

Rethinking Presidential Leadership and History through a Security Lens

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****Work in Progress****

Paper prepared for the 2016 Annual Meeting of the Western Political Science Association.

Introduction

Of the many leadership challenges faced by American presidents, few demands are more paramount than that of promoting the nation's security and ensuring its military strength. While concerns of security rise and fall in the minds of the public, modern presidents are tasked with remaining vigilant of the country's safety, and with anticipating and ultimately addressing the most serious threats to the nation's interests and well-being. This critical element of presidential leadership has only been heightened in today's age of global terrorism fears and prolonged warfare in the Middle East, not to mention menacing regimes from North Korea to Russia. Candidate Obama campaigned in 2008 on a promise to "end the wars" and transition away from hawkish foreign policies of the past, as well as to close the detention facility at Guantanamo Bay and restore the rule of law in counterterrorism policy. As president, Obama quickly discovered the difficulties in transforming defense and security policies anew. Along with the wars in Iraq and Afghanistan, President Obama also inherited a growing national security state including a massive defense operations budget and increased precedents for government surveillance and unitary executive authority, more broadly. In addition, he has recently been confronted with a re-emergence of terrorism concerns on the national agenda. As President Barack Obama learned, administrations that attempt to scale back U.S. military commitments abroad or seek to prioritize domestic policy goals face major headwinds.

Obama's efforts to recognize U.S. limits in a multilateral world while trying to maintain American global leadership and strength have been rebuked by both conservative and liberal critics. "It's because of the President of the United States' failed policies, 'leading from behind,' which has led to this chaos and renewed influence and growth of ISIS," Sen. John McCain (R-AZ) proclaimed.¹ At the Council of Foreign Relations last summer, presidential hopeful Sen. Marco Rubio (R-FL) lamented that Obama

...entered office believing America was too hard on its adversaries, too engaged in too many places....He criticized America for having arrogance and the audacity to dictate our terms to other nations. The deterioration of our physical and ideological strength has led to a world far more dangerous than when President Obama entered office. In just the last two years, we've seen an emboldened Russia invade and annex—invade Ukraine and annex Crimea. We've seen ISIS sweep across multiple states, commit brutal atrocities, and attempt to establish a caliphate.²

Liberal critics of Obama have been no less harsh in their attacks. Denouncing the Obama administration for a “cruel and unusual” human rights record, former President Jimmy Carter argues that drone strikes, indefinite detentions, and intrusive surveillance under Obama’s watch are inconsistent with the rule of law and fundamental democratic principles. “At a time when popular revolutions are sweeping the globe, the United States should be strengthening ...principles of justice enumerated in the Universal Declaration of Human Rights,” Carter declared. “But instead of making the world safer, America’s violation of international human rights abets our enemies and alienates our friends.”³ Former Rep. Dennis Kucinich (D-OH) has echoed Carter’s assessment that the Obama administration has been too aggressive, independent, and secretive in fighting terrorism. “The world is now our battlefield,” he noted. “Our credibility as a voice for human rights has been undermined.”⁴ Scholars have added their voices to these critiques. For instance, Robert Singh finds that despite “the warm glow it sparked from many quarters abroad” early in 2009, the Obama administration struggled mightily to shift U.S. foreign policy from “Wilsonian militarism” to “restrained pragmatic realism.”⁵ Others have assailed Obama for the lack of a broader foreign policy vision or grand strategy, and general disinterest with prioritizing national security policy over domestic goals.⁶

Unfortunately, such assessments of Obama fail to acknowledge, let alone assess, the set of opportunities and constraints that influenced his national security and foreign policy leadership in historical context. What conditions facilitate militaristic goals and the projection of

U.S. strength over more restrained objectives, and vice versa? How do the national security challenges confronted by Obama compare and contrast with those of previous presidents? Where should we situate Obama's national security and foreign policies – and his degrees of freedom to lead in these areas-- over the broad arc of American history? In what ways do national security demands and goals influence presidential domestic agendas? Can we identify key longitudinal developments that durably shape these leadership choices and outcomes? Likewise, can we identify recurring circumstances that structure presidential warrants for power over national security and international relations?

To date, presidential studies have provided incomplete answers to most of these questions. To be sure, nearly every major textbook on the American presidency contains an obligatory chapter on foreign and defense policymaking.⁷ The same is true of the steady stream of volumes offering appraisals of specific administrations, with single chapters devoted to topics such as “Grand Strategy as National Security Policy” or “Shifting Global Paradigms and Obama's Adaptive Foreign Policy.”⁸ Reviewing the content of articles and feature essays in *Presidential Studies Quarterly* since 2011 (volumes 41 to present), we found that 11% (21 of 199) articles and feature essays either focused on or devoted some attention to foreign policy or national security topics. The lopsided emphasis in the field on domestic politics has not meant that the national security presidency has been ignored. Formal legalists like Edwin Corwin and Clinton Rossiter thought carefully about the role of American presidents in directing foreign and defense policy.⁹ Richard Neustadt deftly wove foreign and domestic case studies into his classic explication of presidential power; Arthur Schlesinger did the same with his thesis on the presidency's imperial dangers.¹⁰ Tocqueville noted the existence of a power imbalance between the domestic and foreign policymaking influence of the presidency as earlier as the mid-

nineteenth century, a notion given modern significance with Aaron Wildavsky's work on the "two presidencies."¹¹ Seemingly a byproduct of a previous generation of scholarship, the latter's argument that "serious setbacks to the President in controlling foreign [and defense] policy are extraordinary and unusual" continues to be investigated and reasserted.¹² Chronicling U.S. military decisions and engagements since the early republic, Louis Fisher documents an inexorable aggrandizement of presidential war power to present.¹³ Recent work by Howell et. al has sought to qualify this argument, but has only raised more questions than it answers about the dynamic between presidential leadership and warfare.¹⁴

What is missing from most presidential scholarship, however, is an effort to analyze *over time* the recurrent and emergent patterns of presidential leadership with a significant emphasis on international threats and national security policy. Consider, for example, Stephen Skowronek's influential *The Politics Presidents Make*. According to Skowronek's framework of "political time," the limits and opportunities for leadership vary based on a president's relationship to the established partisan regime and its "commitments of ideology and interest."¹⁵ Those presidents with the greatest political authority are able to repudiate the vulnerable commitments of the current regime and reconstruct the political system. Moreover, this "recurrent" pattern of political authority coincides with the presidency's "persistent" pattern of constitutional prerogatives and "secular time" – the "emergent" pattern of "expanding resources and greater independence in presidential action."¹⁶ Significantly, Skowronek's brilliant model of the "politics presidents make" is derived almost exclusively from a domestic political context. That is, his theoretical framework is driven almost entirely by domestic political forces such as partisan coalitions and regimes. Excepting a reference to the "muscle-flexing" and war-bound proclivities of "second-generation affiliated" presidents, the concept of political time neglects the

presidency's actions in security and foreign policy-making.¹⁷ This is no small oversight. Above and beyond their undertakings of partisan coalition maintenance, presidents are expected to serve the non-partisan, national interest by safeguarding the country's homeland security and military defenses. Additionally, presidents must advance foreign policies which project a strong sense of stability in an unpredictable international political system. Together, these commitments constitute what we might call the executive's *security imperative*. How might we reinterpret the leadership opportunity structures (and categorization) of presidents from William McKinley to Barack Obama if national security demands and international contexts drove the analysis?

One of our chief aims here is to begin to overcome this security gap in how the historical dynamics of presidential leadership are understood and assessed. In this way, the research presented in this paper takes an initial stab at redressing a key limitation identified by Ira Katznelson and Martin Shefter in the APD literature that applies equally well to presidency studies: "the degree and character of influence exercised by international factors on American political development remains remarkably unprobed, [with] too tight a restriction of attention to domestic factors..."¹⁸ We hope to follow the lead of notable exceptions such as Andrew Polsky's *Elusive Victories*, which deftly shows that wars of various stripes – from the Civil War to Vietnam – have been sources of political torment and programmatic disappointment for diverse commanders-in-chief.¹⁹ In our paper, we hope to reappraise the limits and possibilities of presidential leadership through the lens of international security threats. We do so by training a spotlight on two revealing cases that capture recurrent and emergent features of the executive's security imperative over time: presidential emergency power during national security crises of the first order and the impact of defense and security commitments on the president's domestic program. Let us begin by considering presidential emergency power in time.

“Like a Loaded Weapon”: Presidential Emergency Power in Time

In his classic and still disturbing study of constitutional dictatorship (oxymoron and all), Rossiter argued that in times of dire crisis “a democratic, constitutional government must be temporarily altered to whatever degree is necessary to overcome the peril...that is, government will have more power and the people fewer rights.”²⁰ More specifically, when these perils include exceptional official and popular perceptions of an urgent threat to the nation’s safety from dangerous enemies, constitutional dictatorship emerges with “the inflation of executive power through delegation and initiative to permit arbitrary action of executive, legislative, or judicial character.”²¹ In this formulation, the threats (real and imagined) associated with the Civil War, World War I, World War II, and the global “War on Terror” provided special warrants for a handful of presidents to exercise formidable emergency powers via legislative delegation or successful assertions of prerogative. That is, the discretionary powers of presidents charged with guarding national security are at their zenith during these extraordinary crises, as are the dangers these emergency powers posed to constitutional democracy and individual rights. That is precisely our focus here: periods of extreme security crisis when presidents exercise unusual emergency power from two sources. The first derives from successful presidential claims to executive prerogative as familiarly described by John Locke in Chapter 14 of his *Second Treatise of Civil Government*: the “power to act, according to discretion, for the public good, without the prescription of law, and sometimes even against it,…” because “it is impossible to foresee, and so by laws to provide for, all accidents and necessities that may concern the public....”²² Lincoln, Wilson, FDR, and Bush all successfully claimed prerogative authority to act unilaterally in order to keep the nation safe. Despite Locke’s reflections on the

inadequacy of laws governing necessitous periods, the second source of presidential emergency power has derived from legislative delegations of wartime authority to commanders-in-chief, the source of most of Woodrow Wilson's authority during World War I.

Analyzing constitutional dictatorship in time, then, is a narrower target than studying the broader subject of the "imperial presidency." Building on the foundational work of Arthur Schlesinger, Jr., scholars like Andrew Rudalevige and Charlie Savage persuasively capture the resurgence of presidential power and congressional irresponsibility in recent decades.²³ Yet the emergency powers employed by Lincoln, Wilson, FDR, Bush and Obama in the name of national security pose a more specific and punctuated challenge for constitutional democracy – exceptional moments of liberal vulnerability – than the more general imperial trends of presidencies during the past quarter-century or more.

A similar contrast can be drawn with broader-gauged work on wartime presidents. In her incisive new work on war, time, and the law, Mary Dudziak reminds us that it has become difficult to distinguish between wartime and peacetime during the past century since the United States has been regularly engaged in armed conflict overseas.²⁴ It would be a mistake, however, to assume that the perceived imperatives and accepted sacrifices associated with these engagements are largely identical. The same can be said of the prerogative and delegated powers of wartime executives. Chronicling U.S. military decisions and engagements since the early republic, Louis Fisher documents an inexorable aggrandizement of presidential war power to present.²⁵ Striking fresh notes, Andrew Polsky deftly shows that wars of various stripes – from the Civil War to Vietnam – have been sources of political torment and programmatic disappointment for diverse commanders-in-chief.²⁶ The study of constitutional dictatorship and presidential emergency power, however, draws distinctions among the many presidents who

oversaw armed conflicts. In the end, the emergency actions and democratic threats of U.S. wartime presidents *writ large* are anything but commensurate. Harry S Truman's claims of national peril to justify seizing the steel mills during the Korean War fell flat compared to the more readily accepted necessity of decisive unilateral action by Lincoln, Wilson, FDR, and Bush – not to mention Truman himself at the end of World War II.²⁷ Only a small number of American presidents have exercised the kind of constitutional dictatorship described by Rossiter, wielding rare prerogative and delegated powers.

Studying the development of presidential emergency power, then, focuses on those exceptional historical moments when presidential power is most unfettered, and when other branches and ordinary citizens are most likely to endorse or tolerate even egregious violations of civil rights, liberties, and the rule of law. One of my central aims is to show that these moments are not isolated from each other even if they are separated by decades. This draws some contrast with many prominent longitudinal or recurrent temporal processes highlighted by APD and historical institutionalist scholars who think carefully about how history matters; the dynamics in play here do not conform neatly with familiar conceptions such as “punctuated equilibrium,” “critical junctures,” “path dependence,” “displacement,” “layering,” “drift,” “conversion,” “exhaustion,” or “intercurrence,” among others.²⁸ The development of presidential emergency powers during times when the nation's safety seems most in peril has not been a steady, uninterrupted process, but rather an episodic one with starts and stops at irregular intervals. This does not mean, however, that each president in these circumstances has started from scratch, or that each episode stands as an isolated event. Rather, as noted above, what is crucial in this regard are *shifting historical set points* from which stressed administrations inherit distinct openings and constraints for mapping out a sober course of action. Indeed, my findings and

analysis will illuminate an expanding set of precedents, resources, and expectations for the White House to command sweeping emergency power in response to seemingly urgent security threats. The changing *set points* for executive choice and action during urgent national security emergencies lack the periodicity and longitudinal flow of most historical institutionalist and APD targets of study, but the legacies and residue of early episodes for later ones are unmistakable.

