Barry Karl has noted, "critics of the idea of a new conception of 'rights' would ask what the term was being stretched to encompass." Did the president's pronouncement of new rights suggest, for example, that someone who could not get a job would be entitled to sue in a court of law?⁹⁴ Constitutionalists would claim that economic rights had no historical status. Even New Dealers hedged; after all, sanctifying government programs as formal constitutional rights appeared to violate the New Deal faith in administrative discretion.

As his rejection of the proposal to hold a constitutional convention to bring about administrative reform suggested, Roosevelt too was skeptical about the benefits of constitutional change. Throughout the struggles for judicial and executive reform, he had rejected plans that called for formally amending the Constitution. In private communications and public discourse he consistently defended the statutory avenue to institutional reform on the grounds that the problem was not the Constitution but the "manner in which it had been interpreted."⁹⁵ FDR also considered the pursuit of formal constitutional change impractical. "The reason for the elimination of the amendment process was to me entirely sufficient," he wrote Felix Frankfurter after the announcement of the court-packing plan: "to get two-thirds of both Houses of this session to agree on the language of the amendment which would cover all of the social and economic legislation, but at the same time, not go too far would have been difficult." Furthermore, Roosevelt warned, to engage in the sort of protracted struggle that would be necessary to get an appropriate amendment would fail to address the pressing demands of a profound domestic crisis.⁹⁶

The rejection of the amendment process went beyond practical con-

siderations, however. Equally important, the New Deal understanding of the Constitution was not a legalistic one. Alexander Hamilton had argued in *Federalist* 84 that a bill of rights was not necessary to buttress the integrity of the Constitution, warning that the codification of particular liberties would tend both to denigrate the federal government's discretion and to tempt it to usurp powers—"to prescribe proper regulations" concerning the protection of these liberties.⁹⁷ So Roosevelt feared it would be with the Second Bill of Rights. To transmute this understanding into a formal legal document would deny New Dealers the discretion to administer programs prudently, would bind the economic constitutional order in a legal straitjacket. Committed to "programmatic rights," to a pragmatic administration of the economy and society, the New Deal revolution sought to emancipate the national government from the demands of formal constitutionalism. "The Constitution," FDR insisted in his address celebrating its 150th anniversary, "was not a Lawyers' Contract." More to the point, the Constitution had to be remade so that constitutional *policy* displaced formal constitutional obligation.⁹⁸

To be sure, some New Dealers were intrigued by the prospect of treating the economic bill of rights as a formal constitutional program. In urging Roosevelt to make these new rights the centerpiece of his 1944 State of the Union Address, Chester Bowles cautioned that they "should not necessarily . . . be adopted into the Constitution, although that idea should be studied." The most important objective, Bowles concluded, was to articulate "a program which everyone can understand, and will bring to all men in our Armed Forces and to millions of men, women, and children here at home, new hope for the future that lies ahead."⁹⁹

These new programmatic rights were never ratified as constitutional amendments, but as Bowles anticipated, the idea of a new bill of rights resonated with the American people. FDR returned to the Second Bill of Rights during the 1944 presidential election, making it the principal theme of his most important campaign address.¹⁰⁰ Beyond the 1944 election, the new bill of rights became the foundation of political dialogue, redefining the role of the national government. Although Congress rejected the NRPB's plans for postwar America, it did enact the GI Bill, which entitled veterans to home and business loans, unemployment compensation, and subsidies for education and training. This legislation did not provide the broad security and employment programs that Roosevelt championed, but as Ronald Story's essay in this volume

shows, "the sheer number of veterans—the sheer magnitude of the war—meant that it was bound to have a major social impact."¹⁰¹

In the wake of the Roosevelt revolution, nearly every important public policy was propounded as a right, purporting to confer constitutional status on such programs as Social Security, Medicare, and food stamps. The new social contract heralded by Roosevelt thus marks the beginning of the so-called rights revolution—a transformation of the governing philosophy of the United States that has brought about major changes in American political institutions. With the advent of the New Deal political order, an understanding of rights dedicated to limiting government gradually gave way to a more expansive understanding of rights, requiring a relentless government identification of problems and the search for methods by which these problems might be solved.¹⁰²

Conclusion: Rights, Rhetoric, and Limits of Presidential Leadership

For the past sixty years we have been struggling to come to terms with the legacy of the New Deal. In forging an alliance between rights and national administration, Roosevelt did not abolish the obstacles to the creation of a centralized state. The defeats Roosevelt suffered during the Third New Deal did not prevent him from strengthening executive administration; abetted by the exigencies of total war, FDR's plans for consolidating the modern presidency were successful. But clothed in the garb of constitutional propriety, opponents of the New Deal were able to preserve the independence of the courts and the Congress to influence the details of administration.¹⁰³

