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The First Conservative Accommodation of the New Deal: The "New Conservatives" and the Eisenhower Administration

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Today American conservatives are often dissatisfied with the nation's treatment of the poor and the working class. Especially prominent indictments have come from Catholic thinkers associated with the "New Right" or "common good" conservatism. Such analyses want the state to protect those at the bottom of the income scale and to counterbalance wealthy and politically powerful elites. This development has notable affinities with the New Deal. For example, Sohrab Ahmari explicitly invokes the New Deal as a model to be emulated and likewise has been described as calling for a "Second New Deal."[1] Adrian Vermeule's efforts to realize a broader conception of the common good via the administrative state is also rooted in the New Deal, which he has forthrightly praised as a "spectacular success," adding that "New Dealers thought law had a purpose. It was to serve human wellbeing" and the "good of the community."[2] Patrick Deneen has written that the term *New Right* might be something of a misnomer, "since a great deal of the economic program" in this way of thinking "takes its cues from the older social democratic tradition of the left." His combination of "New Deal economic and regulatory policies and intense social conservatism" was once typical "of the old Democratic Party," and his program has likewise been seen as a call for a renewed New Deal and thereafter "a settlement reminiscent of Eisenhower's America."[3]

This rapprochement with the New Deal, so long an object of conservative ire, is noteworthy, but in the work of Deneen and Vermeule it is accompanied by deep dissatisfaction with American constitutionalism. The Constitution reflected the liberalism of John Locke and was said to have fostered a society of individualism, materialist greed, secularism, social alienation, and moral bankruptcy. The poor and working class had been immiserated and were increasingly bereft of the truly human goods of family, religion, and community. Consequently, originalist appeals to the true meaning of the Constitution had failed and "outlived their usefulness." Similarly unavailing was "conservatism's tale that American greatness will be restored when we reclaim the governing philosophy of our Constitution."[4] Rather, the Constitution was to be displaced or transcended via "regime change." Deneen offered a new form of elite-led "mixed constitutionalism" with ample power to remoralize the nation. Vermeule would redirect the administrative state toward the "common good" through "the sweeping generalities and famous ambiguities of our Constitution" that afforded "ample space for substantive moral readings."[5] Thus did a project keen to elaborate the aims of the New Deal arrive at the momentous conclusion that the inherited constitutional order must be somehow thrown off or overcome.

We need not go so far. Nor did two earlier conservative intellectuals who were among the first to accept the New Deal: Francis Graham Wilson (1901–1976), a professor of political science; and Peter Viereck (1916–2006), a poet and professor of history. Like the critics analyzed above, their conservatism was rooted in religious conviction and the ethical heritage of the West. Yet they treated the New Deal as a timely adaptation that could be accommodated to the constitutional system without breaking it. This article explains how they arrived at this position through an evolutionary conception of politics and constitutional change that appealed to moderation, balance, and compromise. At the outset it should be noted that their version of evolution was rooted in Edmund Burke rather than the Darwinism of Woodrow Wilson. Though little known today, Wilson and Viereck remain relevant

insofar as their distinctly conservative understanding of the New Deal and constitutionalism received practical expression in the administration of Dwight Eisenhower, which proceeded along remarkably similar lines. Thus both the theory and the practice of the first conservative accommodation of the New Deal show that American constitutionalism can change in favor of more meliorist governance and humane political economy. We need not accept today's conservative proffer of refounding or constitutional displacement in order to do so.