One of the most trenchant descriptions of the dynamics of political and institutional development at the heart of this article is provided by the dissenting opinion of Justice Robert Jackson in *Korematsu v. United States* (1944). His opinion denouncing Japanese internment pointed out that every judicial (not to mention legislative or popular) validation of presidential and military orders violating the Constitution in the name of emergency gives the action an unsettling level of staying power. As Jackson explained, an unjust or unconstitutional order by executive or military leaders represents an unfortunate “incident.” But when judges and others “review and approve,” the incident has the potential to become “doctrine” with “a generative power of its own.” Once validated, “the principle then lies about like a loaded weapon, ready for the hand of any authority that can bring forward a plausible claim of an urgent need,” Jackson warned. “Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes.”²⁹ As we shall see, the development of presidential emergency power captures well the potential for early incidents to become precedents and doctrines that lay dormant as a “loaded weapon” to be used by executives in seemingly comparable, urgent circumstances. Yet each performance of constitutional dictatorship is also deeply informed by broader developments in the presidency as an institution. The episodic use of the “loaded weapon” of emergency power reflects and interacts with more secular or longitudinal changes in

the American presidency and its political environment. Let us now turn to the development of presidential emergency power across three crucial cases.

Wilson and Emergency Power: The Progressive Presidency in Total War

Woodrow Wilson's orchestration of wartime government reflected a very different context than Lincoln's more than a half-century before. It was one in which Progressive Era adherents of executive power from Theodore Roosevelt and Herbert Croly to Wilson remade the office into a popular, rhetorical, and legislative engine of political change. The Progressive departure from earlier understandings of executive power hinged, as Skowronek has noted, on a rejection of traditional partisan forms for bridging constitutional divides, devotion to supplanting Constitutional originalism with a "living" Constitution that nimbly responded to an "organic" society, and a yearning for popular presidents capable of mobilizing national opinion and lawmakers behind great public ends.³⁰ This vision was given expression by Progressive governors at the state-level³¹ and by the comparatively modern media and legislative leadership exercised by Presidents William McKinley and Roosevelt.³² It is against this backdrop that Croly proclaimed that vigorous presidents of TR's mold would liberate Americans from deadening "government by lawyers."³³ In *Constitutional Government*, Wilson more familiarly marveled that the modern president built by Roosevelt "is at liberty, both in law and conscience, to be as big a man as he can."³⁴ Like many of his reform-minded contemporaries, he saw the Constitution as "a vehicle of life" instead of "a mere legal document," a warrant for broad executive discretion in the public interest. Concerning foreign affairs, he added that "the Executive must of necessity be its guide...[and] in large measure control its conduct."³⁵ In short, the prerogative presidency that accompanied U.S. entry into World War I was constructed within institutional and cultural environs that Lincoln would scarcely recognize.

Progressive conceptions of presidential power deeply informed Wilson's first term in the Oval Office. He embraced rhetorical and public opinion leadership, and he urged members of Congress to view him not as a rival but as "a human being trying to cooperate with other human beings in a common service."³⁶ His commitment to popular and legislative leadership was captured dramatically when he became the first president in more than a century to deliver his annual message to Congress as a speech in person, breaking a revered tradition dating to Jefferson. Wilson's media presidency featured regular press conferences and the rise of the White House Correspondent's Association. He aggressively advanced an ambitious domestic reform agenda through direct legislative leadership. To this end, he nurtured close ties with Congress by often meeting privately with lawmakers in his office, journeying to congressional offices, and installing a direct phone line to facilitate communications between the White House and Capitol Hill.³⁷

In matters of foreign policy and national security, Wilson set about to win public support and congressional cooperation by exercising rhetorical and legislative leadership in the same fashion as he advanced domestic reform. However, he was convinced that the presidents also were vested with authority to act unilaterally in foreign affairs when lawmakers balked. Responding to the arrest of U.S. sailors and eager to overthrow Victoriano Huerta as Mexico's leader in 1914, for instance, Wilson called a special session of Congress to gain approval for mobilizing military forces against Mexico. Akin to his approach on domestic policy initiatives, he hoped to keep the branches "in close conference and co-operation." But when the Senate questioned the action, he did not hesitate to independently impose a seven-month occupation of Veracruz by U.S. troops.³⁸

The popular rhetorical presidency that Jeffrey Tulis credits Wilson with consolidating assumed a distinctly intolerant guise in the context of World War I.³⁹ Although the enemy was located almost three thousand miles away, Wilson placed a heavy emphasis in his wartime rhetoric, legislative proposals, and executive actions on the *enemy within*, singling out groups like the foreign-born, and German-Americans in particular, as significant threats to domestic security. Indeed, he successfully coordinated a pressure campaign that heightened popular and official fears of espionage and sedition on the homefront and punished all forms of dissent from any group whose loyalty was questioned from German-Americans to labor agitators and pacifists. Following the *Lusitania* crisis of July, 1915, Wilson offered a menacing portrait of the nation's large foreign-born population. "The gravest threats against our national peace and safety have been uttered within our borders," he declared. "There are citizens of the United States, I blush to admit, born under other flags but welcomed by our generous naturalization laws to the full freedom and opportunity of America, who have poured the poison of disloyalty into the very arteries of our national life." He urged Congress to provide legislation with which their activities might be curbed. These laws were the means by which "such creatures of passion, disloyalty, and anarchy" might be "crushed out."⁴⁰ When lawmakers failed to act, Wilson's Attorney General, Thomas Gregory, urged Congress in the summer of 1916 to adopt a law that addressed "the new conditions of war by propaganda" by establishing new limits on speech and press freedoms as well as new punishments for sabotage.⁴¹ Congress paid little heed to renewed pressure, referring the matter to committees in both houses. Yet the administration's drumbeat against German-Americans, dissenters, pacifists, and others it deemed suspicious grew stronger over time.

Consistent with his Veracruz actions, Wilson's efforts to mold legislation related to World War I were forceful and, when Congress did not follow his lead, he did not hesitate to act unilaterally. In 1917, the White House sought congressional approval for arming American merchant ships in order to stave off attacks from German submarines. Wilson told lawmakers that he wanted their backing "in whatever it may become necessary for me to do," yet he also restated his belief that he could go it alone. "I already possess the authority without special warrant of law," he explained "by the plain implication of my constitutional duties and powers." When the Senate failed to follow his lead, Wilson armed the ships on his own.⁴²

Once the United States formally entered World War I, Wilson's wartime presidency reflected a familiar repertoire: vigorous efforts to shape public opinion, to exercise strong legislative leadership to win congressional delegation of broad power, and to act unilaterally where he saw fit. On the same day that Wilson's War Resolution passed Congress (April 6, 1917), Wilson issued an executive order imposing regulations for controlling non-citizens of German ancestry living in the country. The regulations included an extensive list of restrictions on the movement, employment, property, and activities of these so-called enemy aliens. During the course of the war, more than 6,300 non-citizens of German descent were arrested and more than 2,300 were confined to internment camps.⁴³ Wilson issued a secret executive order the next day that empowered federal bureaucratic heads to remove any employee considered a loyalty risk "by reason of his conduct, sympathies, or utterances, or because of other reasons growing out of the war."⁴⁴ He also claimed that the war emergency empowered him to create a new Committee on Public Information, a controversial government propaganda agency that so often embroidered or concealed news to provide upbeat pictures of the war effort that the *New York Times* dubbed it "the Committee on Public Misinformation."⁴⁵

Wartime legislation enacted in 1917 and 1918, at the White House's urging, granted a staggering array of powers to the President for controlling the nation's economy. Laws like the Lever Act of 1917 granted Wilson control over the railroads, shipbuilding, water systems, and telegraph and telephone systems and the power to regulate exports and transportation priorities.⁴⁶ At the same time, the administration also sought unprecedented authority to attack what it perceived as internal or domestic threats to the war effort.

Publicly, Wilson made a point soon after the U.S. entered World War I to warn political radicals, German-Americans, and antiwar activists that if they demonstrated an ounce of disloyalty, "it will be dealt with a firm hand of stern repression."⁴⁷ He also pressed a reluctant Congress to enact the administration's Espionage bill that had languished since 1916, casting this proposal for limiting dissent and freedoms of the press and speech as a national security imperative. "From the very outset of the present war," Wilson declared, Germany "has filled our unsuspecting communities and even our offices of government with spies and set criminal intrigues everywhere afoot against our national unity."⁴⁸ In response to the administration's dire warnings of security threats at home, Congress enacted Wilson's Espionage Act in June 1917, which made it a crime for anyone to convey information that might hurt the operations or success of the U.S. armed forces or promote the success of its enemies. Section 3 of the law stipulated fines of up to \$10,000 and jail sentences of up to 20 years for those who "shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruitment or enlistment service of the United States." The administration came to Congress a year later for amendments to expand restrictions on speaking out against the government. Sounding a familiar refrain concerning "dangerous enemies within our confines," Wilson officials complained that the threats to

national unity were caused “not by any lack of activity upon the part of prosecuting officials,” but rather by “the lack of laws relating to disloyal utterances.”⁴⁹ The resulting Sedition Act of 1918 added eight new criminal offenses for “uttering, printing, writing, or publishing any disloyal, profane, scurrilous, or abusive language” directed toward the U.S. government.

More than 2200 people were prosecuted by the Justice Department under the Espionage and Sedition laws, including a Republican nominee for the Senate, J.A. Peterson, and roughly 150 leaders of the Industrial Workers of the World (IWW). Roughly half of these individuals were convicted, resulting in the largest number of political prisoners in American history.⁵⁰ Among the most notable of these was Eugene Debs, the Socialist Party leader who garnered nearly 10 percent of the vote in the 1912 presidential contest. Debs was arrested and sentenced to 10 years in prison for making a speech that “obstructed recruiting.”⁵¹ In 1918, Justice Department investigators quietly noted that both judges and juries, eager to demonstrate their support for the war effort, were often overzealous in convicting suspects under these laws and regularly imposed harsh sentences.⁵²

Under the Espionage Act, Wilson’s Postmaster General, Albert Burleson, was vested with vast authority to suppress critical opinion during the First World War by barring any magazine, newspaper, circular, pamphlet, letter, or other material that violated the statute from the mails. Wilson also issued an executive order creating a Board of Censorship headed by Burleson to scrutinize all correspondence and communications leaving the country. The order strengthened Burleson’s authority to scrutinize private letters and other materials using the postal system.⁵³ Strikingly, Attorney General Gregory wrote a detailed memo to Wilson raising serious doubts as to whether the censorship powers granted to the Postmaster General were constitutional. As Gregory saw it, Burleson’s new authority could not be constitutionally

justified because it gave an executive official “far reaching inhibitory effect upon the right of free public discussion.”⁵⁴ Wilson quickly dismissed Gregory’s concerns, reaffirming the Postmaster General’s broad censorship powers “upon evidence satisfactory to him.” Burleson maintained draconian control over domestic and international mails, including stringent restrictions on dozens of periodicals that either lost their mailing privileges or were compelled to print nothing about World War I for its duration. When prominent figures such as Croly or Upton Sinclair privately complained to Wilson about Burleson’s iron rule over the mails, he staunchly defended his Postmaster as using censorship powers as the President intended to curb disloyal speech when it hurt the war effort.⁵⁵

With Wilson’s endorsement, the Justice Department also delegated a variety of responsibilities to the American Protective League (APL), an officially recognized and funded auxiliary of the Department. More than 250,000 badge-wearing volunteers of the APL spied on neighbors, opened mail, eaves-dropped on conversations, and harassed persons of German descent. This group was only the largest of many citizen groups that helped limit individual and group freedoms.⁵⁶ The anxieties of unorganized publics sometimes boiled over into brutal mob violence. One wartime dissenter, Richard Brazier, described the American people as absorbed in “an unprecedented height of frenzy” that fueled vigilante activities from lynching to tarring and feathering. “A law-ridden nation we are,” he wrote, “yet at the same time a most lawless one.”⁵⁷

In contrast to Lincoln, Wilson made no assurance to relinquish sweeping emergency powers at war’s end. After the Armistice of November 11, 1918, Wilson tellingly ordered administration officials to continue targeting and prosecuting hundreds of cases under the Espionage and Sedition Acts. In May of 1920, he vetoed a bill that would have terminated the statutes. For its part, the Supreme Court did not decide Espionage Act cases until after the

armistice. Its rulings in well-known cases like *Schenk v. United States* endorsed a broad interpretation of the Espionage law and affirmed severe punishments for violators. The Court upheld Debs' ten-year sentence for delivering a speech in support of three socialists who opposed the draft. Critically, as legal scholars remind us, First Amendment case law remained largely undeveloped at the time. Seeds for future protection were being planted, however. Particularly influential was Judge Learned Hand's insistence in *Masses Publishing Co. v. Patten* that government restriction and punishment of speech must be confined to "triggers of action" entailing "direct incitement of violent resistance."⁵⁸ Dissents by Oliver Wendell Holmes and Louis Brandeis in *Abrams v. United States* sounded similar themes, calling for vigilance against "attempts to check the expression of opinions we loathe" unless they "so imminently threaten...the law that an immediate check is required to save the country." At the advocacy level, a settlement worker, Roger Baldwin, organized the National Civil Liberties Bureau (NCLB) with support from prominent reformers like Jane Addams, Clarence Darrow, John Dewey, and Felix Frankfurter. The NCLB later became the American Civil Liberties Union (ACLU), but its negligible impact during the war is exemplified by Baldwin's arrest and conviction during the conflict.