In truth, Roosevelt himself was somewhat diffident in his support for centralized administration. The New Deal order created new obstacles to statist ambitions. Once viewed as entitlements, New Deal programs became autonomous islands of power that would constrain presidents no less than had localized parties. As Martha Derthick has written about the Social Security program, its architects "sought to foreclose the options of future generations by committing them irrevocably to a program that promises benefits by rights as well as those particular benefits that have been incorporated in an ever expanding law. In that sense they designed social security to be uncontrollable."¹⁰⁴ Little wonder that Re-

publican presidents, even ardently conservative ones such as Ronald Reagan, often felt as though they were relegated to managing the liberal state.¹⁰⁵

Still, the expansion of national administrative power that followed the New Deal realignment did not result in the form of national state that Roosevelt and the architects of the modern presidency had hoped for—one that established regulation and social welfare policy that could be expressions of national unity and commitment. Karl has argued that Americans continue to abhor, even as they embrace, national administrative power.¹⁰⁶ As Roosevelt's second term revealed so dramatically, they rejected the New Deal state, although they supported many of its programs. Unlike Roosevelt's efforts to mobilize support for the First and Second New Deals, his institutional program polarized the nation. Persuading the people to modify their understanding of rights was one thing; convincing them to accept executive dominion was quite another. Roosevelt sought to circumvent the American antipathy to the expansion of national administration by rooting his idea of enlightened administration in the fertile soil of rights. But his successes in this regard left New Deal programs exposed not only to the interference of Congress and the courts but also to the "public" interest groups that formed to protect these programs. Consequently, particular programs such as Social Security and Medicare have achieved popular support, but New Deal Liberalism was never defined and defended in such a form that could withstand the rights-based claims of favored constituencies.

At the end of the day, Americans have formed a love-hate relationship with the national state, a profound ambivalence that seeks refuge in forms of participation, such as the direct primary, referendum, and initiative, that expose national and state governments to the uncertain fortunes of mass public opinion. The direct form of popular rule championed by the Progressive Party of 1912 became newly relevant in the 1960s and 1970s, as reformers attempted to recast the administrative state as an agent of democracy. For all the failures these reformers experienced, their call for "participatory democracy" would have an enduring influence on politics and government. Unwilling to embrace or reject the entitlement state, the country has increasingly supported reforms to give the "people" more control over it.¹⁰⁷

Ultimately, the public's uncertainty about the state forged on the anvil of the New Deal realignment follows from a development in

which a national administrative apparatus and activist public philosophy were grafted onto a rights-based constitutional system and political culture. Charged with the stewardship of this "uneasy state," as Karl calls it, presidents have attempted to use the tools of the modern presidency, rhetoric and administration, to form new, more personal ties with the public. Caught between the Scylla of bureaucratic indifference and the Charybdis of the public's demands for new rights, the modern presidency has evolved, or degenerated, into a plebiscitary form of politics that mocks the New Deal concept of "enlightened administration" and exposes citizens to the sort of public figures who will exploit their impatience with the difficult tasks involved in sustaining a healthy constitutional democracy. As the shifting fortunes of the Clinton presidency dramatically illustrated, the New Deal freed the executive from party politics, but at the cost of subjecting it to fractious national politics within the Washington beltway and volatile public opinion outside it.

The New Deal and its legacy for politics and government in the United States invite us to consider a dilemma as old as the Republic: How can a state that is expansive and powerful enough to protect our rights provide for an active and competent citizenry? In the nineteenth century, Americans sought answers to this dilemma in a natural rights version of liberalism that "erred" on the side of localism. Born of the Jeffersonian and Jacksonian support for local self-government, traditional party organizations and newspapers rectified the Constitution's insufficient attention to the civic matters. But there was no "golden age" of parties. Progressive and New Deal reformers had good reasons to view localized political parties and the provincial liberties they upheld as an obstacle to economic, racial, and political justice.

By the same token, the administrative constitution spawned by programmatic liberalism, which weakened political parties, has "erred" on the side of centralization. Having created a nation, the New Deal's legacy is a more active and better-equipped state—the national resolve to tackle such problems as forced segregation at home and communism abroad—but one without adequate means of common deliberation and public judgment, without the means to sustain the vitality of its civic culture. This is the modern dilemma of America's extended republic—this is the central challenge that the New Deal has left at the dawn of a new century.

