



TR and FDR: Progenitors of the power grab

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Democrats have been busy circling the wagons over the Obama administration's extravagant use of executive power — from Obamacare waivers, to unilaterally legalizing 5 million undocumented immigrants, to Arctic drilling restrictions and more. They claim President George W. Bush's "war on terror" agenda is what really threw down the constitutional barriers to expansive executive authority.

Perhaps. But if you really want to look at the origins of executive overreach, you've got to go back much further than Bush 43. Indeed, two American icons — one Republican and one Democrat — are as responsible as anyone for the "imperial presidency."

With apologies to Ken Burns, we'll call them "The Real Roosevelts."

Deifying Theodore and Franklin Roosevelt has become a national pastime — from Mount Rushmore to last year's widely acclaimed Burns documentary. But history (and those who write or film it) has been far too charitable to the distant cousins.

The "real" Roosevelts both used war to their advantage. Both disregarded constitutional limits. Both believed strongly in state control of the economy. And both were unwilling to give up the reins of power.

As a young assistant secretary to the Navy, Franklin conspired behind the scenes for America's entrance into World War I, believing such a conflict would oust his timid boss, Josephus Daniels, and make FDR secretary.

Around the same time, Teddy the Rough Rider took to jingoistic cries about Americanism and bellicose slurs directed at anyone, including German and Irish citizens, who opposed the trench warfare that would ultimately take millions of lives.

Eventually, President Woodrow Wilson — likened to a "coward" by TR — would betray his campaign slogan as "the man who kept us out of war" and upon re-election ask Congress to commence hostilities on April 2, 1917.

The tragedy of Wilson's capitulation is seldom discussed. The German and Austro-Hungarian empires were vanquished, but that only helped usher in communism in Russia and fascism in Europe. More important, Wilsonianism launched a century of American interventionism in the futile attempt to make the world "safe for democracy."

Thomas Fleming, author of “The Illusion of Victory,” notes that Wilson was convinced that any peace treaty should provide “‘just punishments’ for the enemy’s depredations.” The palpable postwar vindictiveness (evident in the Treaty of Versailles among others) meant “unconditional surrender,” including territorial land grabs, reparations and what the Germans considered “illegitimate” restrictions on national sovereignty and defense.

Many scholars (including, ironically, a young John Maynard Keynes) have contended that the armistice of 1918 all but guaranteed the rise of Hitler and Mussolini, who rode to power on a wave of resentment toward the victorious Allied powers.

Yet the similarities between TR and FDR didn’t stop with the Great War.

The Republican and the Democrat were devout “progressives” and joined at the hip ideologically far more than today’s partisans like to admit. Both were Wilsonian through and through in their admiration for the state and the diminution of property rights.

Free-market advocates such as the Cato Institute point out that Teddy Roosevelt’s “trustbusting” crusade was an egregious exercise in raw executive power. In 1905, the *New York World* declared that the administration’s plans amounted to “the most amazing program of centralization that any president of the U.S. has ever recommended.”

In his famous 1910 speech on the “New Nationalism,” TR not only demanded steeply progressive taxes on earned income and estates, but proclaimed that the individual should be allowed to accumulate wealth “only so long as the gaining represents benefit to the community. This, I know, implies a policy of a far more active governmental interference with social and economic conditions in this country than we have yet had, but I think we have got to face the fact that such an increase in governmental control is now necessary.”

Of course, Teddy’s “square deal” was merely the forerunner for the revolution known as the New Deal. Indeed, Franklin Roosevelt would forever change the face of this nation’s social compact by concentrating power in an array of new federal agencies.

President Obama’s chiding of the judiciary over the *Citizens United* ruling pales in comparison to the outright arrogance of FDR threatening to “pack” the Supreme Court unless it ratified his agenda — which of course the justices did by ignoring their own precedent in the infamous “switch in time that saved nine.”

Eventually, the New Deal would not only relegate property rights to second-class status but stretch the definition of “interstate commerce,” justifying federal intervention, to the point where wheat a farmer grew solely for his own use was now subject to federal oversight.

The tax and spending power — the vehicle the Supreme Court used to uphold Obamacare — also first found its wings under FDR, when a pliant court declared it to “confer a power separate and distinct from those later enumerated” in the Constitution. Which of course raise the question: Why enumerate the others?

Most frustrating, at least as it pertains to mythmaking, is the economic revisionism asserting that Roosevelt’s National Recovery Administration (NRA) cured the Great Depression. It isn’t true.

After Herbert Hoover put the economy into a tailspin by raising tariffs, subsidies and income taxes, his successor merely doubled down.

Yet after years of massive federal spending (the WPA was actually derided by critics at the time as “We Piddle Around”), further tax hikes (the top income tax rate reaching 90 percent) and crony capitalism (corporate cartels in exchange for closed union shops) — unemployment under FDR was still almost 20 percent by 1938.

In fact, FDR’s own Treasury secretary, Henry Morgenthau, lamented, “We are spending more than we have ever spent before and it does not work. ... I say after eight years of this administration we have just as much unemployment as when we started ... and an enormous debt to boot.”

Sound familiar?

The ultimate “stimulus” program, war, also failed to revive real economic growth — unless you call the rationing of food, tires, gasoline and nearly every staple of life during World War II prosperity. And what disposable income Americans had left was consumed by the financing of war bonds, further eroding living standards.

No, the private economy didn’t take off until the government got out of the way and growth resumed in a near-immediate postwar recovery — something the Keynesian architects of the day (and today: see Paul Krugman) warned could never happen.

There are myriad lessons from all of this, but suffice it to say, if you really want to trace the origins of the Constitution breaking free from its Jeffersonian chains and becoming a grant of unlimited federal power, look no further than Theodore and Franklin Roosevelt.