Government repression of dissenters and other alleged enemies of the state did not subside at the close of World War I. Not only did the Wilson administration derail congressional efforts after the armistice to terminate arrests and prosecutions under the Espionage and Sedition Acts, but the Red Scare engendered fresh anxieties and official crackdowns. Thousands of suspected communists and radical leftists were the target of raids and arrests by the Justice Department between 1919 and 1921 under the leadership of newly appointed Attorney General Alexander Mitchell Palmer. In a period that historian Ann Hagedorn aptly describes as a

“savage peace,” Palmer’s zealous campaign to free the country from a dreaded Bolshevik menace was deeply entwined with his own presidential ambitions. Within the Justice Department, John Edgar Hoover was promoted from his wartime post as head of the Enemy Alien Registration Section to director of the new General Intelligence Division of the Bureau of Investigation. Hoover would ride fears of foreign radicalism and communism to the head of the Bureau of Investigation by 1924. Warren G. Harding breezed into the White House in 1921 pledging a “return to normalcy,” but a return to isolationism in the 1920s did not stymie the rise of a new U.S. national security state.⁵⁹

FDR and the Consolidation of Presidential Emergency Powers

Whereas TR and Wilson initiated a modern conception of presidential power equated with decisive popular, legislative, and foreign policy leadership, Franklin Delano Roosevelt institutionalized it during his unprecedented tenure as chief executive. FDR fundamentally redefined the responsibilities of the national state in response to the Great Depression and, in the process, irreversibly placed the modern presidency at the center of popular rule and crisis management in American government. After exercising broad executive power and leadership to meet the demands of the Depression, it is hardly surprising that Roosevelt expected to exercise unbridled power during World War II. As scholars from Joseph Persico to Erwin Hargrove have illuminated in terms of surreptitious planning with Great Britain and a secret naval war with Germany, Roosevelt proved adept both at deception and unilateral action in leading a stubbornly isolationist nation to war against fascist regimes.⁶⁰ After official U.S. entry, FDR largely dictated the terms by which the United States responded to the perils of World War II while presiding over an expanding defense and intelligence establishment. More than Lincoln and

Wilson, FDR also demanded near subservience from the other branches on decisions connected to national security. In turn, Congress and the Court mostly obliged with this domineering commander-in-chief regardless of the civil liberties implications. The cases of German saboteurs and Japanese internment provide special traction on the character and context of FDR's prerogative presidency.

One of the most important threats of sabotage on American soil during World War II originated from Nazi Germany. Under Operation Pastorius (named after Franz Pastorius, allegedly the first German immigrant to America in 1683), the Third Reich trained eight repatriated Germans, all of whom once lived in the U.S. and two of whom were naturalized American citizens, to return to U.S. soil to blow up armament installations, train stations, and other targets. German U-boats dropped off one team of four on Long Island to penetrate New York and another team of four in Florida to penetrate Chicago in June, 1942. Only a few days after their arrival, two leaders of the New York team turned themselves in to the federal authorities and revealed the plot. In short order, all eight of the German saboteurs were under federal custody before any mission was carried out.⁶¹

After considering their cases, Attorney General Biddle and Justice Department lawyers estimated that the German saboteurs might be convicted in a civilian court of conspiracy and receive three years in prison. "They had not committed any act of sabotage," he later explained. "Probably an indictment for attempted sabotage would not have been sustained in a civil court on the grounds that the preparations and landings were not close enough to the planned acts of sabotage to constitute attempt. If a man buys a pistol, intending murder, that is not an attempt at murder."⁶² Once the foiled operation became public, however, popular and media pressure mounted for tough action. Newspaper editorials screamed that it was "time to get tough," while

telegrams poured into the White House urging Roosevelt to “show the world we are not a bunch of mush hounds.”⁶³ In late-June, FDR made it clear to Biddle that he was determined to see the eight saboteurs tried by special military tribunal and given swift and severe sentences. “The two American citizens are guilty of high treason,” he noted. “Surely they are just as guilty as it is possible to be and it seems to me that the death penalty is almost obligatory.” In the case of the other six saboteurs, Roosevelt saw an “absolute parallel” to Nathan Hale and Major Andre during the Revolution. “Both of them were hanged.”⁶⁴

He also made it clear at a White House meeting that he would fight judicial review for the saboteurs. “I want one thing clearly understood, Francis,” FDR told Biddle. “I won’t give them up...I won’t hand them over to any United States Marshall armed with a writ of *habeas corpus*. Understand?”⁶⁵ On July 2nd, the President issued an order appointing members to a military commission, the prosecutors, and defense counsel. The order also empowered the military commission to establish rules of procedure unconstrained by earlier Congressional legislation or the *Manual for Courts-Martial*, and it departed from the Articles of War by making the death penalty subject to a two-thirds rather than a unanimous vote.⁶⁶

Roosevelt’s military commission order also stipulated that he alone had “final reviewing authority” over its sentences, yet the judiciary did ultimately weigh in. As the military trial proceeded swiftly, lawyers for the eight defendants contacted Justices of the Supreme Court and eventually gained a special session over the summer to consider the constitutionality of the commission. During two days of oral arguments for *Ex Parte Quirin* (1942), Biddle spoke for the President in contending that the *Milligan* doctrine establishing a general right to a civil trial when courts were available away from combat had become “absurd” because “war today is so swift and so sudden and so universal.”⁶⁷ He also justified the commission in terms of inherent

executive power. “I have always claimed that the President has special powers as Commander-in-Chief,” he told the Justices. “I argue that the Commander-in-Chief, in time of war and to repel an invasion, is not bound by a statute.”⁶⁸ The Court moved swiftly to issue a per curiam opinion by the end of July, with a full opinion to follow several months later. Chief Justice Harlan Fiske Stone was convinced that the Court must be unanimous in a swift per curiam opinion and its later full opinion. While the Justices agreed to uphold FDR’s military commission, they debated over the extent to which presidential emergency power could go unchecked. Robert Jackson advanced the notion that elements of executive war power were never subject to legislative or judicial control, noting that “we would have a serious question of the validity of any such effort to restrict the Commander in Chief in the discharge of his Constitutional functions.”⁶⁹ When Hugo Black and other Justices were reluctant to go that far, Felix Frankfurter recommended that they avoid “abstract constitutional discussions” in affirming the power of the President to establish the military commission. Instead, he advised his colleagues to avoid “verbalistic conflicts because the inroads on energy and national unity that such conflict inevitable produce, is a pastime we had better postpone until peacetime.”⁷⁰ All eight saboteurs were sentenced to death by the military commission; six were soon electrocuted while two who turned informants had their sentences commuted to 30 years in prison.

Many patterns evident in the German saboteurs case – aggressive assertions of prerogative power by the Roosevelt administration, special deference from other branches, and a symbiosis with majority opinion – characterize Japanese internment as well. Initial pressure for Japanese curfews and evacuation came from California’s political leaders and a shaken Western white populace. They were backed forcefully by the Army’s Western Theater commander, Lt. General John L. DeWitt, who thought most Japanese immigrants and Japanese-American

citizens on the Pacific Coast had divided loyalties and in many cases actively aided the enemy. The fact that most of those he presumed to be disloyal were born in the United States made little difference, according to DeWitt, because “the racial strains were undiluted” regardless of how long one’s family lived in the country.⁷¹ His advocacy for Japanese removal from the West Coast was supported by top officers of the Armed Forces.

To assess the alleged security risks posed by the nation’s Japanese population, Roosevelt had more intelligence resources at his disposal than any of his wartime predecessors and he used them to investigate Dewitt’s claims. Significantly, work done by two of his top intelligence advisers, William Donovan and John Franklin Carter, clarified for the President that the Army’s evidence of Japanese disloyalty were spurious. This proof included unsubstantiated reports from California that ground glass had been found in seafood canned by Japanese workers or that Japanese field hands had sprayed overdoses of arsenic poisoning on vegetables. Donovan and Carter informed FDR that no one had been arrested for this alleged sabotage and that there was no evidence of ground glass or arsenic-poison in the food supply or of other forms of rumored sabotage.⁷²

Sitting atop 42 district offices and a broad network of informational sources, FBI Director J. Edgar Hoover also investigated the internal Japanese threat. After reviewing the best available intelligence, Hoover put the matter frankly to Roosevelt in a confidential memo: “The necessity for mass evacuation is based primarily upon public and political pressure rather than on factual data. Public hysteria and, in some instances, the comments of the press and radio announcers have resulted in a tremendous amount of pressure being brought to bear on Governor Olson and Earl Warren.”⁷³ Thanks to Donovan, Roosevelt also received the counsel of General Ralph Van Deman, head of military intelligence during the First World War. After studying available

information, he concluded that evacuation and internment of Japanese Americans was not only unnecessary but “about the craziest proposition that I have heard of yet.”⁷⁴

While Donovan and Carter quietly presented Roosevelt with information that challenged the case for Japanese internment, Biddle argued openly and vehemently against the move. He was “sturdily backed” in resisting “the Army’s pressure to evacuate the Japanese” by Hoover. When confronted with the absence of reliable evidence of Japanese sabotage, General DeWitt remained adamant about the impending threat posed by the Japanese-American population. “The very fact that no sabotage has taken place to date is a disturbing and confirming indication that such action will be taken,” he argued.⁷⁵ Secretary of War Henry Stimson and the Army brass agreed, and Roosevelt quickly expressed support for their recommendations.⁷⁶ Claiming military necessity, the President issued Executive Order 9066 on February 19, 1942 authorizing the Army “to apprehend, restrain, secure, and remove” any persons, including citizens, from sensitive West Coast locations “for the successful prosecution of the war.”⁷⁷

One month later, Congress passed Public Law 503 establishing criminal sentences for those who defied the order. Roosevelt had his share of rows with Congress as a wartime president, losing struggles over regulation of labor disputes, bituminous coal, federal revenue policy, and limits on salaries. Senator Arthur Vandenburg proposed a Joint Committee on the Conduct of the War, trying to awaken congressional oversight on a par with that of the Civil War, but it went nowhere. Whereas Congress rebuffed several of FDR’s domestic initiatives during World War II, it supported every major wartime initiative requested by Roosevelt, including broad majorities in both houses passing Public Law 905.⁷⁸

Japanese and Japanese-Americans were never specifically identified in either the executive order or subsequent legislation, but they alone were targeted for forced evacuation,

relocation, and internment. Tellingly, when Army commanders on the East Coast raised the possibility of evacuating Italian and German aliens (*not* citizens of German and Italian origin), Roosevelt swiftly savaged that idea as harmful to national unity and morale.⁷⁹ Roughly 120,000 men, women and children of Japanese ancestry – more than two-thirds of whom were birthright citizens – were interned under armed guard in “relocation camps” from Wyoming to Arkansas.

In the federal courts, the ACLU joined Japanese-American defendants in challenging curfews and internment. In *Korematsu v. U.S.* decision⁸⁰, a 6-3 majority of the Supreme Court moved beyond the evasive *Hirabayashi v. U.S.* ruling⁸¹ to offer strong support for federal authorities in evacuating all persons of Japanese ancestry. Justice Frank Murphy issued a blistering rebuke of the policy in his dissenting opinion: “This exclusion goes over the brink of constitutional power and falls into the ugly abyss of racism.” But as Murphy’s former clerk later related, the majority was resolute that the President and the military should be accorded as much authority as it wanted given the severity of the crisis.⁸² When administration officials increasingly recommended closing the camps in 1944, Roosevelt and his political advisers were determined that no action should be taken until after the 1944 election lest they spur a backlash in California.

During the Second World War, many observers praised the White House for eschewing harsh crackdowns on free speech and dissent that characterized the First World War. The archival record suggests, however, that FDR worked closely with Hoover to suppress the limited dissent that surfaced during the war. Assisted by the Justice and War Departments, the administration employed investigations, surveillance, denaturalization and deportation procedures, postal censorship, and threats of prosecution to harass and silence the minority of dissenters without resort to prosecution.⁸³ Roosevelt also personally authorized in May, 1940 the

use of “wire-tapping by Government agents” targeting the “conversation or other communications of persons suspected of subversive activities.”⁸⁴

In contrast to Johnson and Harding, Harry S Truman ascended to the Oval Office while the nation was still at war. Of course, Truman’s exercise of broad emergency power beginning in April 1945, including authorization for dropping atomic bombs on Japan, endured well after World War II concluded. Indeed, both FDR’s influential tenure as Commander in Chief and new Cold War imperatives established precedents and lasting resources that transformed the national security powers of the presidency. Rossiter’s model of “termination”⁸⁵ – of ending presidential emergency powers as soon as a security crisis is resolved – was now a pipedream. The famous *Steel Seizure Case*⁸⁶ demonstrated that the Court was willing to constrain Truman’s claim of military authority to end a steel strike. Yet the Court’s decision reflected the fact that what it saw as at stake was a domestic labor conflict rather than a national security emergency. One year later, however, the same Court in *United States v. Reynolds*⁸⁷ consolidated the “state secrets privilege” by permitting the government to withhold classified materials or information in court proceedings whenever it claimed military secrets might be compromised. The *Reynolds* ruling paved the way for administrations ever since to invoke the state secrets privilege to derail cases scrutinizing various intelligence and military operations. At the same time as the size of the U.S. military in peacetime reached record levels, Congress passed the National Security Act in 1947 to create the Central Intelligence Agency (CIA) and National Security Council (NSC). In 1950, Truman became the first president in U.S. history to commit American troops to a major war without congressional authorization. Tellingly, no subsequent president has considered congressional declarations of war to be a constitutional requirement. The precedents for wartime presidency had been profoundly altered and the status of executive military and national security

power could not revert back to Rossiter's vision of "normal" power distributions before World War II.