Notes

1. Arthur Schlesinger Jr., "Rating the Presidents: Washington to Clinton," *Political Science Quarterly* 112, 2 (1997): 179–90.
2. This phrase comes from Robert Eden, in his response to Eldon Eisenach's criticism of the New Deal for vulgarizing progressive political thought. See Eisenach, "Pragmatic Democracy and Constitutional Government: Comments on Robert Eden," and Eden, "Reply to Eisenach," both in *Studies in American Political Development* 8 (Fall 1994): 409–22 and 423–26, respectively.
3. James MacGregor Burns, *Roosevelt: The Lion and the Fox, 1882–1940* (New York: Harcourt, Brace and World, 1956), 375, 380. Scholarly diminution of FDR's popular leadership contrasts strikingly with the treatment of Woodrow Wilson. For Richard Hofstadter, Roosevelt appeared "more flexible and a cleverer politician than Wilson, . . . but less serious, less deliberate, and less responsible" (Hofstadter, *The American Political Tradition and the Men Who Made It* [1948; New York: Random House, 1989], 455).
4. Sidney M. Milkis, *The President and the Parties: The Transformation of the American Party System since the New Deal* (New York: Oxford University Press, 1993). See also "Franklin D. Roosevelt, Progressivism, and the Limits of Popular Leadership," in *Speaking to the People: The Rhetorical Presidency in Historical Perspective*, ed. Richard Ellis (Amherst: University of Massachusetts Press, 1998).
5. See especially Jeffrey Tulis, *The Rhetorical Presidency* (Princeton: Princeton University Press, 1987), and James Ceaser, *Presidential Selection: Theory and Development* (Princeton: Princeton University Press, 1979), esp. chap. 4. Tulis and Ceaser view Woodrow Wilson as the founder of the rhetorical presidency and thus the patriarch of modern executive leadership. Whereas the founders scorned popular presidential leadership, Wilson provided the most important theoretical and practical lessons that transformed the executive into a leader of public opinion. From this perspective, FDR was not a regime builder; rather, his presidency is to be understood as operating within, and in certain respect vulgarizing, a progressive regime that was formed during the first two decades of the twentieth century.
6. Both FDR quotes found in FDR to Ray Stannard Baker, March 20, 1935, *President's Personal File 1820*, Roosevelt Papers, Franklin D. Roosevelt Library, Hyde Park, New York.
7. Ernest Cuneco, "The FDR Drama," no date, box 82, folder JAF (James A. Farley), pre-1932, Ernest Cuneco Papers, Roosevelt Library.
8. Work on the "rhetorical presidency" tends to confound the art of public persuasion with plebiscitary politics. Jeffrey Tulis's depiction of the "modern" presidency suggests that presidents have come to speak to the public routinely and without a prudential understanding of the executive's duty to educate, not simply to arouse, popular opinion (Tulis, *The Rhetorical Presidency*). This distinction between the traditional and the modern presidency overlooks the popular leadership allied to party politics in the nineteenth century. More to the

point, an examination of presidential leadership of public opinion calls for a distinction between rhetoric, which is essential to democratic leadership, and plebiscitary politics, which, as Alexander Hamilton warned, flatters the people only "to betray their interests" (Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter [New York: New American Library, 1999], 400). Through rhetoric, as Thomas Pangle has observed, "the wisdom that is politically possible and the consent that is politically necessary are combined and elevated, under the somewhat distant guidance of philosophy" (Pangle, *The Ennobling of Democracy* [Baltimore: Johns Hopkins University Press, 1992], 129). For a treatment of Roosevelt's rhetoric in this more classical sense, see Halford R. Ryan, *Franklin D. Roosevelt's Rhetorical Presidency* (New York: Greenwood, 1988).

9. Felix Frankfurter to Franklin Roosevelt, August 9, 1937, box 210, Papers of Thomas Corcoran, Manuscript Division, Library of Congress, Washington, D.C.

10. This view of Roosevelt is similar to Stephen Skowronek's. See his *The Politics Presidents Make: Leadership from John Adams to Bill Clinton* (Cambridge: Harvard University Press, 1997), esp. chap. 7. Skowronek views Roosevelt as a "reconstructive" leader, who like Jefferson, Jackson, and Lincoln shattered the politics of the past, orchestrated the establishment of a new coalition, and enshrined their commitments as the restoration of original values, thereby "resetting the very terms and conditions of constitutional government" (39). I place more emphasis on FDR's rhetoric and view these ideas as more fully embedded in institutions and policies than does Skowronek. But I share his view of FDR's leadership as the principal agent in the transformation of American politics and government during the 1930s. For a discussion of the differences between Skowronek's understanding of FDR's reconstructive leadership and the view of Roosevelt's contribution that informs this chapter, see Sidney M. Milkis, "What Politics Do Presidents Make?," *Polity* 28, 3 (1995): 485–96.