The New Deal as Conservative Change: To the Fiscal-Compensatory and Broker State

Before proceeding it is helpful briefly to restate what the New Deal achieved and what it did not. There was deep change, but no revolution in the American regime despite the supposed "constitutional revolution" in Supreme Court jurisprudence.[6] The New Deal successfully coopted and marginalized radical leftist critics, preserving capitalism by regulating its excesses and compensating for its failures. Scholars have variously described the system of political economy and social welfare that resulted as a "compensatory" or "fiscal" state.[7] Federal taxing, spending, and social insurance policies (unemployment insurance, old age pensions) could run to deficit to moderate swings in the business cycle, compensate for inadequate private investment and consumer spending, and provide a minimal "safety net" for vulnerable populations. The overall aim was a stable growth economy with high levels of employment and consumption, achieved by government stimulation of aggregate demand when necessary. Over time this approach was usually labeled "Keynesian," although the American evolution toward it was somewhat haphazard and never total. Government had grown and taken on a more significant role in the economy, to be sure, and the "administrative state" would continue to be in tension with American constitutionalism.[8] But the New Deal was "conservative" insofar as there was no centralized government planning of the economy nor any reordering of society that displaced private property, capitalism, and democratic consent. President Franklin

Roosevelt made the basic point: "The true conservative seeks to protect the system of private property and free enterprise by correcting such injustices and inequalities as arise from it. The most serious threat to our institutions comes from those who refuse to face the need for change. Liberalism becomes the protection for the far-sighted conservative."[9] It was this fundamental conservativism of the New Deal that so thoroughly perturbed later New Left critics who wanted more radical change.[10]

Having rejected a centrally planned economy for regulated capitalism with a social safety net, the conservatism of the New Deal was further expressed in the now-familiar idea of the "broker state." According to this interpretation, government would facilitate a system of countervailing powers and then mediate among society's major interest groups, especially business, labor, and agriculture, to fashion policy accords that were mutually acceptable though rarely ideal. A leading historian described the broker state as "arguably one of the most significant political developments of the New Deal era."[11] Roosevelt himself prefigured it, announcing that "the economic life of the country, representing as it does diversified population and interests, can best be brought into harmony through wise and judicious and temperate national leadership through the government at Washington." No major group could be preferred or neglected at the expense of another without imperiling the whole. The New Deal would be "devoted to the task of giving practical force and the necessary legislative form to the great central fact of contemporary American life, viz., the interdependence of all factions, sections, and interests of this great country."[12] Accordingly, from an early point the concept and increasingly the terminology of the broker state were used to describe the New Deal template of politics.[13] It has endured among scholars as the most widespread and useful way to describe the modern American state's way of building serviceable if imperfect public policy from the roiling politics of interest group competition.[14] New groups were brought into the dynamic of bargaining and compromise, and others were more forcefully limited and regulated. But government still had the traditional task of composing the inevitable clash

of interests with as much reason and comity as circumstances allowed. In this sense the New Deal reflected the pluralism, diversity, and contestation that had always characterized the American polity—which it did not remake and did not attempt to.[15]

The "New Conservative" Intellectual Accommodation with the New Deal

The conservatism of the New Deal as a fiscal-compensatory and broker state is the appropriate context for examining how and why some "new conservative" thinkers of the late 1940s and 1950s could accept it. The New Conservatives, as they were called at the time, were a loosely affiliated group of scholars, journalists, and intellectuals who were self-consciously striving to articulate a viable version of conservatism at mid-century.[16] Their accommodation of the New Deal did not diminish their condemnation of communism or opposition to statist regimentation. But they also rejected any conception of conservatism that was beholden to the nineteenth-century's laissez-faire, "nightwatchman" idea of the state. In their view, that position had been outmoded by modern industrial society, the Great Depression, and the New Deal. Thus the new conservatives rejected the libertarianism of figures such as Albert Jay Nock and Friedrich von Hayek, as well as the Republican Old Guard as represented by Robert A. Taft. Still, by no means were they heirs to American progressive liberalism or philosophical pragmatism of the kind associated with Woodrow Wilson and John Dewey. Rather, they were trying to define a religiously grounded conservatism that could accept constitutional change within the established American system.