The Gathering of Presidential Emergency Power

From the torture memos and Guantanamo Bay detention center to the NSA's warrantless electronic surveillance program, the Bush administration's assertions of emergency power in response to 9/11 have inspired a growing literature on executive unilateralism and prerogative. Whether one focuses on the rich theoretical contributions of Fatovic, Feldman, Honig, and Kleinerman, or the penetrating legal analysis of Ackerman, Dyzenhaus, Goldsmith, Levinson, Matheson, Tushnet, Posner and Vermeule, this new literature provides a significant advance in our understanding of executive power, emergency, and the liberty-security balance.⁸⁸ Yet, with the exception of careful attention to executive scholars like Mansfield and Tulis, this new work has largely ignored or dismissed presidential studies in general and historical-institutionalist and APD scholarship on the subject in particular. As a consequence, many of the comparative insights of recent studies are at best thinly justified and at worst deeply flawed. The more fundamental problem is that recent scholarship on the Bush and Obama "terror presidencies" and their connections to the wartime leadership of Lincoln, Wilson, and FDR are historically (and thus analytically) un-rooted.

Consider, again, the decisive verdict of many new works that Bush "set his administration apart" in his unbridled "pursuit of unchecked unilateral power."⁸⁹ In this rendering, the Bush administration becomes a cautionary case of power-mad excess ("executive power ideologues"⁹⁰), while other presidents leading in perilous times, most often Lincoln and FDR, provide more reassuring models of balance who were "ever anxious" to use emergency

power only “as a last resort.”⁹¹ Of course, the archival evidence presented here alone on Roosevelt’s decisions and actions on German saboteurs and Japanese internment contradict these conclusions. Roosevelt demonstrated no reservation, regardless of competing information and recommendations from his own advisers, in his drive to execute six German saboteurs and intern roughly 120,000 Japanese-Americans and Japanese noncitizens. Whereas Goldsmith and Schlesinger characterize FDR as a Commander in Chief who used emergency power “with discrimination and restraint,” the evidence underscores only the former.⁹² Inverting the designs of the Constitution’s architects, Roosevelt demanded deference and dominated the other branches on national security issues while his decisions on military tribunals and Japanese internment were largely in harmony with public opinion.⁹³ Analyzing FDR’s wartime exercise of emergency powers historically explains these arrangements as a natural product of his context and sequence: his modus operandi was consonant with both his consolidation of the modern executive office during the Great Depression and the trajectory of presidential emergency powers and national security state inherited from Wilson.

For extra-legalists like Kleinerman, Lincoln is a model for contemporary presidents to emulate in perilous times because he made his emergency powers matters of “political necessity” rather than inherent constitutional authority or legal precedent.⁹⁴ That is, this “extra-constitutional” claim to discretionary powers expands the tools available for wartime presidents to meet dire security threats, but minimizes lasting damage to the constitutional order by denying legal precedents for future executives or what Justice Robert Jackson called “loose and irresponsible” conceptions of “implied,” “plenary,” or “war” powers.⁹⁵ However, the findings presented here capture Lincoln shifting from a largely extra-legal rationale for emergency power during early stages of the Civil War to claims of inherent power as Commander in Chief as the

conflict wore on. In short, neither Kleinerman nor Yoo are definitive in their interpretations precisely because Lincoln's thought and justifications were more fluid than either suggests. Undoubtedly it is the Lincoln administration, rather than Bush's, which stands apart from its wartime counterparts – but clearly with regard to its restraint *relative to “modern” crisis presidencies*. I have explained this restraint in terms of institutional forces such as limited executive and law enforcement resources as well as congressional assertiveness, of influential political doctrines on prerogative, constitutionalism, and democratic accountability, and of the uncertainties and impediments of being the first sustained prerogative president and thus lacking precedents and examples from earlier administrations. From an APD perspective, more significant than the Kleinerman-Yoo dispute over the precise nature of Lincoln's justifications for emergency power is the fact that later prerogative presidents (including Bush) felt comfortable invoking Lincoln to bolster inherent-power claims. Emergent patterns made extra-legalism outdated.

With few exceptions, like Rossiter in the 1940s and Matheson in the 2000s, Wilson's use of emergency power during World War I has not received prominent attention from scholars in this area. Perhaps this neglect reflects the fact that America's enemy was 3000 miles away and never attacked U.S. territory. Nevertheless, Wilson's wartime rhetorical presidency and publicity campaign created menacing *enemies within*: German-Americans, the foreign-born, political radicals, and antiwar activists of varied stripes. There may be few examples of more inflated threat-perception by either Washington officials or ordinary citizens, but the consequences were decisive in terms of unprecedented repression of speech and press freedoms at home. Insofar as Rossiter and Matheson investigate Wilson's use of emergency powers alongside Lincoln's and FDR's, they do so with an assumption that they are relatively co-equal

cases that may be lined up and compared outside their context and sequence. Yet as this article illuminates, Wilson's wartime administration is significant precisely because of its role in building an expanded set of institutional resources, precedents, and expectations for the prerogative presidency. Roosevelt may have eschewed Wilson's assault on free speech and press, but his reliance upon national intelligence and security resources, coordination of the wartime economy, expectations of legislative and judicial deference during the crisis, and deft rhetorical and publicity campaigns owed much to World War I precedents and legacies.

As both earlier scholarship and this article capture, the threats (real and imagined) associated with the Civil War, World War I, World War II, and, most recently, the global "War on Terror" provided special warrants for presidents to exercise broad, unilateral authority. As we have seen, the development of presidential emergency power has not been a steady, uninterrupted process, but rather an episodic one with starts and stops at irregular intervals. Yet more than showing that historical context matters and that Lincoln, Wilson, FDR and Bush are not parallel "snapshots" for comparison, the findings and analysis here clearly demonstrate emergent patterns, namely, an expanding set of precedents, resources, and expectations for these presidents leading during total wars or times when threats to the homeland seem most acute.

Although separated by decades, the trajectory or evolution of presidential use of emergency powers during perilous times is clear. The episodic nature of dire security crises in U.S. history has not derailed the building of precedents and developments from one prerogative president to the next. That is, the *set points* for executive choice and action during national security emergencies have changed over time. Roosevelt's unbridled use of executive power to execute German saboteurs and to intern Japanese-Americans and Japanese immigrants, among

other actions, amidst legislative and judicial subservience, did not emerge whole cloth. Instead, it was deeply informed and structured by what Lincoln and Wilson began.

The same developmental dynamics have shaped the exercise of presidential emergency power since 9/11. The vast national security powers commanded by Bush and Obama cannot simply be attributed to the warrants and imperatives associated with a formidable al Qaeda threat. To adequately understand their counterterrorism presidencies requires knowledge of the normative, legal, and institutional foundations from which their executive choices and actions sprang. From this developmental vantage point, Bush's aggressive unilateralism and disregard for the security-liberty balance do not appear to be entirely shocking or exceptional. Rather, his crisis presidency is more the logical outgrowth of a longer (albeit uneven) trajectory, one that was shaped by how Wilson and Roosevelt (and even Lincoln in his late claims to inherent power) employed unrestrained power in seemingly perilous times.

Consider two examples. Roosevelt's executive order creating a military commission to try the German saboteurs and the Court's *Ex Parte Quirin* ruling served as important precedents for the Bush administration when it drafted and issued a new order in November 2001 authorizing military tribunals to try enemy combatants.⁹⁶ Likewise, Roosevelt understood well when he independently authorized a new FBI surveillance program that it contradicted a clarion Supreme Court decision on wiretapping in investigations, but he later wrote a confidential memo explaining that he was "convinced that the Supreme Court never intended any dictum in the particular case which it decided to apply to grave matters involving the defense of the nation."⁹⁷ It is a document that Bush officials consulted before initiating a controversial program of warrantless electronic surveillance program.⁹⁸ To borrow Robert Jackson's language, the "generative power" of repeated and legitimated "incidents" of unfettered executive actions in the

name of security is unmistakable. More precisely, presidential command during the extreme security crises of the Civil War, World War I and World War II fueled an expanding set of precedents, resources, and expectations for the White House in perilous times. In its fervid assertion of inherent and unchecked authority to wage a war on international terrorism, the Bush administration considered itself fortified by the Lincoln, Wilson and Roosevelt models and licensed to advance a variety of national security innovations, including extraordinary rendition, CIA black sites, the creation of a detention facility on Guantanamo Bay, military commissions, and torture that the administration called “enhanced interrogation techniques.”

Barack Obama entered the White House determined to fulfill his campaign pledge to combat terrorist threats while restoring the rule of law and “moral high ground.”⁹⁹ He soon discovered, however, that he had little room to dramatically alter Bush’s counterterrorism policies. Simpatico with the developmental approach presented here, Goldsmith has recently pointed to the rise of important new checks on presidential power in “this age of permanent emergency” that “preserve the framers’ original idea of a balanced constitution.”¹⁰⁰ In truth, however, the historical evidence alerts us to the less reassuring conclusion that countervailing forces may temper, but rarely neutralize, executive power during national emergencies. The end of Bush’s administration was not accompanied by a sharp reaction against presidential emergency power by Congress, the courts, or the public. In fact, the reverse was true, as elected officials and ordinary citizens registered fierce opposition to civilian trials for terror suspects or plans to close the Guantanamo Bay detention facility. In the end, the Obama administration preserved Bush policies of rendition, military commissions, and indefinite detention. It employed the state secrets privilege to torpedo lawsuits by individuals claiming torture or targeting for killing, and looked farther back when it used the Espionage Act of 1917 to

prosecute federal officers accused of leaking classified information to the media (more than any previous administration).¹⁰¹ The Obama security team also has generated news headlines for a record number of drone killings of al Qaeda operatives, developed from a secret list of terrorists “nominated” by executive officials for death or capture. One particularly dicey drone attack – the killing of Anwar al-Awlaki, a U.S.-born cleric and al Qaeda propagandist living in Yemen – was defended in a lengthy memo by the Justice Department’s Office of Legal Counsel (OLC) contending that the Fifth Amendment’s guarantee of due process could be satisfied by internal and secret deliberations of the executive branch.¹⁰² The OLC’s reasoning would rub against James Madison’s warnings in *Federalist #47* that consolidating executive, legislative, and judicial powers in the same hands was incompatible with free government.¹⁰³

Obama may have aspired to revive the Lincolnian model of a circumspect Commander in Chief and to fundamentally dismantle Bush’s counterterrorist regime, but his options were ultimately quite limited. The development of presidential emergency power has become a two-edged sword in recent years, presenting significant opportunities for Bush’s assertion of sweeping unilateral powers and formidable impediments to Obama’s initial designs to restrain them. After more than a decade of executive action in response to 9/11, it has become clear that presidential emergency power has evolved from a “loaded weapon” to an arsenal that is open for business.

“Between Guns and Butter”: The President’s Domestic Program, Visions of National Strength, and the Politics of Strategic Linkage

Political pundits, partisan activists, and economists alike argue that presidents confront a trade-off in deciding between defense spending and domestic spending – what is commonly

referred to as the problem of “guns and butter.”¹⁰⁴ More specifically, this problematic is invoked by academics to characterize the political struggles encountered by reform-minded presidents such as Woodrow Wilson, Franklin D. Roosevelt, and Lyndon B. Johnson, all of whom tried to wage a successful war while simultaneously pursuing an ambitious domestic agenda on the home front.¹⁰⁵ Speaking to this “end of reform” thesis, historian Robert Dallek has written that he and other colleagues directly advised President Barack Obama that a decision to send increased troops to Afghanistan could derail his domestic objectives, arguing that “[h]istory has shown the difficulty of combining guns and butter.”¹⁰⁶ For their part, political scientists of varying methodological stripes have analyzed this widely-accepted thesis in more detail, finding that warfare provides both limits and opportunities to presidential leadership. Howell et al., for example, employ a formal theoretical model of wartime presidential-congressional budget negotiations, finding that presidents may be successful in gaining appropriations for nondefense agencies by “nationalizing” their preferred funding priorities.¹⁰⁷ In contrast, Andrew Polsky, as mentioned above, approaches this relationship from a historical and American political development (APD) viewpoint to illustrate that wartime presidents have faced broad political and programmatic constraints throughout history, noting that “when a war becomes unpopular, any president, liberal or conservative, will find policy victories scarce for the remainder of his term.”¹⁰⁸

While such accounts provide us with a mixed take on the impact of war on domestic policy-making, this scholarship as a whole, as well as the sentiments of the punditry and journalists, continues to advance the traditional outlook that the presidential problem of guns and butter is isolated solely to periods of armed military conflict. Rather than viewing this as a periodic dynamic that only emerges during “hot” wars, we must recognize that commitments of

warfare and domestic policy intersect on the president's agenda at times of both war and peace. This is particularly pointed in light of Mary Dudziak's contention that traditional conceptions of 'wartime' and 'peacetime' have begun to blur since World War II, causing a fluidity and unboundedness to war's legal and political effects.¹⁰⁹ An alternative perspective which takes this change into account, challenges the conventional wisdom by examining how the interaction of defense and domestic politics has become an institutionalized dynamic of presidential leadership over time. To do so, we must emphasize two historical and political developments which situated the institution of the presidency *between the politics of guns and butter*: the rise of the national security state – and the president's role in leading it – and the emergence of the modern executive as “steward of the public welfare.” Let us take each development in turn.

In their position as commander-in-chief during the Second World War, Presidents Roosevelt and Truman oversaw a massive rearmament of the nation's military, an Allied victory, and the rise of the United States as a leader on the world stage. With the founding of this “warfare state,” the presidency is now bound to ensuring permanent military preparedness, promoting an ideology of national defense and security, and protecting the national interest through diplomacy and military action.¹¹⁰ As historian Julian Zelizer writes, Roosevelt's notion of the Arsenal of Democracy morphed into a “complex network of [national security] institutions, policies, ideologies, and political commitments.”¹¹¹ Where previous presidents of the 19th and early 20th century may have periodically dealt with issues of war and national defense, post war-presidents are afforded no such luxury.