11. Hofstadter, *American Political Tradition*, 411–12.

12. James Farley, memorandum, December 20, 1934, Cunco Papers, box 82, folder 1934.

13. Franklin D. Roosevelt, "A Tribute to Abraham Lincoln to be Read on His Birthday," January 25, 1936, in *The Public Papers and Addresses of Franklin D. Roosevelt*, ed. Samuel I. Rosenman, 13 vols. (New York: Random House, 1938–50), 5:68.

14. Walter Lippman, *Essays in the Public Philosophy* (Boston: Little, Brown, 1955), 98–99.

15. Roosevelt, *Public Papers and Addresses*, 1:751–52.

16. Berle's draft, written with the assistance of his wife, Beatrice, can be found in the "Commonwealth Club" folder, box 18, Berle Papers, Roosevelt Library. The change in wording that appears in the final version of the speech is consistent with the themes that Berle meant to convey in his draft. Indeed, the substitution of "enlightened administration" for "manager" was probably prompted by Berle's September 19 wire to Raymond Moley, alerting the presi-

dent's party that the speech had been airmailed that day. In outlining the address, Berle's telegram read: "Fundamental issue today adaptation old principles to new and probably permanent change in economic conditions which can only be done by *enlightened government*" (telegram, Berle to Moley, September 19, 1932, box 15, Berle Papers, emphasis added).

17. Roosevelt, *Public Papers and Addresses*, 1:752.

18. Theodore Roosevelt, *The Works of Theodore Roosevelt*, 26 vols. (New York: Scribner's, 1926), 20:414.

19. Theodore Roosevelt and his political allies were quite conscious about rethinking Hamiltonian principles. In sending Herbert Croly's *Promise of American Life* to TR, the progressive jurist Learned Hand wrote, "I hope that you will find in it as comprehensive and progressive a statement of American political ideas and ideals as I have found. I think that Croly has succeeded in stating more adequately than anyone else—certainly of those writers whom I know—the bases and prospective growth of the set of political ideas which can be fairly described as Neo-Hamilton, and whose promise is due more to you, as I believe, than to anyone else" (Hand to Roosevelt, April 8, 1910, Learned Hand Papers, Harvard University Law School).

20. "A Contract with the People," platform of the Progressive Party, adopted at its first national convention, August 7, 1912, Progressive Party Publications, 1912, Theodore Roosevelt Collection, Houghton Library, Harvard University.

21. "Progress and the Constitution," editorial *Nation*, November 7, 1912, 424. On the Progressive Party campaign of 1912 and its legacy, see Sidney M. Milkis and Daniel Tichenor, "'Direct Democracy' and Social Justice: The Progressive Party Campaign of 1912," *Studies in American Political Development* 8 (Fall 1994): 282–340.

22. Herbert Croly, "The Future of the State," *New Republic*, September 15, 1917, 182.

23. Herbert Croly, *Progressive Democracy* (New York: Macmillan, 1914), 15; John Dewey, "Individualism, Old and New," reprinted in *John Dewey: The Later Works, 1925–1953*, ed. Jo Ann Boydston, (Carbondale: Southern Illinois University Press, 1984), 5:41–123.

24. John Dewey, *Liberalism and Social Action* (New York: G. P. Putnam's, 1935), 26.

25. T. H. Green, "Lecture on 'Liberal Legislation and Freedom of Contract,'" in *T. H. Green Lectures on the Principles of Political Obligation*, ed. Paul Harris and John Morrow (Cambridge: Cambridge University Press, 1986), 210.

26. Dewey, *Liberalism and Social Action*, 93.

27. H. M. Kallen, "Salvation by Intelligence," review of *Liberalism and Social Action*, by John Dewey, *Saturday Review*, December 14, 1935, 7.

28. John Dewey, *The Public and Its Problems* (New York: Henry Holt, 1927), 208, 211.

29. A passage from Machiavelli's *Discourses* suggests the significance of Roosevelt's contribution to progressive reform: "He who desires to reform the government of a state, and wishes to have it accepted and capable of maintaining it-

self to the satisfaction of everybody, must at least retain the semblance of the old forms; so that it may seem to the people that there has been no change in the institutions, even though they are entirely different from the old ones" (Niccolò Machiavelli, *The Prince and the Discourses* (New York: Modern Library, 1950), chap. 25, 182).

30. Roosevelt, *Public Papers and Addresses*, 1:756.

31. For a discussion of the 1860 Republican platform fight, see Marc Landy and Sidney M. Milkis, *Presidential Greatness* (Lawrence: University Press of Kansas, 2000), chap. 5.