Francis Graham Wilson

Wilson was one of the most incisive writers in this milieu who addressed both the nature of conservatism and constitutional issues, though the latter rarely in a technical or legalistic mode.[17] Understanding his view of political life in general and conservatism more particularly will clarify how his constitutional vision could accommodate the New Deal. Wilson was a Catholic and conversant

with the church's social teaching. He also frequently adverted to Edmund Burke and Aristotle in articulating his bedrock position: Any recognizable conservatism in the Western tradition must be rooted in a morality outside of human will that put justice above material self-interest.[18] He is perhaps best described as a moral realist and anti-materialist thinker. His formulations of this position varied, some being quite specific and others more general. A pointed one was that "the conservative has been generally a Christian and he has taken his theism seriously." A broader one insisted on a "moral order" as "one of the oldest products of Western society" that could be expressed as Catholic "natural law," Protestant "moral order," and Jewish "divine justice."[19] Yet another version stated that conservatism rested on "some kind of Aristotelian-Christian theory of the social nature of man and the society in which he may live." Its central precepts were that "we can know real things and essential structures; that there is a free spiritual principle in man; that God exists and is providential; and that there is a universal moral law."[20] Human beings were imperfect, and their rational and social nature required a moral community that accounted for all its members while accepting that government could not make them equal. Moreover, prudent political action was more likely in the present if informed by the patterns of political possibility and impossibility revealed through historical inquiry. That inquiry, said Wilson, had fairly well established that limited government and private property were necessary for social stability and human liberty.[21]

Burke's revulsion against the anti-religious and destructive utopianism of the French Revolution was the beginning of modern conservatism. He had defended the wisdom of the past and the propriety of moderate reform against the abstraction and militant immediacy of revolution, producing what Wilson called "one of the great summaries of the Christian and classical idea of distributive justice."[22] Wilson emphasized that Burke-influenced conservatism was not mere traditionalism but instead that it accepted change as inevitable and that people must negotiate it according to their circumstance and inheritance. "Burke was trying to say, I think,

that while we must live with history, while we cannot escape its impact on us, we can also live there with enthusiasm and with loyalty to the historical community of which we are a part." The aim was to realize "the possibility of the good life in a moving, changing, and evolving historical context."[23]

These philosophical foundations informed Wilson's more specific delineation of conservatism and ultimately his judgment of the New Deal. Building on Burke, a crucial theme was prudent and moderate adaptation to inevitable change. "Conservatism is not necessarily a defense of the *status quo*; in no case could it be a defense of everything as it is, but it is a defense of primary elements in the social structure, with concessions made on secondary problems."[24] Nor was conservatism a "clearcut and fixed program of action or inaction"; rather, it was a "philosophy of social evolution, in which certain lasting values are defended within the framework of the tension of political conflict." As a "way of life" and "a manner of judging life," it could be regarded as "a theory of change." Understood in this way, "conservatism must adapt itself to the necessities of the time, and it must fight its battles on a broken front."[25] Wilson was clearly no reactionary standpatter pining for a lost world. He knew that "change is the law of life." The massive dislocations of the mid-twentieth century could not be wished away even as conservatives strove to preserve the best of what had been handed on from the past. In another formulation, then, conservatism was "an eternal demand for political moderation, and for evolving continuity."[26] It required the ancient virtue of "political prudence" that yielded "an adjustment to the times." In America conservatism was "never simply a defense of things as they are, for at the height it seeks to blend the fading past and the emerging future into an imaginative present."[27]

Wilson's nuanced treatment of property and political economy affirmed that in the context of industrial capitalism, they must be further regulated. Conservatives were "defenders of property, private property, before they are defenders of capitalism or a particular system of the manufacture and distribution of goods. Capitalism is a late comer, while property in many forms is an

ancient institution."[28] He utterly rejected the equation of conservatism with the laissez-faire philosophy advocated by some nineteenth-century liberals, which anyway had never actually characterized the widespread involvement of American government in the economy. Conservatism as support of "the moral tradition of the people" had sadly gone off the rails to become "to an unfortunate extent, the defense of the capitalist economy that was built on the older ideas of property and individual responsibility" during the period from Reconstruction until 1929. This historically contingent conflation Wilson lamented as a philosophically mistaken understanding of what conservatism actually was.[29]

