

TR: No Friend of the Constitution

by Michael Chapman

With corporate corruption in the headlines and the president and Congress acting to “restore confidence” in markets, many conservatives, including President Bush, have adopted Theodore Roosevelt, the Republican “trust buster,” as a role model for the kind of president America needs today. In August, Bush held a press conference on the economy with Mount Rushmore—and Roosevelt’s colossal face—in the background. A three-volume biography of TR is selling well, and many in the conservative media constantly drop Roosevelt’s name. A reporter recently asked President Bush if he thought the business world today mirrored that of TR’s presidency (1901–09) and if Bush should “respond as aggressively as Roosevelt did.” TR is touted as a strong, decisive leader; a war hero; and a man who seemed to embody what America was all about and ought to be again.

Yet the facts show that President Theodore Roosevelt didn’t care much for the Constitution, limited government, private property, or people who were not of white European stock. Roosevelt was an imperialist and defender of the national interest. And he believed it was his job to define that interest. “I don’t know what the people think, I only know what they should think,” said Roosevelt. The “ability to fight well and breed well” and “subordinate the interests of the individual to the interests of the community,” said TR, was crucial to “true national greatness.” It seems odd, then, that conservatives view TR as a hero. But, given the neoimperialist bent of many of today’s conservatives, perhaps TR is the man for the right to emulate. Let’s look at his record.

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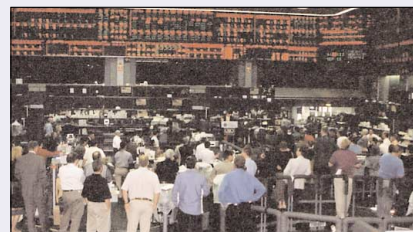
Cato adjunct scholar Vernon L. Smith, a pioneer in the field of experimental economics, discussed his work at a Cato Institute Roundtable Luncheon on Friday, October 4, just five days before he was awarded the 2002 Nobel Prize in economics. Smith, who spent 26 years at the University of Arizona before moving his Economic Science Laboratory to George Mason University in 2001, has written for Cato Journal, Regulation, and the Cato Policy Analysis series.



Roosevelt served as assistant secretary of the Navy under President McKinley in 1897. In that job, TR agitated for war with Spain. He got it, first in Cuba. He formed a cavalry unit, the Rough Riders, which stormed up San Juan Hill in Cuba and defeated a group of poorly equipped Cubans. Then, when Congress was in recess in the summer of 1898, Roosevelt ordered the U.S. fleet to the Philippines. Fighting alongside nationalist guerrillas, to whom we had promised independence, U.S. forces suffered 4,000 dead and Filipino rebels 20,000 dead. The war also caused the death of some 200,000 noncombatant Filipinos, including women and children. As *Philadelphia Ledger* writer J. Franklin Bell reported: “Our men have been relentless; have killed to exterminate men, women, children, prisoners and captives . . . from lads of 10 and up, an idea prevailing that the Filipino, as such, was little better than a dog. . . . Our men have pumped salt water into men to ‘make them talk’ . . . [then]

Continued on page 14

In This Issue



Cato at the Merc, p. 18

Crane on bold ideas	2
Cato Supreme Court Review	3
Cato Events	4
Terrorism, defense, and Iraq	8
Cato Calendar	10
EPA and the rule of law	11
Fiscal Policy Report Card	12
Walter Williams and Gary Johnson to highlight Benefactor Summit	16
New book on foreign policy	18
Cato’s intern program	19

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CONSTITUTION *Continued from page 1*

stood them on a bridge and shot them down one by one, to drop into the water below and float down as an example to those who found their bullet-riddled corpses.”

Needless to say, America didn’t give the nationalists independence. McKinley justified U.S. occupation by saying that it was our duty to Christianize the Filipinos, who were in fact mostly Catholic.