32. "Democratic Platform of 1936," in *National Party Platforms*, ed. Donald Bruce Johnson (Urbana: University of Illinois Press, 1978), 360. For evidence of FDR's role in drafting the platform, see the materials of the President's Secretary File, no. 143, "Democratic Platform" folder, Roosevelt Library. Also see Burns, *Roosevelt*, 271–78.

33. *New York Times Magazine*, February 23, 1936, 3, 24.

34. "Republican Platform of 1936," in Johnson, *National Party Platforms*, 365. It was Hoover, rather than the Republican presidential nominee, Alfred Landon, governor of Kansas, who formulated the Republican case against the New Deal. Landon, who had bolted the party in 1912 to support the Bull Moose, represented a much less fundamental challenge to New Deal principles and policies. Ronald Rotunda, "The Liberal Label: Roosevelt's Capture of a Symbol," in *Public Policy*, ed. John D. Montgomery and Albert O. Hirschman (Cambridge: Harvard University Press, 1968), 17:399.

35. Roosevelt, *Public Papers and Addresses*, 5:238. The phrase "economic royalists" was Stanley High's. Since December 1935 he had urged Roosevelt "to redefine the New Deal in those fundamentally American terms in which the Cosmopolitan [*sic*] speech first defined it." In doing so he suggested comparing the battle for an economic constitutional order with "various American crises—beginning with the Tory record in the revolution and following the Tory thread right on down through our history to the present." How well such a historical comparison would reveal, High enthused, "the New Deal as the real Americanism." Memorandum, Stanley High to Stephen Early, December 22, 1935, box 35, Franklin D. Roosevelt, 1935 (October to December) folder, Farley Papers. Obviously, High meant to refer to the Commonwealth Club Address.

36. Rotunda, "Liberal Label," 400.

37. The Works Progress Administration (WPA) was not created during the first hundred days; it was established in January 1935 as the successor to the First New Deal's Federal Emergency Relief Agency. Thus, the WPA was set during the interregnum between the First and Second New Deals, but its organization and policies were characteristic of the emergency legislation of the former period. See William Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932–1940* (New York: Harper and Row, 1963), chaps. 6, 7.

38. Joseph Harris, "Outline for a New York Conference," April 8, 1936,

Papers of the President's Committee on Administrative Management, Roosevelt Library.

39. For an overview and critique of work on the Third New Deal, see John W. Jeffries, "A Third New Deal? Liberal Policy and the American State, 1937–1945," *Journal of Policy History* 8, 4 (1996): 387–409.

40. Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (Cambridge: Cambridge University Press, 1982).

41. Felix Belair Jr., "Roosevelt Drives for Completion of the New Deal," *New York Times*, August 16, 1938, sec. 4, p. 3.

42. Louis Brownlow, final edited manuscript, vol. 2, chap. 30 ("We Report to the President"), p. 20, Louis Brownlow Papers, John F. Kennedy Library, Boston, Massachusetts.

43. Luther Gulick, "Politics, Administration, and the New Deal," *Annals* 169 (September 1933): 64.

44. Louis Brownlow, in a 1943 memorandum, reflected on this objective of executive reorganization: "We must reconsider critically the scholarly assumption, which has almost become a popular assumption, that the way to produce unity between legislative and executive is to take steps toward merging the two. . . . In direct opposition to this assumption and these proposals, it may be suggested that the objective to be sought is not to unify executive and legislature, but to unify governmental policy and administration" (Brownlow, "Perfect Union," January 27, 1943, appendix to Official Files 101 and 101b, pp. 38–39, Roosevelt Library).

45. *Report of the President's Committee on Administrative Management* (Washington, D.C.: Government Printing Office, 1937), 53.

46. *Congressional Record*, 75th Cong., 3d sess., April 8, 1938, 83, pt. 5:5121.

47. Josh Lee to FDR, June 22, 1938, President's Personal File 1820, Roosevelt Papers, Roosevelt Library.

48. Significantly, the two Supreme Court cases that triggered the dispute between Roosevelt and the judiciary were *Humphrey's Executor v. U.S.*, 295 US 602 (1935) and *A.L.A. Schechter Poultry Corp. et al. v. United States*, 295 US 553 (1935), both of which imposed constraints on the administrative authority of the president. William Leuchtenburg notes that FDR's angry reaction to the *Humphrey* decision, which denied Roosevelt the right to remove a commissioner from an independent regulatory agency, is misunderstood as an arbitrary act of retaliation in the face of a personal blow from the Supreme Court. In fact, it was "a rational attempt to enable the presidency to emerge as the central institution to cope with the problems of the twentieth century world" (Leuchtenburg, "The Case of the Contentious Commissioner: *Humphrey's Executor vs. U.S.*," in *Freedom and Reform*, ed. Harold M. Hyman and Leonard W. Levy (New York: Harper and Row, 1967), 312).