His thought on this topic was rooted in his Catholic perspective. Adverting to the papal encyclicals *Rerum Novarum* and *Quadragesimo Anno*, he noted "the right of the worker to own property, to have a living wage, the right to form unions, to have a voice in the conduct of the economy, and in general a right to all those conditions which offer security to the family as an institution." Ultimately the structure of political economy was to be adjusted to the ends it served: "[T]he form of the economic system is thus not as important as the objectives that any ordered social life is designed to secure." This view was in keeping with Wilson's overall understanding of conservatism as a combination of continuity and change. "In Catholic thought the new policies for the new day arise from the older and permanent moral values in the Christian order itself; as they arise from the past and are a continuation of the past, they are conservative; as they involve many changes in the present economic system of human relationships, they are either liberal or revolutionary as one may wish to interpret them."[30] Philosophically speaking, then, a "correction of the abuses of industrialism is a problem different from the moral defense of property." While property as an institution was necessary in any recognizable form of conservatism, the time had come to realize that "property can be preserved only by reforms in the centralized, urban-industrial complex of modern society."[31] Conservatives who accepted the inevitability of change knew that "the defense of free enterprise capitalism and opposition to economic planning" need not suppose

that "our capitalistic system must remain unchanged or that it cannot be made more democratic and more responsive to the needs of the consumer and the worker."[32]

On this understanding of conservatism, property, and political economy, Wilson directly affirmed and accommodated the New Deal. As early as 1936 he observed that "a generous policy as to social legislation" was "one of the characteristics of the present age" despite the Supreme Court's initial invalidation of the first New Deal. The field was increasingly open to "compromise" now that "the abuses of modern industrialism became apparent."[33] Wilson praised Roosevelt's third inaugural address, with its appeals to the mind, body, and life of a nation meeting the fraught present and uncertain future. Roosevelt's expression of "organic nationalism" emphasized the community, responsibility, and morality that linked Americans across generations—there was a democratic national identity that could bring citizens together without being authoritarian or revolutionary. Roosevelt offered "a doctrine of conservative nationalism. There is authority, legitimate authority, in the nation because of the moral contribution it makes to the life of each citizen." His leadership articulated the nation's capacity to respond concertedly to the economic crisis, rejecting both fascism and socialism as beyond American norms, while still recognizing that change was needed. "The morality of a national society expresses itself in unified will—a unification which may be far beyond the conventional principle of federal decentralization embodied in the old but remodeled Constitution."[34]

Wilson thus saw the New Deal as a responsible evolution of governance in circumstances that required more solicitude for the poor and the working class. This judgment also reflected his understanding of constitutionalism. This form of government accepted change because it was designed to manage inevitable political conflict. Clashing interests were encompassed and balanced in order to foster a politics of moderation and compromise. To this end, the separation of powers in the American Constitution had gained much from the older "mixed" constitution without relying on monarchy or aristocracy. The Constitution was a "continuation

of the Aristotelian argument that a good society is balanced between extremes of rich and poor and between the extremes of democratic and oligarchical techniques of government." The "ideal of balance, of mixture in the Constitution" made it so that, as John Adams put it, "no one interest or group might run away with the state." A constitution "that is balanced between different social groups, regions, or interests" resulted in "political decision [that] is essentially a compromise between" them.[35] The founders knew that the endurance of any government depended on "whether the inevitable stridence of conviction is moderated by compromise under the rule of law." Therefore the Constitution sought "balance and equilibrium in the process of politics."[36]

As one might expect, this emphasis on balance was further reflected in Wilson's analysis of *Federalist* No. 10. Quoting Publius's claim that modern legislation "involves the spirit of party and faction in the necessary operations of government," Wilson observed that "the balance of interests is primarily a matter of republican policy; it is a positive principle of good government."[37] The theory of faction went a long way in enabling "a Constitution that was flexible enough to meet the crises of the capitalistic era."[38] In words that clearly linked this understanding of American constitutionalism with the economic issues and the need for change raised by the New Deal, Wilson wrote that "the framers would never admit that economic interest governed politics; rather, the whole Constitutional effort is a tribute to the belief that political action can direct the course of economic experience. If they accepted conflict over property, the idea of classes and groups, they believed that class struggle might be controlled by a wise political system of Constitutional equilibrium."[39]