Alongside the leadership demands of the warfare state, the modern presidency has also developed domestic political obligations aimed at promoting the general welfare of the nation. While the origins of this “welfare state” leadership trace back to the progressive era governing

philosophies of Presidents Theodore Roosevelt and Woodrow Wilson, it came to full fruition under FDR's vigorous action in confronting the economic crisis of the Great Depression. During this period, President Roosevelt redefined the role of the executive in championing the rights of individuals, thus ushering in a public philosophy of "programmatic liberalism" that emphasized the national government's responsibility of protecting citizens against economic and social destitution.¹¹² As a result, modern presidents are expected to advance a legislative and administrative agenda, comprising programmatic and budgetary commitments that reflect a broad array of domestic interests.¹¹³

By recognizing the institutionalized politics of national security and domestic policy as interrelated developments of presidential leadership, we can examine the impact that the former has had on the latter, particularly in regards to social welfare policy. To better capture how the process of navigating this *warfare-welfare nexus* may influence the politics of the president's domestic program we focus on two dynamics: 1) how presidents attempt to set the national agenda according to their domestic, partisan-ideological, and national security commitments; and 2) how the political, institutional, and discursive demands of the warfare state shape the formulation and implementation of the president's programmatic and budgetary agenda. Our goal, then, is to identify patterns and variations in the type of politics presidents have constructed in confronting the warfare-welfare nexus and how the dynamic of guns and butter has shaped the political development of the presidency over time.

Utilizing archival research from the administrations of Franklin Roosevelt, Truman, and Eisenhower, Strickler finds that these presidents, along with key White House staff and executive branch officials, constructed and articulated *visions of national strength* that often linked the politics of defense and social welfare because they hoped to realize their objectives in

both policy areas together, rather than separately. As an institutional prerogative, presidential visions represent a discursive frame through which to project themes of military, economic, moral, and domestic strength by associating such ideas as nationalism, security, sacrifice, and the proper role of government. While there existed a historical tradition of using the concept of “strength” to support particular domestic programs and policies (TR’s robust nationalism is a prime example), the increased periods of warfare and national insecurity in the middle of the twentieth century compelled modern presidents deeper into what Strickler terms *the politics of linkage* as they sorted through how to further promote their domestic goals. In this manner, visions of national strength are more than mere rhetoric. Rather, as a form strategic linkage, presidents utilize these discursive and political associations as a means to achieve programmatic ends. In this way, words become deeds and ideas are realized in action.

To more fully appreciate how a vision of national strength is constructed and deployed as a linkage strategy, the following parts of this section examine the presidency of Harry S Truman. First, we identify the particular themes and associations that comprised his administration’s strategic vision and the objectives they sought to fulfill through its use. Second, we analyze the dynamic nature of a president’s vision of national strength by illustrating how the emergence of new political and security contingencies opened up Truman’s linkage to re-arrangement by other political actors. In this way, such discursive constructions are always tenuous, providing both limits and opportunities for presidential leadership of the politics of guns and butter.

The Necessity of Internal Strength: Truman’s Fair Deal during the Early Cold War

Harry S Truman entered the presidency at one of the most unenviable times in America’s history. With World War II and Roosevelt’s legacy of New Deal liberalism thrust upon him in

April of 1945, Truman not only had to bring the war to a successful end and prepare for American post-war leadership, he also had to formulate a domestic agenda that established the priorities and necessities of reconverting the nation back to peacetime. That agenda, termed the Fair Deal, consisted of quality of life issues, such as medical care, and federal aid for education, housing, and slum removal. Beyond the demands of reconversion, the enactment of Truman's program also faced a coalition of conservative Republicans and southern Democrats that seized any and all opportunities to practice obstructionism.¹¹⁴ To confront these various challenges, Truman built upon an agenda-setting practice utilized by FDR, who strategized a vision of national strength during World War II which linked the domestic reforms of the New Deal with the need for defense and war mobilization, articulating both as vital to the strength of the nation.¹¹⁵ Channeling this institutional precedent, the Truman administration constructed a vision which advocated for proposed domestic objectives as a form of "internal strength" that comprised the foundation of the country's strength abroad.¹¹⁶

In the immediate post-war years, Truman's linkage strategy spoke to the changing landscape of domestic reconversion through commitments to establish economic stability, the projection of America's leadership on the world stage, and the desire to solidify the general well-being of the nation's health and prosperity in the emerging uncertainty of the early Cold War. In his 1947 State of the Union, for example, the President proclaimed that

Progress in reaching our domestic goals is closely related to our conduct of foreign affairs. All that I have said about maintaining a sound and prosperous economy and improving the welfare of our people has greater meaning because of the world leadership of the United States. What we do, or fail to do, at home affects not only ourselves but millions throughout the world. If we are to fulfill our responsibilities to ourselves and to other peoples, we must make sure that the United States is sound economically, socially, and politically. Only then will we be able to help bring about the elements of peace in other countries--political stability, economic advancement, and social progress.¹¹⁷

By looking inside the speech-writing process, we can appreciate the logic of this linkage strategy as it pertained specifically to social welfare initiatives. During the administration's preparation for the 1948 State of the Union, Oscar Ewing, the head of the Federal Security Agency (the precursor to the Department of Health, Education, and Welfare), opined that "We must spare no effort in providing our people with the fundamental services which can fit them to play their role in strengthening our own Nation and in preserving world peace... We can have no real national security if millions of our people are unprotected against the fear of want." Directly invoking the vision of national strength, Ewing thought it should be made clear that "A Nation's strength and its capacity to work for world peace rests (sic) in large measure upon the health, education and economic security of its individual men, women, and children... There is urgent need for strengthening these foundations as a secure defense of peace."¹¹⁸ Similarly, one of Truman's advisors, David Lloyd, suggested in an initial outline of the 1950 State of the Union, that "domestic measures" such as social security, middle-income housing, and a vigorous health program were "Essential" and "...will affect not only U.S. but whole world – will strengthen hand of freedom – lovers everywhere and enable U.S. to play full part in crucial decisions of next 50 years."¹¹⁹ While this particular language was omitted from the final draft, President Truman asserted in his message that the United States' "success in working with other nations to achieve peace depends largely on what we do at home. We must preserve our national strength. Strength is not simply a matter of arms and force. It is a matter of economic growth, and social health, and vigorous institutions, public and private."¹²⁰ As the *New York Times* put it the following morning in their publishing of the President's address, those particular remarks suggested that our "National Strength Must Be Preserved."

One significant policy area where President Truman hoped to actualize this commitment to ensuring national strength was in the administration's health program. Near the end of World War II in the fall of 1945, President Truman was sent a copy of a proposed plan, "The Government's Responsibility for the Health of the Nation" written by Colonel W. Paul Holbrook, regarding the reorganization of medical military services and their coordination with civilian medical services. In his proposal, Colonel Holbrook noted that concerns over the government's role in public health were "necessarily much stimulated by the outbreak of [World War II]." What became evident was that the nation was "profoundly shocked by the high percentage found physically defective among the inductees."¹²¹ While President Truman received many documents from "nearly every fellow" with interests in education, public health, and public welfare, he appreciated Holbrook's comments and felt the plan would be "very helpful in creating a policy on public health."¹²² Less than two months after receiving Colonel Holbrook's comments, President Truman made history by sending a special message to Congress outlining his proposal for a comprehensive health program. Directly referencing Roosevelt's wartime call for an Economic Bill of Rights, Truman reiterated the right of every American "to adequate medical care and the opportunity to achieve and enjoy good health." As proposed, the comprehensive health proposal consisted of five major parts: hospital construction; expansion of public health services; medical education and research; prepayment of medical costs through compulsory insurance; and protection against loss of wages due to sickness and disability. The President's call to arms for such a program reflected the fact that, although the country had "made great strides" in medical and scientific progress, "each year we lose many more persons from preventable and premature deaths than we lost in battle or from war injuries during the entire war."¹²³ The experience of World War II (not just the memory of the war, given its

immediacy in the minds of the public), was critical in both formulating and promoting the president's health program.

Mere weeks after Truman's initial proposal in November of 1945, Federal Security Agency Acting Administrator Watson Miller touted the health program in a speech to the New York County Medical Society, a speech which Truman read "with a lot of interest."¹²⁴ Speaking with authority as a top policy-maker and administrator in the field, Watson proclaimed health as a "national asset" and a right afforded to the people by the government. The issue of health as an "old fact" had been given "fresh meaning," particularly "seen in the new and lurid light of this post-war world." Recounting a statistic often cited by supporters of the president's program, the Acting Administrator noted that "The 5 million or so young men who failed to measure up to health standards for military service [during the war] bid us look to the morbidity of our whole people." But he did not want to "belabor... these frequently discussed military findings." While it was imperative that we draw a lesson from the dangers of ill health on our preparedness, there were positives to note from the experience of war, as well. In regards to the need for expanded research, Watson expressed "hope that the benefits of wartime cooperation between Government, universities, hospitals, and foundations may be extended to the even larger tasks of peace."¹²⁵

Within the halls of Congress, the indifferent response toward Truman's health program reflected the conservative coalition's broader disdain for the Fair Deal program. While the Hospital Construction Act, known popularly as the Hill-Burton Act, was quickly passed in 1946, congressional hearings on legislation for national health insurance became bogged down in a testy debate about the threats of "socialized Medicine." Similarly, the administration's Brannan farm plan and their proposal for federal aid to education were assailed by invoking the specter of

Communism. From the perspective of House Minority Leader Joseph Martin (R-MA), Truman's program during the post-war period represented nothing more than "a plain case of out-New Deal." To Oscar Ewing, head of FSA, conservatives' fear of the Fair Deal as overly statist and totalitarian were wide of the mark. In an address to the New York Herald-Tribune Forum, Ewing further articulated Truman's linkage of the Fair Deal, the struggle for peace, and the role of the United States in promoting freedom. As he told the gathered crowd, "We know that today, largely as a result of the depression and the war, our own people are deeply disturbed with anxieties... What does tomorrow hold? What about my job? What would happen if serious illness strikes me or my family? Can my children get a decent education? Can I save enough for a respectable old age?" He continued, "If a free society is to win the battle for men's hearts and souls, it must furnish some surcease from the apprehensions and anxieties that lead men to surrender their freedom for the phantom promises of totalitarianism. The Fair Deal is doing this by furnishing certain minimum basic securities." Ewing then went on to describe the ways in which social security, health insurance, housing laws, and aid to education could "strengthen the ring of freedom that centuries of struggle has (sic) drawn around Western man." Most importantly, he argued, "The opponents of the Fair Deal fail to comprehend today's problems... They do not realize that a free society must offer positive answers to the haunting anxieties that beset modern man or else he is left vulnerable to the blandishments of totalitarianism."¹²⁷

As glimpsed in Ewing's remarks, we see the significant impact that fears of Soviet ideology had on the politics of the Truman administration's domestic program. With the emergence of the Cold War, and the United States' objective of peace, Truman strategized a nuanced conception of strength. While military strength was essential, there was equal

importance in sustaining vigorous national strength, which meant much more than our defensive prowess. Specific social policies of the Fair Deal were viewed as important to building internal strength, particularly in hopes of aiding the post-war reconversion effort and sustaining health, welfare, and prosperity during the indeterminate nature of the Cold War. This linkage of social welfare and strength was evident as early as the end of World War II. Unfortunately, success in his domestic agenda was hard to come by given the Republican led 80th Congress and the consistent opposition of congressional conservatives. Yet, legislation was passed in the form of the Housing Act of 1949, the Social Security Amendments of 1950, and various actions to aid veterans and hospital construction. Together, federal action in these areas represented means of strengthening the nation. However, beginning with the era of reconversion, the warfare state dominated the national agenda with concerns about national defense and international crises crowding out much of Truman's program. While the 1948 election and the Fair Deal re-invigorated the liberal cause, the onset of the Korean War, and the continued resistance of conservatives in Congress, would dampen any hopes of domestic success. However, President Truman and his administration would re-imagine the vision of "internal strength" during the war by articulating the linkage of the Fair Deal and the defense preparedness effort.