49. Rotunda, "Liberal Label," 404; *New York Times*, September 3, 1938, 1.

50. James Farley, *Jim Farley's Story: The Roosevelt Years* (New York: Whittlesey House, 1948), 146.

51. Ernest Cunco, "The Eve of the Purge," p. 24, unpublished manuscript found in box 111, Cunco Papers.
52. Raymond Clapper, "Roosevelt Tries the Primaries," *Current History*, October 1938, 17.
53. William H. Meier to James Farley, December 23, 1938, Official File 300 (Democratic National Committee), Roosevelt Papers.
54. Felix Frankfurter to FDR, August 9, 1937, box 210, Franklin D. Roosevelt, 1937, folder, Corcoran Papers, and FDR to Frankfurter, August 12, 1937, microfilm reel 60, Felix Frankfurter Papers, Manuscript Division, Library of Congress, Washington, D.C.
55. Whereas the 1937 proposal would have delegated plenary administrative authority to the president, subject only to congressional veto by joint resolution, an action that in turn could be vetoed by the president, this bill made the president's plans of reorganization subject to veto by concurrent legislation, which was not subject to veto by the chief executive. In addition, the 1939 act exempted twenty-one independent agencies from the president's reorganization power, including the important independent regulatory agencies. Also missing from the bill were controversial measures such as the modernization of the Civil Service System, the renovation of accounting procedures, and the creation of new departments of government. Still, the legislation was similar to the final amended version of the 1937 recommendations that the House defeated in April 1938. Moreover, the 1939 act marked an important turning point, whereby the Congress recognized for a time the president's authority to control administrative management. As one member of the Brownlow Committee staff would write many years later, "Its passage converted the immediate 1938 defeat into a victory over the long term and laid the basis for [an] extraordinary series of administrative reforms." Herbert Emmerich, *Federal Organization and Administrative Management* (Birmingham: University of Alabama Press, 1971), 134. For a more detailed account of the fight for administrative reform, see Milkis, *President and the Parties*, chaps. 5, 6.
56. This argument is developed more completely and documented in Milkis, *President and the Parties*, esp. chaps. 6–11.
57. The Ramspeck Act authorized the extension by the president of the merit system rules to nearly two hundred thousand positions previously exempted by law. Roosevelt took early advantage of this authorization in 1941 and by executive order extended the coverage of civil service protection to the point where about 95 percent of the permanent service was included. Leonard White, "Franklin Roosevelt and the Public Service," *Public Personnel Review* 6 (July 1945): 142.
58. Herbert Kaufman, "Emerging Conflicts in the Doctrines of Public Administration," *American Political Science Review* 50, 4 (1956): 1057–73.
59. Paul Van Riper, *History of the United States Civil Service* (Evanston, Ill.: Row, Peterson, 1958), 327.
60. Roosevelt, *Public Papers and Addresses*, 9:28.
61. Roosevelt's popularity was not damaged substantially by the contro-

- sial policies of the Third New Deal. To be sure, those policies alienated conservative Democrats in Congress; however, the president's popularity among rank-and-file Democrats was considerably greater than with those in Congress. Even before the Nazi invasion of Holland, Belgium, and France in May 1940, which greatly increased popular support for a third term, polls of Democrats in the hinterlands revealed considerable support for Roosevelt's renomination. See Bernard F. Donahue, *Private Plans and Public Dangers* (Notre Dame: University of Notre Dame Press, 1965), esp. chap. 4.
62. Ernest Cunco, "Tommy the Cork: A Secret Chapter of American History," p. 3, box 110, Thomas Corcoran file, Cunco Papers.
63. *Time*, July 25, 1940, 11.
64. Cunco, "Tommy the Cork," 7.
65. Samuel Lubell, "Post-Mortem: Who Elected Roosevelt?" *Saturday Evening Post*, January 25, 1941, 9–10.
66. Jordan Schwarz, *The New Dealers: Power Politics in the Age of Roosevelt* (New York: Knopf, 1995), 311; see also Barry Karl, *The Uneasy State* (Chicago: University of Chicago Press, 1983), 209–210.
67. Karl, *Uneasy State*, 211. The position taken here departs from Alan Brinkley's argument that in the end, New Deal war mobilization followed the World War I model. See Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Knopf, 1995), 189. Roosevelt's administration of war was far more unwieldy and thus less dependent on business than Wilson's. More to the point, in giving Roosevelt the opportunity to run for a third and fourth term and to expand his administrative authority, the war helped to rescue the New Deal. On this point, see Schwarz, *New Dealers*, 308–42.
68. Robert B. Westbrook, "Fighting for the American Family: Private Interests and Political Obligation in World War II," in *The Power of Culture: Critical Essays in American History*, ed. Richard Wrightman Fox and T. J. Jackson Lears (Chicago: University of Chicago Press, 1993), 197–98.
69. Roosevelt to Rockwell, February 10, 1943, Roosevelt Papers.
70. Roosevelt, *Public Papers and Addresses*, 9:671–72.
71. David M. Kennedy, *Freedom from Fear: The American People in Depression and War, 1929–1945* (New York: Oxford University Press, 1999), 469–70.
72. Westbrook, "Fighting for the American Family," 204.
73. Norman Rockwell, as told to Tom Rockwell, *Norman Rockwell: My Adventures As an Illustrator* (New York: Harry N. Abrams, 1988), 315.
74. Westbrook, "Fighting for the American Family," 204 n. 15.
75. Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge: Harvard University Press, Belknap Press, 1996), esp. chaps. 8, 9.
76. For a critical analysis of Sandel and others who have identified competing cultural traditions in American political history, see Mark Hulliung, "Republicanism, Liberalism, Illiberalism: An American Debate in French Translation," *Tacqueville Review* 22, 2 (2000): 109–32.
77. This term was coined by Mary Ann Glendon, *Rights Talk* (New York:

