AMERICAN CONSTITUTIONALISM

VOLUME I: STRUCTURES OF GOVERNMENT

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Supplementary Material

Chapter 8: The New Deal/Great Society Era – Introduction

*Dwight Eisenhower*, **Letter to Edgar Newton Eisenhower** (1954)[[1]](#footnote-1)

The Republican Party, battered across multiple national elections, increasingly accepted the central constitutional features of the emerging New Deal state. The Republican Party platform of 1940, while complaining about the “relative expansion of the power of the Federal government over the everyday life of the farmer, the industrial worker and the businessman,” devoted most of its fire to how “waste, discrimination and politics” were preventing New Deal measures from achieving their goals. The Republican presidential candidate that year, Wendell Willkie, ran on a platform that called for an “extension” of benefits provided by Social Security, federal grants to states for relief, maintenance of the National Labor Relations Act, and benefit payments to farmers. Unlike the Democratic Party platform of 1940, Republicans that year endorsed the Equal Rights Amendment for women and called for a ban on race discrimination. The only New Deal measures the Republican convention continued to denounce as unconstitutional in 1940 were laws giving the president control over the currency and the power to allocate radio frequencies.

In 1952, Dwight Eisenhower became the first Republican to be elected president during the New Deal Era. Eisenhower was by no means a traditional Republican. Educated at West Point, he was an army lifer, who rose to national prominence when leading the D-Day assault against Nazi Germany. Eisenhower had no partisan profile before his nomination for the presidency, and had previously been approached by Harry Truman about the possibility of running as a Democratic candidate. When running his first campaign, Eisenhower sought to redefine the Republican Party in his own image, as a “middle-of-the-road Republican.” A key feature of Eisenhower’s New Republicanism was its acceptance of the legitimacy of the New Deal. His Republican Party offered more competent and fiscally conscious management of the liberal state, not an ideological or constitutional alternative to it. Eisenhower emphasized this point privately as well as publicly, particularly when pressed by his more conservative brother, Edgar, who took the president to task for not returning to the pre–New Deal constitutional state. The president pointed to the only Constitution that he thought mattered, the one laid down by the current Supreme Court and, implicitly, the one sustained by voters in the previous national elections.

. . . .

You keep harping on the Constitution; I should like to point out that the meaning of the Constitution is what the Supreme Court says it is. Consequently no powers are exercised by the Federal government except where such exercise is approved by the Supreme Court (lawyers) of the land.

I admit that the Supreme Court has in the past made certain decisions in this general field that have been astonishing to me. A recent case in point was the decision in the Phillips case.[[2]](#footnote-2) Others, and older ones, involved “interstate commerce.” But until some future Supreme Court decision denies the right and responsibility of the Federal government to do certain things, you cannot possibly remove them from the political activities of the Federal government.

Now it is true that I believe this country is following a dangerous trend when it permits too great a degree of centralization of governmental functions. I oppose this—in some instances the fight is a rather desperate one. But to attain any success it is quite clear that the Federal government cannot avoid or escape responsibilities which the mass of the people firmly believe should be undertaken by it. The political processes of our country are such that if a rule of reason is not applied in this effort, we will lose everything—even to a possible and drastic change in the Constitution. This is what I mean by my constant insistence upon “moderation” in government. Should any political party attempt to abolish social security, unemployment insurance, and eliminate labor laws and farm programs, you would not hear of that party again in our political history. There is a tiny splinter group, of course, that believes you can do these things. Among them are H. L. Hunt (you possibly know his background),[[3]](#footnote-3) a few other Texas oil millionaires, and an occasional politician or business man from other areas. Their number is negligible and they are stupid.

To say, therefore, that in some instances the policies of this Administration have not been radically changed from those of the last is perfectly true. . . .

. . .

No matter what the party is in power, it must perforce follow a program that is related to these general purposes and aspirations. But the great difference is in how it is done and, particularly, in the results achieved.

1. Excerpt taken from The Papers of Dwight David Eisenhower, ed. Louis Galambos and Daun van Van Ee, vol. 15 (Baltimore: Johns Hopkins University Press, 1996), 391. © 1996 The Johns Hopkins University Press. Reprinted with permission of The Johns Hopkins University Press. [↑](#footnote-ref-1)
2. Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672 (1954) held that the Natural Gas Act extended beyond the companies that operated interstate pipelines and included companies that were producers of natural gas. [↑](#footnote-ref-2)
3. H. L. Hunt was at the time one of the wealthiest men in the world and a sponsor of hard-right political causes. [↑](#footnote-ref-3)