Building Strength at Home: The Fair Deal, the Korean Defense Effort, and the Politics of "Re-Articulation Linkage"

On December 16th, 1950, following a downturn of events in Korea, President Truman officially proclaimed that the United States was in a state of national emergency. Truman's proclamation and the developing danger of the Korean War solidified the politics of the national agenda around concerns regarding the need for preparedness and the state of the nation's

defensive strength, thus threatening the administration's domestic objectives. But, even in the light of defense mobilization, Truman and his liberal supporters were determined not to give up their commitment to New Deal liberalism. Offering a nuanced answer to the question, "What will the war in Korea do to the Fair Deal?", as the *The New York Times* inquired in the fall of 1950,¹²⁸ many argued that while the needs of the defense effort were paramount, we must not give up the fight for the betterment of our nation's health and welfare. Truman himself addressed this question in a press conference following his January 1951 State of the Union address. As he told the reporters that day, "There has been a great deal of conversation about the Fair Deal, lots of comment on it since the Message. I want to get it straight... , because there has been a lot of speculation about whether I am going back on the Democratic Platform or not. I am not."¹²⁹ I argue that the Truman administration did not see the Korean defense effort as the end all of social investment. Rather, invoking earlier calls for "internal strength," they attempted to seize upon this opportunity by re-articulating their strategic linkage of domestic reform with the mission of defense preparedness by maintaining the necessity of "building strength at home."¹³⁰

Amid the shadow of the United States' involvement in Korea, Truman, acting as "a very active team captain," worked with his advisers to prepare his annual messages outlining the president's program.¹³¹ Throughout the final years of his tenure, the reality of the defense effort informed both the drafting of the messages conveyed and the purpose of the strategic vision promoted by the President in his wartime program. Take, for instance, the formulation of Truman's State of the Union address during the war. Charles Stauffacher, an official with the Bureau of the Budget, felt that "all of the specific points on the Fair Deal... could probably be compressed and be more in the setting of the central theme of the speech..." The theme he proposed was for Truman to maintain that the administration was "continuing the program we

have...building up our own strength as a basis for peace...”¹³² Future presidential scholar Richard Neustadt, a Truman aide at the time, submitted an early state of the union draft which offered a more direct link between the policies of the Fair Deal and the war effort: “Therefore, part of the task of building up our defense of freedom is to keep up the fight for social welfare.”¹³³ Along the same lines, the unknown author of another draft, thought it constructive for Truman to “state his case in terms which carry the defense effort and the Fair Deal forward as a one-package policy.”¹³⁴

The eventual theme that came to comprise Truman’s wartime messages was that of “Building Strength at Home.” The development of this vision can be traced through the original sketches for what became the 1951 and 1952 State of the Unions. David Lloyd, one of Truman’s key advisors, drafted an early outline emphasizing that the “nation faces a test,” specifically “an external threat,” but in our favor, “Internally the nation is in good shape.” To engage this threat, the United States was putting forth a “program to meet the danger” that fully utilized “our means and measures.” The first of the program’s six points was our “strength at home.”¹³⁵

In January 1951, Truman went before Congress and described how the nation could “succeed in the great task that lies before us.” To be sure, much of the address focused on the administration’s plans for building up our military and economic strength, but, as the President noted, we also drew a “great part of our strength” from “Our common ideals.” Unifying our sources of strength was critical, for the Soviets had “made it clear that we must have strength as well as right on our side. If we build our strength--and we are building it--the Soviet rulers may face the facts and lay aside their plans to take over the world.” To build this necessary strength at home, Truman called for legislative action in areas such as agriculture, defense housing, medical education, and federal aid to the states for elementary and secondary schools.¹³⁶ Reaffirming this

strategic linkage a year later, the President's 1952 address acknowledged that "We cannot do all we want to in times like these--we have to choose the things that will contribute most to defense--but we must continue to make progress if we are to be a strong nation in the years ahead." We must renew our commitment to progress internally, Truman noted, stressing that

Our strength depends upon the health, the morale, the freedom of our people. We can take on the burden of leadership in the fight for world peace because, for nearly 20 years, the Government and the people have been working together for the general welfare. We have given more and more of our citizens a fair chance at decent, useful, productive lives. That is the reason we are as strong as we are today.

While the present period was trying, and some domestic actions would be limited, if not halted all together, the President argued that the nation should not "give up the things that are *vital to our national strength* (emphasis added).¹³⁷ In re-articulating their earlier linkage strategy, Truman and administration officials hoped to reaffirm the objectives of liberal progress, in both peace and war. Recalling the experience of World War II and reconversion, we needed to maintain the objective of social progress so that, once the Korean War came to an end, the nation would be better prepared for its return to peacetime. And, more directly, Truman and his supporters saw social welfare itself as vital to the defense effort. The renewed push for the administration's health program is a case in point.

With the onset of the Korean War, President Truman's commitment to improving and protecting the nation's health became imperative, not in spite of the war, but because of its demands. For example, during one particular meeting with his principal advisers Truman argued that there would be "No Backing Off" from his support for a national health program.¹³⁸ Having begun his 1951 State of the Union by noting that the nation was in the midst of a "critical time," though nonetheless stood "in a healthy condition," Truman once again called for government health insurance. While there was no reason to fear a weakening of the nation's condition in the

immediate future, citizens should keep in mind that “in a long-term defense effort like this one, we cannot neglect the measures needed to maintain a strong economy and a healthy democratic society.” In asking for government insurance “against the loss of earnings through sickness, and against the high costs of modern medical care,” the President advocated for policies that were needed for “the long pull” in order to maintain a “healthy society.”¹³⁹

As before, however, Congress was unresponsive to Truman’s proposals. But as the Korean War dragged on, concerns over the nation’s health increased. On October 12, 1951, one of Truman advisers, David Stowe, felt compelled to write, noting that he and the President had, on several occasions, discussed the “desirability of taking action to push the Administration’s health programs” and thought he should be frank about the current state of affairs. Based on “general agreement among the White House staff and interested private persons,” it was believed that Truman’s health program, and specifically, “plans for financing costs of medical care,” would be an issue in the 1952 election “whether by choice of the Democratic Party or not.”¹⁴⁰ In response to this situation, and, “without further delay,” it was recommended that the President call for the appointment of a presidential commission that would “Initiate a comprehensive study of the health needs of the nation as a means of re-evaluating the Administration’s program in light of the impact of the mobilization effort upon civilian health requirements and long-range health objectives.”¹⁴¹ Truman offered a brief reply to Stowe’s memorandum: “I think the best thing to do is to go ahead with it.”¹⁴² And go ahead, he did. On December 29, 1951, the President issued Executive Order 10317 “Establishing the President's Commission on the Health Needs of the Nation.” The first line of the executive order plainly stated that “our Nation's strength is directly dependent upon the health of its people.” Operating on funds from an appropriation

titled, “Emergency Fund for the President, National Defense,”¹⁴³ the commission’s task was to study and report on a range of issues related to the administration’s health program.

Invited to speak before the Medical and Chirurgical Faculty of the State of Maryland, Chairman of the commission, Dr. Paul Magnuson, explained the impetus for its creation. Chairman Magnuson remembered being called up “without a word of warning” to meet with Truman in Washington. The President, it seems, “was deeply concerned with the health of the American people in these trying days of all-out mobilization.” Truman expressed that, prior to the defense period, “he had made certain proposals to bring more and better medical care to the people, but these proposals had precipitated an emotional argument which had clouded the issue.”¹⁴⁴ The President’s Commission on the Health Needs of the Nation was meant to simplify this issue by addressing the critical preparedness concerns brought on by the war. Yet, “emotional arguments” against the administration’s health program were not laid to rest. Two days after Truman’s announcement of his executive order, John W. Cline, president of the AMA, denounced the White House’s “brazen misuse of defense emergency funds for a program of political propaganda, designed to influence legislation and the outcome of the 1952 election.” Furthermore, Cline felt that there was “no health emergency in this country to require such an investigation or to justify the use of defense emergency funds by such a commission.”¹⁴⁵

The commission’s final report was finished and presented to Congress near the end of Truman’s time in office. In an accompanying message, the President expressed great appreciation for the work of the commission and their efforts at dealing

with one of the most valuable resources of our Nation--the health of our people. At a time when we are devoting our energies to strengthening our country in the world-wide struggle against communist aggression, we can ill afford to neglect the essential needs of our people in the protection and improvement of their health.¹⁴⁶

In the end, however, the appointment of the commission was not enough to spur Congress into action on Truman's health program. Together, the continued opposition of congressional conservatives and the lobbying efforts of the AMA exhibited a legislative and political firewall against any and all efforts to reform the nation's system of health insurance. Additionally, the administration's efforts to increase funding in other health-related areas faced similar resistance.

Given the experience of World War II, there were direct concerns by the Truman administration about the state of the nation's public health services and the limited number of students in medical school during the Korean defense period. At the start of the war, there were bills related to both issues lingering in the House of Representatives, having previously passed the Senate. The government's role in public health had come to include grants in aid for general health services, education for maternal and child health, hospital construction, the treatment of communicable diseases such as tuberculosis, and sanitary inspection for food and water supplies. Unfortunately, at that time, about one-third of the nation lacked access to such local health facilities. Because of this, Truman stressed that many local communities would face "added health burdens arising from defense needs" and therefore needed strengthening through increased Federal grants.¹⁴⁷ In his budget message for fiscal year 1952, Truman argued that "If we are to meet successfully the challenge that confronts this Nation, we can less than ever afford to waste the good health of our people. But the present emergency makes even more difficult the maintenance of good health." The proposed budget called for \$25 million for scholarships and other aid for increasing the training of doctors, dentists, and nurses, and \$5 million for local health services (along with \$300million for grants to states for education).¹⁴⁸

Unfortunately, legislative action in these two areas of the nation's health remained stalled in the House throughout the rest of the war. This congressional inaction, while nothing new, was

reframed as a refusal to consider funds for any programs deemed as “non-defense expenditures.” This general position is summed up best by Senator Robert Taft, who had previously supported aid for medical education. Taft believed the country “reached a point in the mobilization program where we cannot afford to undertake any new program unless its emergency character can be shown beyond any question of doubt.” The Senator’s stance reflected perfectly the political limitations of Truman’s strategic linkage of domestic programs-as-defense preparedness in light of the growing concern over the country’s economic strength.¹⁴⁹

As the evidence presented in this section has shown, President Truman constructed a political linkage strategy which he and his administration hoped would help them navigate their ever-changing governing environment. As the first president to govern in the shadow of the warfare-welfare nexus, Truman was tasked with balancing both the commitment to New Deal liberalism and the responsibility of military and world leadership that he inherited upon the death of FDR. Just as Roosevelt had linked the domestic objectives of the New Deal with the wartime purpose of the Allied cause by articulating a vision of national strength, Truman advocated that his reconversion and Fair Deal programs comprised an “internal strength” that represented the foundation of our foreign policy objectives in the immediate post-war era. But Truman’s strategic linkage was always vulnerable. As the Cold War developed, and concerns regarding Soviet ideology increased, rival political actors challenged the President’s vision of national strength and his association of domestic and foreign policy. Moreover, only a few years removed from the demobilization efforts of World War II, the administration was faced yet again with the politics of wartime. In re-articulating the linkage between the Fair Deal and the Korean War defense effort, Truman asserted a wartime commitment to build strength at home by continuing the pursuit for the betterment of the health and welfare of the American people. Throughout the

war, however, this strategic vision of national strength was continually challenged by a conservative bloc in Congress and was significantly constrained by the necessity of building up our military and economic strength. As historian Michael Hogan has argued, the increasing concern with this conception of strength allowed congressional conservatives to carry out an “assault on New Deal social programs and on the notion that such programs were actually essential, not only to the country’s democratic mission but also to its long-term military strength.”¹⁵⁰

While very little of the Fair Deal agenda was achieved during the war, Truman’s linkage of social welfare and health as vital to the strength of the nation was incredibly important for future political developments. Many scholars have noted the significance of Truman’s administration in the maintenance of the New Deal. What is often overlooked though is how the Korean War, rather than sinking the liberal agenda, provided a space in which Truman could reimagine the cause of liberalism. Invoking the experience of World War II and the shared mission of Roosevelt, Truman and others understood the importance of social progress to both the defense mobilization effort and the reconversion back to peacetime. What is more, some of the most critical domestic policies advocated by the Truman administration came to fruition less than twenty years later as part of the Great Society and the War on Poverty, from Medicare, Medicaid, and federal aid for education. After all, in his budget message for fiscal year 1953, Truman hoped that one day we would “cast off the heavy burden of armaments and devote our full energies to fighting the only war in which all mankind can be victorious--the war against poverty, disease, and human misery.”¹⁵¹

Conclusion: The Rise of the Warfare State, Inherited Precedents, and Patterns of the Presidential Security Imperative

Our purpose in this conference paper has been to reassess presidential leadership through an investigation of the limits and possibilities posed by international security threats. In particular, we hope to encourage those scholars who study the presidency from a historical and APD approach to consider, more directly, how national security demands and international contexts may shape the leadership prospects of the chief executive over time. In short, this paper represents an initial effort to think as much about structural opportunities and constraints imposed on presidential leadership by *national security and international commitments* as we already do in terms of domestic policy and partisan regimes. As our two case studies illustrate, the identification of patterns in the presidency's "security imperative" is a useful starting point for redressing this gap in the presidency literature. Given the length of this paper, below we briefly discuss several implications of our respective work and how they point us toward future research avenues for presidential studies and American political development, more broadly.

For starters, our separate research on the development of presidential emergency power and the dynamic between the warfare-welfare nexus and the president's domestic program both underscore the significance of the national security state as an emergent feature of presidential leadership. Consider, for example, Tichenor's comparison of those historical "periods of extreme security crisis when presidents exercise unusual emergency power." While the wartime actions of Lincoln, Wilson, and FDR may, on the face of it, appear as one-and-the-same, Tichenor argues that a true assessment can only be made by taking stock of how the executive's resources and power has increased over time. Where these earlier presidents may recognize the intent of

the power wielded by Bush and Obama in fighting the War on Terror, they certainly could not fathom the means through which the war is being waged.

The rise of the national security state plays an even more prominent role in the pattern of presidential leadership identified in Strickler's work on the politics of guns and butter. Prior to the development of the "warfare state", the presidency as an institution was not fully invested in promoting a robust military and projecting vigorous national defense. But the U.S. victory in World War II established new international commitments in the presidency, including an ideology and discourse of national security. As Strickler argues, the institutional demands of governing atop this warfare state, with its politics prone to rapid-change, impact the domestic programmatic agenda of post-war presidents in varied ways. Together, our research provides further support for Bartholomew Sparrow's claim that increased scholarship on the "security state" is of "critical importance to the study of U.S. national politics and government."¹⁵²

Additionally, in both our analyses of presidential leadership through a security lens, we have conceptualized processes through which the presidency develops and retains institutional memory. Let us turn to Tichenor's use of Justice Robert Jackson's metaphor of the "loaded gun." In theorizing about the development of presidential emergency power, Tichenor emphasizes the importance of "inherited precedents" as warrants for action. Given the prior conduct of wartime presidents, there exists "the potential for early incidents to become precedents and doctrines that lay dormant...to be used by executives in seemingly comparable, urgent circumstances." This reality is aptly demonstrated by the Bush administration's reliance on FDR's precedents of wartime military tribunals and government surveillance.