Free Press, 1985). She offers an important intellectual and public service by stimulating debate about the danger of setting too many rights apart from political life. My criticisms are directed not at her exploration of the controversy over rights but at the substantial body of contemporary criticism that singles out individualism and an obsession with rights as a fatal disease of American democracy.

78. This idea is developed more fully in Landy and Milkis, *Presidential Greatness*.

79. Rockwell, *Norman Rockwell*, 312.

80. Roosevelt, *Public Papers and Addresses*, 6:71.

81. *Ibid.*, 670–71.

82. Ickes to Roosevelt, December 27, 1940, Roosevelt Papers. The Four Freedoms speech was prepared carefully, requiring seven drafts. These drafts, along with Roosevelt's contribution to them, can be found in the speech files of the Roosevelt Library. For a good secondary source on the preparation of the address, see Samuel I. Rosenman, *Working with Roosevelt* (New York: Harper and Row, 1952), 256–63.

83. Samuel Grafton, *All Out: How Democracy Will Defend America* (New York: Simon and Schuster, 1940), 68.

84. Quotations here and in the two following paragraphs from "Dynamic Democracy," editorial, *Economist*, August 3, 1940, 145–46.

85. "The New Order," editorial, *New York Post*, December 26, 1940; see also Rosenman, *Working with Roosevelt*, 265. As Grafton was a columnist for the *Post*, the similarity between the *Economist* and *Post* editorials may not have been entirely coincidental.

86. Roosevelt to Rockwell, February 10, 1943, Roosevelt Papers (emphasis added).

87. Norman Rockwell to Stephen Early, May 6, 1943, Roosevelt Papers; Stuart Murray and James McCabe, *Norman Rockwell's Four Freedoms: Images That Inspire a Nation* (Stockbridge, Mass.: Berkshire House, 1993), 55–92.

88. Roosevelt's cultural accomplishment was recognized by many of his opponents, who lamented Rockwell's complicity with the president. As one critic wrote to the famous illustrator, "The Four Freedoms guaranteed by the 'Bill of Rights' are Freedom of Religion, Freedom of Speech, Freedom of the Press, Freedom of Assembly. When President Roosevelt or Vice President Wallace speak of 'the 4 freedoms' they are talking about something of their own invention. . . . By freedom from want and fear they mean that if the people will give up their independence and do what the government tells them, the government will take care of them. . . . Why don't you make pictures of the American Freedoms instead of the New Deal Freedoms?" T. R. Grant to Rockwell, cited in Murray and McCabe, *Norman Rockwell's Four Freedoms*, 67.

89. "Thanksgiving Day Proclamation," November 8, 1941, in Roosevelt, *Public Papers and Addresses*, 10:482 (emphasis added).

90. Roosevelt, *Public Papers and Addresses*, 13:40–41.

91. On the NRPB and its legacy, see Patrick D. Reagan, *Designing a New*

America: The Origins of New Deal Planning, 1890–1943 (Amherst: University of Massachusetts Press, 1999).

92. Oscar Cox to Hadley Cantril, May 3, 1943; Hadley Cantril to Oscar Cox, April 30, 1943; Memorandum, Hadley Cantril to David Niles, James Barnes, and Oscar Ewing, April 30, 1943; "Public Opinion: The NRPB Report and Social Security," Office of Public Opinion Research, April 28, 1943, all in box 100, Lend-Lease Files, Oscar Cox Papers, Roosevelt Library. On the Roosevelt administration's use of polls, see Robert Eisenger and Jeremy Brown, "Polling as a Means toward Presidential Autonomy: Emil Hurja, Hadley Cantril, and the Roosevelt Administration," *International Journal of Public Opinion Research* 10 (1998): 239–56, and Theodore Lowi, *The Personal President: Power Invested, Promise Unfulfilled* (Ithaca: Cornell University Press, 1985), 62–66.