The New Deal was thus a constitutional rebalancing. As such, it accorded with "the long-run conservative tradition" of holding "that government must represent the total body of social interests."[40] The economic strife of the 1930s required conservatives to give a better answer when "asked what the state should do" in regard to those at the bottom who were suffering. In the present situation, "the abuses of industrial society must be constantly in the

minds of those who frame legislation." Rebalancing to avoid revolutionary upheaval and the destruction of Western civilization required prudent reform on behalf of workers and the poor. "The conservative today knows that the causes of crisis run deep, and that profound changes in economic arrangements must be attained if the critical time is to be surmounted."[41] Put even more pointedly, "neither the intellectual nor the worker must be devalued and alienated from his social world." The time had come to accept that "the burning ego of those who exploit must be restrained in so far as the politics of the possible says it can be done."[42]

Wilson subsequently judged that American constitutionalism's capacity for balance had secured the middle class from the depredations of aristocracy and mass democracy, and therefore American civilization had successfully adapted to the massive economic dislocations of the twentieth century.[43] Writing in 1949, he saw the New Deal "positive state" as having saved capitalism from the "debacle of the American economy" and believed that neither Roosevelt nor Truman had ever intended anything more radical.[44] Of course, matters of political economy would always be debatable, but "the regulatory activities of the government that had become traditional were not subject to post-war attack, such as the prosecution of monopoly and the prevention of unfair business practices. In this sense, a large part of the legislation called 'New Deal' was not objected to."[45] The New Deal was a response to the new reality that urban, industrial-technical society had produced economic and cultural dislocations that often overawed individuals.[46] During this major shift "American capitalistic conservatism forgot that national achievement must be based on a balance of the permanent social forces in society." With that mistake now remedied, the New Deal rebalancing reflected "the re-evaluation of industrialism" that was "clearly one of the central issues of modern thought."[47]

While Wilson accepted the New Deal as a necessary constitutional adjustment, he was no progressive liberal on matters of political economy. He consistently warned against collectivist economic planning, bureaucratic centralization, deficit spending and its concomitant inflation, and any displacement of private

enterprise or market competition by government monopoly.[48] But the broader imperative was for conservatives to adapt to changed circumstances. As he wrote on one occasion, it was proper for the national government to "appropriate money to save homes, especially in self-liquidating projects, and it will appropriate money to save communities, and at times other than in disaster. Thus it is not 'creeping' socialism if the government keeps up its end of honest obligations."[49] Accordingly, the Republican Party need not imitate the Democrats but instead should "formulate a program of its own that offers some hope of increased security for the masses of the people and the avoidance of economic crisis." Such a "reasoned defense of moderate reform" was the way forward.[50] And on the long view it was fully consistent with Wilson's understanding of Christian ethics and conservatism in the Western tradition. The "defense of the moral order," inherited from the "Jewish, Roman, and Christian tradition, is the only answer we have today to the corrosive doctrine of the class struggle."[51] At mid-century the project of moderate reform could avoid revolutionary upheaval and constitutional decay, staying true to the conservative political attitude that "strives to balance stability and order against doctrinaire progress and careless reform."[52]

This conception of constitutionalism as balance, moderation, and compromise also guided Wilson's evaluation of the dawning New Deal "administrative state." The challenges of industrial society meant that "the modern state has serious tasks to perform and that an efficient administrative system is advisable." But Wilson insisted that adjustment must be within the constitutional system.[53] Consequently, he attacked progressive reformers who wanted to junk the Constitution in favor of a parliamentary system. Such proposals often were "a phase of an argument for a new set of socioeconomic policies, the adoption of which our present system seems to retard."[54] America's presidential, separation of powers system was capable of accommodating the expansion of executive power that accompanied the administrative state, as it had for other purposes in earlier eras, and the nation should rely on the established system's crucial capacity to induce "interaction, conflict,

cooperation, and compromise between executive leadership and congressional determination."[55]