Relatedly, we see the presidency's institutional memory on display in Strickler's account of the construction and articulation of visions of national strength. As his research shows, the

institutionalization of the use of such visions as an agenda-setting strategy to navigate one's governing environment began during Roosevelt's administration. In his response to the Great Depression and World War II, FDR establishing a set of practices in the presidency which subsequent executives would come to utilize in their own way. Particularly, Roosevelt strategized a vision of national strength which linked reform and defense, articulating both as vital to the strength of the nation. While his death would thrust Harry S. Truman into one of the most daunting political situations any president has had to endure, Roosevelt's articulation of the linkage of reform-as-national-preparedness set the institutional stage from which his successor would take on these challenges.

¹ Bradford Richardson, "McCain: Failed Leadership Led to Rise of ISIS," *The Hill*, November 15, 2015.

² "Marco Rubio's Foreign Policy Vision," *Council of Foreign Relations*, May 13, 2015.

³ Katie McHugh, "Jimmy Carter: 'America No Longer Has a Functioning Democracy,'" *The Daily Caller*, July 17, 2013.

⁴ Dennis Kucinich, "Obama Administration Must Account to Congress for Targeted Assassinations," *The Guardian*, November 16, 2012.

⁵ Robert Singh, "Continuity and Change in Obama's Foreign Policy," in Bert Rockman and Andrew Rudalevige, eds., *The Obama Presidency: Appraisals and Prospects* (Washington, D.C.: Congressional Quarterly Press, 2011), pp.268-94.

⁶ Josh Gerstein, "Obama's Blurry Foreign Policy Vision," *Politico*, August 26, 2014; Andrew Bacevich, "Lacking a Foreign Policy Vision, Obama Administration Muddles Along

⁷ For example, Pika and Maltese have one chapter devoted to "the Politics of National Security Policy," Edwards and Wayne to "Foreign and Defense Policy," and Ellis to "the Warmaking Presidency."

⁸ Raymond Tanter and Stephen Tersting, "Grand Strategy as National Security Policy," in Colin Campbell and Bert Rockman, eds., *The George W. Bush Legacy*; and Lawrence Reardon, "Shifting Global Paradigms and Obama's Adaptive Foreign Policy," in William Crotty, ed., *The Obama Presidency: Promise and Performance*.

⁹ Clinton Rossiter, *The American Presidency*;

¹⁰ Richard Neustadt, *Presidential Power*; Arthur Schlesinger, Jr., *The Imperial Presidency*

¹¹ Tocqueville, *Democracy in America*; Aaron Wildavsky, "The Two Presidents"

¹² Wildavsky, 2. For examples, see Brandice Canes-Wrone, William G. Howell, and David E. Lewis, "Toward a Broader Understanding of Presidential Power: A Reevaluation of the Two Presidencies Thesis," *The Journal of Politics* 70, no. 1 (2008): 1-16; Bryan W. Marshall and

Richard L. Pacelle, jr, "Revisiting the Two Presidencies: The Strategic Use of Executive Orders," *American Politics Research* 33, no. 1 (2005): 81-105; Brandice Canes-Wrone, *Who Leads Whom?: Presidents, Policy, and the Public* (Chicago: University of Chicago Press, 2006).

¹³ Louis Fisher, *Presidential War Power* (Lawrence, KS: University Press of Kansas, 2004).

¹⁴ Howell et. al, *The Wartime President*

¹⁵ Stephen Skowronek, *The Politics Presidents Make*, p. 30.

¹⁶ *Ibid*, p. 9

¹⁷ Skowronek, *Presidential Leadership in Political Time*, p. 136. In his discussion of George W. Bush's leadership posture, Skowronek argues that the Iraq War fits a pattern of overreach by orthodox-innovators. This includes Polk and the Mexican-American War and LBJ and Vietnam.

¹⁸ Ira Katznelson and Martin Shefter, *Shaped by War and Trade*, p. 4

¹⁹ Andrew Polsky, *Elusive Victories* (New York: Oxford University Press, 2012).

²⁰ Rossiter, *Constitutional Dictatorship*, p.5.

²¹ *Ibid*, pp.293-294.

²² John Locke, *Second Treatise of Civil Government*, Chapter 14, p.159. See also Clement Fatovic, "Constitutionalism and Presidential Prerogative: Jeffersonian and Hamiltonian Perspectives," *American Journal of Political Science* 48.3 (July 2004): 429–444; Sean Mattie, "Prerogative and the Rule of Law in John Locke and the Lincoln Presidency," *Review of Politics* 67.1 (Winter 2005): 77–111; Harvey C. Mansfield, *Taming the Prince* (New York: The Free Press, 1989; paperback, Baltimore: Johns Hopkins Press, 1993); David R. Weaver, "Leadership, Locke, and the Federalist," *American Journal of Political Science* 41.2 (Apr. 1997): 420–46; Pasquale Pasquino, "Locke on King's Prerogative," *Political Theory* 26.2 (Apr. 1998): 198–208.

²³ Andrew Rudalevige, *The New Imperial Presidency* (Ann Arbor, MI: The University of Michigan Press, 2005); and Charlie Savage, *Takeover* (New York: Little, Brown and Company, 2007).

²⁴ Mary Dudziak, *War Time* (New York: Oxford University Press, 2012).

²⁵ Louis Fisher, *Presidential War Power* (Lawrence, KS: University Press of Kansas, 2004).

²⁶ Andrew Polsky, *Elusive Victories* (New York: Oxford University Press, 2012).

²⁷ Maeva Marcus, *Truman and the Steel Seizure: The Limits of Presidential Power* (New York: Columbia University Press, 1977).

²⁸ See, for example, Pierson, *Politics in Time*; Wolfgang Streeck and Kathleen Thelen, *Beyond Continuity: Institutional Change in Advanced Industrial Economies* (New York: Oxford University Press, 2005); Theda Skocpol and Paul Pierson, "Historical Institutionalism in Contemporary Political Science," in Ira Katznelson and Helen Milner, eds., *Political Science: State of the Discipline* (New York: W.W. Norton, 2002), pp.693-721; Karen Orren and Stephen Skowronek, *The Search for American Political Development* (New York: Cambridge University Press, 2004).

²⁹ Robert Jackson, Dissenting Opinion, *Korematsu v. United States* 323 U.S. 214 (1944), p.248.

³⁰ Stephen Skowronek, "The Conservative Insurgency and Presidential Power: A Developmental Perspective on the Unitary Executive," *Harvard Law Review*, 122 (2009), pp.2085-2087.

³¹ Saladin Ambar, *How Governors Built the Modern American Presidency* (Philadelphia: University of Pennsylvania Press, 2012).

³² Jeffrey Tulis, *The Rhetorical Presidency* (Princeton: Princeton University Press, 1988); Robert Saldin, "William McKinley and the Rhetorical Presidency," *Presidential Studies Quarterly* 41

(March 2011), pp.119-134; Lewis Gould, *The Presidency of William McKinley* (Lawrence, KS: University Press of Kansas, 1980).

³³ Herbert Croly, *The Promise of American Life* (Cambridge, MA: Harvard University Press, 1965) p.136.

³⁴ Woodrow Wilson, *Constitutional Government in the United States* (1908), p.70.

³⁵ Woodrow Wilson, *Congressional Government: A Study in American Politics* (New York: Meridan Books, 1955), p.22.

³⁶ Daniel Stid, *The President as Statesman*, p.91.

³⁷ Daniel Stid, "Rhetorical Leadership and 'Common Counsel,'" in Richard Ellis, ed., *Speaking to the People* (Amherst: University of Massachusetts Press, 1998) pp.167-169.

³⁸ Louis Fisher, *Presidential War Power* (Lawrence, KS: University Press of Kansas), pp.67-68.

³⁹ Jeffrey Tulis, *The Rhetorical Presidency* (Princeton: Princeton University Press (1988); other scholars identify much earlier origins of popular rhetorical leadership by our chief executives, including Melvin Laracey, *Presidents and the People* (College Station: Texas A&M Press, 2002) and Richard Ellis, ed., *Speaking to the People: The Rhetorical Presidency in Historical Perspective* (Amherst, MA: University of Massachusetts Press, 1998).

⁴⁰ Wilson's Annual Message of December 7, 1915, *Congressional Record*, 64th Congress, 1st Session, pp.95-100.

⁴¹ See the *Annual Report of the Attorney General, 1918* (Washington, D.C.: Government Printing Office, 1918), pp.16-17.

⁴² Fisher, *Presidential War Power*, pp.62-68.

⁴³ *Annual Report of the Attorney General, 1917* (Washington, D.C.: Government Printing Office, 1917), pp.57-59; and David Cole, *Enemy Aliens* (New York: The New Press, 2003).

⁴⁴ Paul Van Riper, *History of the United States Civil Service* (Evanston, IN, 1958), p.266.

⁴⁵ Mary S. Mander, *Pen and Sword: American War Correspondents, 1898-1975* (University of Illinois, 2010), 46.

⁴⁶ See W.F. Willoughby, *Government Organization in Wartime and After* (New York, 1919); F.L. Paxson, "The American War Government," *American Historical Review* 26 (1920), p.54.

⁴⁷ *Congressional Record*, 65th Congress, Special Session, April 2, 1917, p.104.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, pp.22-23.

⁵⁰ Allen Dawley, *Changing the World: American Progressives in War and Revolution* (2003), p.157.

⁵¹ See the Eugene Debs speech of June 16, 1918, Canton, Ohio.

⁵² Sheiber, p.43.

⁵³ John R. Mock, *Censorship 1917* (Princeton University Press, 1941), pp.110-130.

⁵⁴ Thomas Gregory to Woodrow Wilson, May 14, 1917, Woodrow Wilson Papers, Mudd Library, Princeton University.

⁵⁵ Baker, *Life and Letters*, Volume 7, pp.313, 318-319.

⁵⁶ See Brinkley, "A Familiar Story," and Daniel Tichenor, "Same Old Song," *The Nation*, August 28, 2006.

⁵⁷ Richard Brazier, Retrospective notes, Roger Baldwin Papers, Mudd Library, Princeton, University, Box 4, Folder 24.

⁵⁸ 244 F. 535 (S.D.N.Y. 1917), rev'd 246 F.24 (2d Cir. 1917).

⁵⁹ Ann Hagedorn, *Savage Peace* (New York: Simon and Schuster, 2007).

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- ⁶⁰ Erwin Hargrove, *The President as Leader* (Lawrence, KS: University Press of Kansas, 1998); Joseph Persico, *Roosevelt's Secret War: FDR and World War II Espionage* (New York: Random House, 2001).
- ⁶¹ Persico, pp.201-202; Louis Fisher, *Nazi Saboteurs on Trial* (Lawrence, KS: University Press of Kansas, 2003).
- ⁶² Francis Biddle, *In Brief Authority* (Garden City, NJ: Doubleday, 1962), p.328.
- ⁶³ See the President's Office Files 5036, Roosevelt Library.
- ⁶⁴ Confidential Memorandum for the Attorney General, from Franklin Roosevelt, June 30, 1942, President's Staff Files, Box 56, Roosevelt Papers.
- ⁶⁵ Persico, pp.202-203.
- ⁶⁶ Fisher, *Nazi Saboteurs on Trial*, pp.52-53.
- ⁶⁷ *Ex Parte Quirin*, Landmark Briefs, p.580.
- ⁶⁸ *Ibid*, p.636.
- ⁶⁹ Fisher, *Nazi Saboteurs on Trial*, p.114.
- ⁷⁰ *Ibid*, p.121.
- ⁷¹ See quote in William Rehnquist, *All the Laws But One*.
- ⁷² Joseph Persico, *Roosevelt's Secret War: FDR and World War II Espionage* (New York: Random House, 2001).
- ⁷³ Christopher Andrew, *For the President's Eyes Only: Secret Intelligence and the American Presidency from Washington to Bush* (HarperCollins, 1995), pp.127-128.
- ⁷⁴ Bradley Smith, *The Shadow Warriors: O.S.S. and the Origins of the CIA* (New York: Basic Books, 1983), p.99.
- ⁷⁵ Quoted in Persico, p.168.
- ⁷⁶ Francis Biddle to Roger Baldwin, January 7, 1952, Roger Baldwin Papers, Box 4, Folder 15, Mudd Library, Princeton University.
- ⁷⁷ Executive Order No. 9066, 3 C.F.R. 1092 (1938-1943).
- ⁷⁸ For an excellent overview on Congress, FDR, and World War II, see Rossiter, *Constitutional Dictatorship*, pp.271-272.
- ⁷⁹ See for example, Memorandum for the President, April 9, 1942, President's Office Files 4805, Franklin D. Roosevelt Presidential Library, Hyde Park, New York; Biddle to Baldwin, January 7, 1952, Baldwin Papers.
- ⁸⁰ *Korematsu v. U.S.* 323 U.S. 214.
- ⁸¹ *Hirabayashi v. U.S.* 320 U.S. 81.
- ⁸² Eugene Gressman to the author, February 17, 2006, in the author's files.
- ⁸³ Richard W. Steele, *Free Speech in the Good War* (New York: St. Martin's, 1999).
- ⁸⁴ Memorandum for the Attorney General, From Franklin Roosevelt, May 21, 1940, PSF Box 37, Roosevelt Presidential Library.
- ⁸⁵ Rossiter, *Constitutional Dictatorship*, pp.304-305.
- ⁸⁶ *Youngstown Sheet and Tube Company v. Sawyer*, 343 U.S. 579 (1952).
- ⁸⁷ Ellis, *The Development of the American Presidency*, p.437.
- ⁸⁸ For example, see Jack Goldsmith, *The Terror Presidency* (New York: W.W. Norton and Company, 2007); Scott Mathewson, Jr., *Presidential Constitutionalism in Perilous Times* (Cambridge, MA: Harvard University Press, 2009); and Benjamin Kleinerman, *The Discretionary Presidency* (Lawrence, KS: The University Press of Kansas, 2009). Liberal legalist solutions are captured well by David Dyzenhaus, *The Constitution of Law: Legality in a*

Time of Emergency (Cambridge: Cambridge University Press, 2006); by contrast, political solutions are elaborated in Eric Posner and Adrian Vermeule, *The Executive Unbound* (New York: Oxford University Press, 2010).