In 1900, McKinley chose Roosevelt as his running mate and they won the election. McKinley was assassinated in 1901 and TR became president. He immediately embarked on various campaigns of New Imperialism and expanded the executive branch. “I did not usurp power,” said Roosevelt, “but I did greatly broaden the use of executive power.” Roosevelt’s New Imperialism was a breed of expansionism that viewed the world as split between civilized (developed) and uncivilized (undeveloped) nations. “Of course, our whole national history has been one of expansion,” said TR. “That the barbarians recede or are conquered, with the attendant fact that peace follows their retrogression or conquest, is due solely to the power of the mighty civilized races which have not lost the fighting instinct, and which by their expansion are gradually bringing peace into the red wastes where the barbarian peoples of the world hold sway.” In *The Winning of the West*, TR defended Manifest Destiny in racial, Darwinian terms. It was “part of the order of nature” that white Europeans should destroy Mexicans, the “natural prey” of superior Anglo-Saxons.

It was America’s duty, according to Roosevelt, to bring the backward nations into the fold of democracy and Protestantism, by force if necessary. “If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters . . . it need fear no interference from the United States,” he said in his 1904 annual message to Congress.

Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some

civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power . . . in regard to Cuba, Venezuela, and Panama, . . . and to secure the open door in China, we have acted in our own interest as well as in the interest of humanity at large.

Manifest Destiny on an international scale. Under TR’s New Imperialism, the U.S. empire extended to the Philippines, Cuba, Haiti, the Dominican Republic, and Puerto Rico.

Executive Power

In a 1912 campaign speech, TR trashed the idea of limited government, saying: “This is a bit of outworn academic doctrine. . . . It can be applied with profit, if anywhere at all, only in a primitive community such as the United States at the end of the 18th century.”

It’s no surprise then that David Brooks, senior editor of the *Weekly Standard*, described TR as “a fervent Hamiltonian.” Alexander Hamilton supported a centralized state and a large federal government. TR despised Hamilton’s philosophical opposite, Thomas Jefferson, a defender of limited government and individual rights (H. L. Mencken compared TR with Kaiser Wilhelm of Germany). Today, Sen. John McCain (R-Ariz.) labels himself a “Roosevelt Republican” and praises TR as “really the first campaign-finance reformer” because he restricted corporate contributions to political campaigns in 1907. McCain also praises TR’s belief in the “necessity of using our military strength to protect democracy and freedom” around the globe, an “international police power.”

As president, Roosevelt tried to get Colombia to sign a treaty on the construction of the Panama Canal (Panama was then a province of Colombia). The Colombian government said no, and a group of Panamanians, with U.S. help, declared themselves a republic. TR sent gunboats to protect the new “nation,” and shortly there-

after construction of the canal began. Later boasting of his victory, TR said: “I took Panama without consulting the Cabinet. . . . A council of war never fights, and in a crisis the duty of a leader is to lead.” In discussing troubles in Cuba with future president William Howard Taft, Roosevelt said: “I should not dream of asking the permission of Congress. . . . It is for the enormous interest of this government to strengthen and give independence to the Executive in dealing with foreign powers.”

Roosevelt was sometimes less than candid about his bullying view of executive power. For instance, during the Republican convention of 1904, which renominated TR for president, a report came in that a chieftain named Raisuli in Morocco had seized Ion Perdicaris, supposedly a U.S. citizen. TR rushed American warships to Tangiers and told the Sultan, “Perdicaris alive or Raisuli dead.” The conventioners praised TR for his decisive action and his patriotism. However, TR did not tell the convention-goers that the State Department had earlier informed him that Perdicaris was a citizen of Greece and that arrangements had already been made to free him. TR hoodwinked the conventioners and the public—and spent taxpayers’ money—for political gain.

In 1907, TR sent a U.S. naval force—the Great White Fleet—on a global tour, largely to show off America’s military power, at an enormous cost to taxpayers.