93. The Cantril report on the NRPB suggested the need for such an address. The NRPB report's influence on the public was ephemeral, and its recommendations for expanding social welfare policy were likely to be ignored unless somebody "took the trouble to tell the people what broadening Social Security means to them." Noting that "all signs point to the basic faith of people in our ability to build a better world," the Cantril report boldly proclaimed that "everything will go to the leader who will fight aggressively for goals the people want and think they can get" ("Public Opinion," 3–4, 10). Roosevelt was less certain that an address would elicit strong public support for strengthening the economic constitutional order; nevertheless, in response to a similar impertunity from Louis Brownlow, he wrote: "I think it is a good idea to sound such a note. . . . and I am going to try my hand at it. Of course, times now are very different from 1932 or even 1936. The weakness and many of the social inequalities of 1932 have been repaired or removed and the job now is, first and foremost, to win the war. . . . However, even now we must look ahead and lay plans for the kind of America we want to see after the peace has been made." Roosevelt attached the letter to a note for Samuel Rosenman, asking him to prepare a draft speech, dedicated, as Brownlow urged, to "realizing the Four Freedoms." Brownlow to Roosevelt, December 14, 1943; Roosevelt to Brownlow, December 29, 1943; and Memorandum, FDR to Samuel I. Rosenman, December 28, 1943, in President's Personal File 1820, Roosevelt Papers.

94. Karl, *Uncasy State*, 221.

95. The conversations concerning the "court-packing" plan between FDR and his attorney general, Homer Cummings, recorded in the latter's diary, offer important clues to FDR's views on constitutional change. For example, see the Diaries of Homer Stille Cummings, December 26, 1936, no. 6, pp. 185–94, Homer Cummings Papers, Manuscripts Department, University of Virginia Library, Charlottesville.

96. Roosevelt to Frankfurter, February 9, 1937, microfilm reel 60, Felix Frankfurter Papers.

97. Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* (New York: New American Library, 1961), 513–514.

98. "The Constitution of the United States Was a Layman's Document, Not

a Lawyer's Contract," address on Constitution Day, September 17, 1937, Washington, D.C., in Roosevelt, *Public Papers and Addresses*, 6:357-67.

99. Bowles to Samuel Rosenman, "Outline of a Suggested Home Front Speech by Mr. Roosevelt," box 1, Bowles, Chester folder, Samuel Rosenman Papers, Roosevelt Library York (Bowles's emphasis).

100. Memorandum, Roosevelt to Samuel I. Rosenman, October 2, 1944, President's Personal File 1820, Roosevelt Papers; "We Are Not Going to Turn the Clock Back, Campaign Address at Soldiers' Field, Chicago, Illinois," October 28, 1944, in Roosevelt, *Public Papers and Addresses*, 13:369-78. Roosevelt told his aides that he wanted to make the Chicago address "a well reasoned resume of his political and economic philosophy." See Rosenman, *Working with Roosevelt*, 495.

101. Not surprisingly, Cantril's survey results in "Public Opinion: The NRPB Report and Social Security" showed stronger popular support for expanding social welfare benefits for soldiers than for the general public. "Tie the idea of social security to the problem of returning soldiers," he urged. "This will command the support of a tenth more of the electorate than proposals without this context" (9).

102. On the "rights revolution" and its legacy for governing institutions, see R. Shep Melnick, *Between the Lines: Interpreting Welfare Rights* (Washington, D.C.: Brookings Institution, 1994), and Marc Landy and Martin Levin, eds., *The New Politics of Public Policy* (Baltimore: Johns Hopkins University Press, 1995).

103. By the 1960s, R. Shep Melnick argues persuasively, Congress and the courts had seized much of the president's administrative power (Melnick, "The Politics of Partnership," *Public Administration Review* 45 [November 1985]: 653-60).

104. Martha Derthick, *Policymaking for Social Security* (Washington, D.C.: Brookings Institution, 1983), 417.

105. On the New Deal and the Reagan "revolution," see Milkis, *President and the Parties*, chaps. 10, 11.

106. Karl, *Uncasy State*, 225-39.

107. This point is developed more fully in Sidney M. Milkis, *Political Parties and Constitutional Government: Remaking American Democracy* (Baltimore: Johns Hopkins University Press, 1999), chap. 5.