⁸⁹ Matheson, *Presidential Constitutionalism in Perilous Times*, p.6.

⁹⁰ *Ibid.*

⁹¹ Goldsmith, *The Terror Presidency*, p.89.

⁹² *Ibid.*, p.215.

⁹³ Adam Berinsky, *In Time of War* (Chicago: University of Chicago Press, 2009).

⁹⁴ Benjamin Kleinerman, *The Discretionary Presidency* (Lawrence, KS: The University Press of Kansas, 2009).

⁹⁵ Ellis, *The Development of the American Presidency*, p.425.

⁹⁶ Author's anonymous interviews with administration officials, July 2010 and November 2011.

⁹⁷ Memorandum for the Attorney General, From Franklin Roosevelt, May 21, 1940, PSF Box 37, Roosevelt Presidential Library.

⁹⁸ Author's anonymous interviews with administration officials, November and December 2011.

⁹⁹ "Barack Obama on Senator Dodd's Endorsement," *BarackObama.com*, February 26, 2008.

¹⁰⁰ Jack Goldsmith, *Power and Constraint* (New York: Norton, 2012), p.xvi.

¹⁰¹ David Carr, "Blurred Line Between Espionage and Truth," *The New York Times*, February 23, 2012.

¹⁰² Joe Becker and Scott Shane, "Secret 'Kill List' Proves a Test of Obama's Principles and Will," *The New York Times*, May 29, 2012.

¹⁰³ "Federalist No. 47," *The Federalist Papers*, ed. by Clinton Rossiter (New York: Signet Classics, 2003).

¹⁰⁴ For examples, see: Jonathan Tasini, "Guns versus butter -- our real economic challenge," *The Huffington Post*, August 13, 2007, http://www.huffingtonpost.com/jonathan-tasini/guns-versus-butter-our-re_b_60150.html; John Feffer, "Obama's Guns vs. Butter Dilemma," *The Huffington Post*, September 22, 2009, http://www.huffingtonpost.com/john-feffer/obamas-guns-vs-butter-dil_b_294976.html; Kenneth T. Walsh, "Wars Could Jeopardize Obama's Domestic Agenda," *U.S. News and World Report*, December 10, 2009, <http://www.usnews.com/news/obama/articles/2009/12/10/wars-could-jeopardize-obamas-domestic-agenda>; James Surowiecki, "Guns vs. Butter" *The New Yorker*, February 11, 2002, <http://www.newyorker.com/magazine/2002/02/11/guns-vs-butter>.

¹⁰⁵ For accounts of individual presidents, see: Arthur S. Link, *The Impact of World War I* (New York: Harper & Row, 1969); Alan Brinkley, *End of Reform: New Deal Liberalism in Recession and War* (New York: Random House, Inc., 1995); Irving Bernstein, *Guns and Butter: The Presidency of Lyndon Johnson* (Oxford: Oxford University Press, 1996).

¹⁰⁶ Robert Dallek, "Obama Learns LBJ's Tough Lesson: You Can Have Guns or Butter, not Both," *Reuters*, October 22, 2014, <http://blogs.reuters.com/great-debate/2014/10/22/obama-learns-lbjs-tough-lesson-you-can-have-guns-or-butter-not-both/>. In May 2009, President Obama hosted a group of renowned presidential historians at a White House dinner which included an informal discussion about his administration and the state of American politics (over the next few years, four additional such dinners would take place). Ever the intellectual, the President was interested in hearing what these scholars had to say about the potential challenges he might face and what lessons he could glean from his predecessors' tenures in office. At the time of this particular meeting, Obama was giving serious consideration to increasing the number of combat

troops in Afghanistan and, inevitably, the night's conversation turned to how such a decision, and the broader conduct of the War on Terror, might impact his domestic agenda of economic recovery and health care reform.

¹⁰⁷ Howell et al, *The Wartime President*

¹⁰⁸ Polsky, *Elusive Victories*

¹⁰⁹ Mary Dudziak, *War Time: An Idea, Its History, Its Consequences* (Oxford: Oxford University Press, 2012).

¹¹⁰ For other perspectives on the "warfare state" and "the security state," see Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State, 1945-1954* (New York: Cambridge University Press, 1998); Bartholomew Sparrow, "American Political Development, State-Building, and the "Security State" *Polity* 40 (July 2008): 358-359.

¹¹¹ Julian E. Zelizer, *Arsenal of Democracy: The Politics of National Security - From World War II to the War on Terrorism* (New York: Basic Books, 2009), 2.

¹¹² 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).

¹¹³ Andrew Rudalevige, *Managing the President's program: Presidential Leadership and Legislative Policy Formulation* (Princeton: Princeton University Press, 2002).

¹¹⁴ Susan M. Hartmann, *Truman and the 80th Congress* (Columbia: University of Missouri Press, 1971); Sean J. Savage, *Truman and the Democratic Party* (Lexington: University Press of Kentucky, 1997); Ira Katznelson, Kim Geiger, and Daniel Kryder, "Limiting Liberalism: The Southern Veto in Congress, 1933-1950," *Political Science Quarterly* 108, no. 2 (1993): 283-306. India Edwards, Executive Director of the Democratic National Committee, once suggested to Truman that they refer to the conservative, southern Democrats as "Demicans" (a portmanteau of Democrats and Republicans). In a private letter, the President responded that you could also call them "Republicrats" but either way, "I don't think there is anything that will very well describe them except that good old fashioned word 'bolter' and that is the classification they will stay in my book. Just between you and me and the gatepost I don't care what you call them – you can make it as unprintable as you choose." Harry S. Truman, *Off the Record: The Private Papers of Harry S. Truman*, ed. Robert H. Ferrell (New York: Harper & Row, 1980), 162.

¹¹⁵ For example, see Franklin D. Roosevelt, Fireside Chat, December 29, 1940, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=15917>.

¹¹⁶ Harry S. Truman, Annual Message to the Congress on the State of the Union, January 4, 1950, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=13567>.

¹¹⁷ Harry S. Truman, Annual Message to the Congress on the State of the Union, January 6, 1947, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=12762>.

¹¹⁸ Oscar Ewing memorandum to Charles Murphy, October 31, 1947, folder "State of the Union 1948 (4 of 8)," Official File 419-F, White House Central Files, Truman Papers.

¹¹⁹ David D. Lloyd initial outline of 1950 State of the Union, November 11, 1949, folder "State of the Union Message January 4, 1950," Presidential Speech and Message File, David Lloyd Files, Staff Member and Office Files, Truman Papers.

¹²⁰ Harry S. Truman, Annual Message to the Congress on the State of the Union, January 4, 1950, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=13567>.

¹²¹ Letter from Sheridan Downey to President Truman discussing Holbrook's proposed plan, September 19, 1945, folder "Health," General File, President's Secretary's File, Truman Papers.

¹²² Truman letter responding to Downey, September 24, 1945, folder "Health," General File, President's Secretary's File, Truman Papers.

¹²³ Harry S. Truman, Special Message to the Congress Recommending a Comprehensive Health Program, November 19, 1945, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=12288>.

¹²⁴ Miller speech before the New York County Medical Society, "The People's Health – A National Asset," December 17, 1945, folder "Message to Congress (9/6/45) - Federal Security Agency Reports," Official File 419-B, White House Central Files, Truman Papers.

¹²⁵ Miller speech before the New York County Medical Society, "The People's Health – A National Asset," December 17, 1945, folder "Message to Congress (9/6/45) - Federal Security Agency Reports," Official File 419-B, White House Central Files, Truman Papers.

¹²⁶ Harold F. Gosnell, *Truman's Crises: A Political Biography of Harry S. Truman* (Westport: Greenwood Press, 1980), 268.

¹²⁷ Oscar Ewing speech, "The Philosophy of the Fair Deal," October 24, 1949, folder "State of the Union Message January 4, 1950," Presidential Speech and Message File, David Lloyd Files, Staff Member and Office Files, Truman Papers.

¹²⁸ Clayton Knowles, "War Acts as a Check on Fair Deal Program," *New York Times*, August 13, 1950.

¹²⁹ Transcript of President Truman's Press and Radio Conference #250, January 11, 1951, folder "January- February, 1951," Historical File, President's Secretary's File, Truman Papers.

¹³⁰ See, Lloyd early drafts for 1951 and 1952 State of the Union messages. In particular, folder "State of the Union Message January 8, 1951" and folder "State of the Union message January 9, 1952 [1 of 3]," both found in, Presidential Speech and Message File, David Lloyd Files, Staff Member and Office Files, Truman Papers. In addition, John Hersey submitted an outline for 1952 State of the Union, with suggested language: "Program: 1. Build strength abroad, 2. Build strength at home, 3. Increase vitality of our free society here at home sections on 'build strength at home' list of measures including social welfare (schools, housing, aid to education, health), civil rights, farm policy, small business, tax policy"

¹³¹ "Truman messages drafted," *New York Times*, January 7, 1951.

¹³² Stauffacher informal comments to Lloyd on draft of 1952 State of the Union, "State of the Union Message January 9, 1952 [1 of 3]," Presidential Speech and Message File, David Lloyd Files, Staff Member and Office Files, Truman Papers.

¹³³ Neustadt draft #9 of 1952 State of the Union, December 29, 1951, folder "1952: State of the Union Message [2 of 3]," Presidential Addresses, Letters, and Messages File, Historical File, President's Secretary's File, Truman Papers.

¹³⁴ Unknown author suggests language for 1952 State of the Union, date unknown, folder "1952: State of the Union Message [2 of 3]," Presidential Addresses, Letters, and Messages File, Historical File, President's Secretary's File, Truman Papers.

¹³⁵ See, Lloyd early drafts for 1951 and 1952 State of the Union messages. In particular, folder "State of the Union Message January 8, 1951" and folder "State of the Union message January 9, 1952 [1 of 3]," both found in, Presidential Speech and Message File, David Lloyd Files, Staff Member and Office Files, Truman Papers. In addition, John Hersey submitted an outline for 1952 State of the Union, with suggested language: "Program: 1. Build strength abroad, 2. Build strength at home, 3. Increase vitality of our free society here at home sections on 'build strength

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¹³⁶ Harry S. Truman, Annual Message to the Congress on the State of the Union, January 8, 1951, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=14017>.

¹³⁷ Harry S. Truman, Annual Message to the Congress on the State of the Union, January 9, 1952, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=14418>.

¹³⁸ Notes from White House meeting, December 20, 1951, folder "1952 State of the Union Message [1 of 3]," Presidential Speech and Message File, David Lloyd Files, Staff Member and Office Files, Truman Papers.

¹³⁹ Truman, Annual Message to the Congress on the State of the Union, January 8, 1951.

¹⁴⁰ Stow memorandum to Truman, October 12, 1951, folder "The President's Commission on Health Needs of the Nation," David H. Stowe Files, Staff Member and Office Files, Truman Papers.

¹⁴¹ Ibid.

¹⁴² Truman memorandum to Stowe, October 15, 1951, folder "The President's Commission on Health Needs of the Nation," David H. Stowe Files, Staff Member and Office Files, Truman Papers.

¹⁴³ Harry S. Truman, Executive Order 10317 - Establishing the President's Commission of the Health Needs of the Nation, December 29, 1951, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=78369>

¹⁴⁴ Magnuson address before the Medical and Chirurgical Faculty of the State of Maryland, April 30, 1952, folder "President's Commission on the Health Needs of the Nation (2 of 2)," Official File 103-G, White House Central Files, Truman Papers.

¹⁴⁵ "Truman Attacked on Health Inquiry," *New York Times*, January 1, 1952.

¹⁴⁶ Harry S. Truman, Special Message to the Congress Transmitting Volume One of the Report of the President's Commission on the Health Needs of the Nation, January 9, 1953, The American Presidency Project, <http://www.trumanlibrary.org/publicpapers/index.php?pid=2079>.

¹⁴⁷ Harry S. Truman, Annual Budget Message to the Congress: Fiscal Year 1952, January 15, 1951, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=13810>.

¹⁴⁸ Harry S. Truman, Annual Budget Message to the Congress: Fiscal Year 1952, January 15, 1951, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=13810>.

¹⁴⁹ Transcript of "Taft's Views on Aid to Medical Education, October 3, 1951, folder "Education," Correspondence and General File, Charles S. Murphy Files, Staff Member and Office Files, Truman Papers.

¹⁵⁰ Hogan, *A Cross of Iron*, 365

¹⁵¹ Harry S. Truman, Annual Budget Message to the Congress: Fiscal Year 1953, January 21, 1952, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=14172>.

¹⁵² Sparrow, p. 355