The Regulatory State

Roosevelt’s program of greater centralization of power in Washington and in the executive branch took off in 1903 with the creation of the Department of Commerce and Labor, which contained a Bureau of Corporations to investigate corporate behavior. “I have always believed that it would also be necessary to give the National Government complete power over the organization and capitalization of all business concerns engaged in inter-State commerce,” said TR. The Expedition Act also came in 1903. It gave the attorney general the authority to place antitrust suits at the front of court dockets.

In a 1911 editorial on antitrust law, TR borrowed from a “statesman . . . of the

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highest courage,” Sen. Cushman R. Davis, to explain his views on capitalism:

When Senator Davis spoke, few men of great power had the sympathy and the vision necessary to perceive the menace contained in the growth of corporations. . . . He realized keenly . . . that we must abandon definitely the laissez-faire theory of political economy, and fearlessly champion a system of increased Governmental control paying no heed to the cries of the worthy people who denounce this as Socialistic. He saw that, in order to meet the inevitable increase in the power of corporations produced by modern industrial conditions, it would be necessary to increase in like fashion the activity of the sovereign power which alone could control such corporations. As has been aptly said, the only way to meet a billion-dollar corporation is by invoking the protection of a hundred-billion dollar government; in other words, of the National Government, for no State Government is strong enough both to do justice to corporations and to exact justice from them.

Following his 1905 State of the Union address, the *New York World* described TR’s plans as “the most amazing program of centralization that any president of the United States has ever recommended.” A reporter remarked that TR’s plans showed “a marked tendency toward the centralization of power in the United States and a corresponding decrease in the old-time sovereignty of the states, or of the individual.”

In 1906 came the Pure Food and Drug Act and the Meat Inspection Act. TR pushed both laws largely in response to muckraking journalists, especially the socialist Upton Sinclair, author of *The Jungle*, a novel. Despite Sinclair’s propaganda, a government report confirmed that the novel’s claims about working and sanitary conditions in the Chicago stockyards were unfounded. Roosevelt in private said of Sinclair: “I have utter contempt for him. He is hysterical,



At a reception on Constitution Day, Cato’s Tom G. Palmer makes a point to law professors Todd Zywicki and David Bernstein of George Mason University and Marcus Cole of Stanford University.

unbalanced, and untruthful.” Nonetheless, the muckrakers had done their job and the meatpackers wanted to limit competition. So, TR signed the Meat Inspection Act, which cost taxpayers \$3 million to implement. Economist Lawrence Reed reports that Sinclair, the socialist, despised the new law because he saw it for what it was, “a boon for the big meat packers.” The Pure Food and Drug Act produced the Food and Drug Administration, which controls which drugs consumers may purchase in the market and, to some degree, at what price.

Roosevelt also pushed the Hepburn Act of 1906, which put price controls on rail rates. The result was a disaster—falling profits, poor service, and eventually the end of private management of the railroads.

In 1908 came the National Conservation Commission and the Aldrich-Vreeland Act, the forerunner of the Federal Reserve and central banking, that authorized a National Monetary Commission. TR also pushed for graduated income and inheritance taxes and a “living wage.”

During his presidency, TR acted aggressively against private corporations and, in fact, contributed to financial panic. Before 1905, for instance, only 22 antitrust cases had been filed under the Sherman Antitrust Act. Between 1905 and 1909, that number shot up to 39 cases, and in 1910–19, the number of cases was 134. As economist George Bittlingmayer has documented, TR’s use of the bully pulpit and his attorney general’s attacks on business contributed to the panic of 1903. In addition, the crusade

against Standard Oil and other companies led to the panic of 1907, “which was marked by a 50 percent decline in stock prices and a one-third decline in output over the 12 months ending December 1907,” according to Bittlingmayer. As a result, “Roosevelt began pulling his antitrust punches in late 1907.”

The Hepburn Act, the panic of 1907, and related antitrust measures set the foundation for the 1935 National Recovery Administration, a corporatist program started by TR’s relative, Franklin Delano Roosevelt, but declared unconstitutional by the Supreme Court.

Preventing “Race Suicide”

In addition to his Hamiltonian impulses and New Imperialism, Theodore Roosevelt, like many of the “elite” of his time, supported eugenics. TR praised America’s war against Native Americans, saying: “I don’t go so far as to think that the only good Indians are dead Indians, but I believe nine out of ten are, and I shouldn’t like to inquire too closely into the case of the tenth. The most vicious cowboy has more moral principle than the average Indian.” The Mexicans living in Texas deserved to be routed because they were inferior, said TR. “It was out of the question that the Texans should long continue under Mexican rule. . . . It was out of the question to expect them to submit to the mastery of the weaker race, which they were supplanting. Whatever might be the pretexts alleged for revolt,

Continued on page 16

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CONSTITUTION *Continued from page 15*

the real reasons were to be found in the deeply marked difference of race, and in the absolute unfitness of the Mexicans to govern themselves, to say nothing of governing others.”

TR publicly deplored what he called the “unrestricted breeding” of nonwhites, people he termed “utterly shiftless” and “worthless.” He considered blacks to be the white man’s “burden.” (In his memoirs, TR censored the fact that hundreds of black soldiers in the Negro 9th and 10th Cavalries had helped capture San Juan Hill in Cuba.) TR often called on Americans to be “good breeders” to prevent “race suicide.”

Some of TR’s other racial Darwinist comments include:

- “A perfectly stupid race can never rise to a very high plane; the Negro, for instance, has been kept down as much by lack of intellectual development as by anything else.”

- “All reflecting men of both races are united in feeling that race purity must be maintained.”
- “The [African] porters are strong, patient, good-humored savages, with something childlike about them that makes one really fond of them. Of course, like all savages and most children, they have their limitations.”
- “The presence of the Negro is the real problem; slavery is merely the worst possible method of solving the problem.”
- “Nothing but sheer evil has come from the victories of Turk and Tartar. This is true generally of the victories of barbarians of low racial characteristics over gentler, more moral, and more refined peoples.”

TR was also anti-immigration, except for white Protestant Europeans. In criticizing entrepreneurs who were bringing in Chinese to work in the western United States, TR said, “It seems incredible that

any man of even moderate intelligence should not see that no greater calamity could now befall the United States than to have the Pacific slope fill up with a Mongolian population.” It was the duty of the white race and democracy, “with the clear instinct of race selfishness,” to keep out the “dangerous alien” Chinese, he said.

“Roosevelt probably did more than any other individual to bring the views of academic race theorists to ordinary Americans,” says historian Diane Paul in *Controlling Human Heredity: 1865 to the Present*. TR, for instance, often stressed the need to “keep out races which do not assimilate with our own”—his words—and repeatedly called for curbs on immigration.

Roosevelt praised *The Passing of the Great Race* by eugenicist Madison Grant. The book called for “elimination of those who are weak or unfit,” the “undesirables who crowd our jails, hospitals, and insane asylums,” and “weaklings” and “worthless race types.” Roosevelt said that it was “a capital book: in purpose, in vision, in grasp of the facts that our people must need to realize. . . . It is the work of an American scholar and gentleman, and all Americans should be grateful to you for writing it.” State-enforced sterilization of retarded people in the United States began in 1907 when TR was president. He did not oppose the programs and did nothing to stop such sterilization. (For comparison, compulsory sterilization in Nazi Germany did not start until 1935.)

A Model Conservative?

Theodore Roosevelt, whom some conservatives would make a patron saint, spread over the United States a federal regulatory blanket that has often smothered businesses and stifled entrepreneurship. TR’s broadening of executive power upset the constitutional checks and balances of our republic. His imperialism set a precedent for U.S. meddling abroad and entangling alliances—a policy unfortunately praised by today’s neoconservatives. Mark Twain, who knew Theodore Roosevelt, may have exaggerated when he described him as “clearly insane.” But there’s no doubt that TR was a poor friend of the Constitution, capitalism, and peace. ■

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Walter Williams



Gary Johnson