The proper, constitutionally sound way to keep "the growing bureaucracy" from "escap[ing] the ultimate control of the people" was to balance its power via reform of the procedure and structure of Congress. A "vital and reorganized Congress" could better check the executive and direct administrators without giving up "the unifying force that inhered in the Presidential office. We should want trust in representative institutions, as well as a vital civil service under the control of popularly elected representatives."[56] Accordingly, Wilson analyzed and affirmed the congressional debates preceding the Legislative Reorganization Act of 1946, particularly the LaFollette–Monroney Report that served as its basis. The act is commonly recognized as Congress's most thorough attempt to alter its own method and structure to counterbalance the administrative state.[57] It significantly reduced the number of standing committees and made their subject matter largely the same for both chambers. Each committee's formal jurisdiction was clarified. And crucially, committees were organized to correspond to the policy areas of administrative agencies so that the committees could "exercise continuous watchfulness of the execution by the administrative agencies" of the powers delegated to them and could monitor their use of public funds.[58] There was also authorization for hiring more expert and clerical staff, plus augmentation of the Legislative Reference Service in the Library of Congress so that committees were not dependent on the knowledge, data, and perspective of the agencies they were supervising. Wilson acknowledged and welcomed these reforms, concluding that "the labors of Congress to reorganize itself to control the sprawling national administrative system" were a "serious effort to restore the energy of representative government."[59] The trend toward administrative centralization could not be wholly prevented, and Wilson judged that "most Americans would agree that many civil servants are needed." But conservatives must keep bureaucracy within the discipline of the nation's constitutional principles, and particularly within the control of Congress, because "most Americans likewise

would agree that, in so far as officials are responsible to the elected policy makers, there can be little or no danger from bureaucracy."[60] Here Wilson correctly saw in the intricacies of post–New Deal congressional reorganization the basic constitutional imperative of keeping the administrative state democratically accountable as it undertook complex demands of governance in the new era. As with other aspects of his analysis, his conservative evolutionary realism accepted that some institutional adaptation was needed, while his constitutional conservatism required that it be kept within the fundamentals of the established American system.

Peter Viereck

Viereck participated actively in the political debates of the 1950s, eventually clashing with William F. Buckley Jr. and *National Review* because they supported Joseph McCarthy while Viereck condemned him, and more generally about what American conservatism should be. He rejected their conservatism as a "rootless nostalgia for roots." It was insufficiently grounded in the American historical experience and too materialistic—and thus too willing to abandon the work of humanistic cultural preservation for short-term political gain.[61] After attacking the presidential candidacy of Barry Goldwater in 1964, and Russell Kirk for endorsing Goldwater, Viereck withdrew from debates about conservative politics. These developments are covered adequately in the episodic but never quite extinguished scholarly notice Viereck has received.[62] What has received far less attention is the present focus on how his conservatism accepted the New Deal and argued that any viable version must do so.

We begin with Viereck's basic philosophic conception of conservatism and constitutionalism and then consider how his emphasis on evolution, balance, and moderation yielded an endorsement of the New Deal. Viereck's poetic imagination and keen sense of the tragic appreciated the flawed and fallen nature of human beings. He often described conservatism as "based on a political secularization of original sin."[63] The conservative "distrusts human nature" and insists that it "must be restrained by the ethical

traffic lights of traditionalism."[64] The conservative connection to religion could be a "credo to believe literally or as a framework historically available," and Viereck was never particularly sectarian about it. He variously affirmed "'the west' as a Greek-Roman-Jewish-Christian amalgam" and held that "Protestant, Catholic, or Jew: for the humanistic conservative these variations, whose differences should not be minimized, are yet within the same ethical and historical framework."[65] Consequently, he described himself as a "value-conserving classical humanist." Though he did not claim to know their origin in either nature or the divine, he did "deeply believe that values and the Christian ethics not only are innate and universal but are the most important and most distinguishing characteristic of man. Man must prevent their being relativized, pragmatized, and semanticized away."[66]

The horrors of the twentieth century, particularly the mass movements leading to totalitarianism, proved to Viereck the danger of romantic or theory-driven attempts to deny or remake human nature. Now the proper role of the intellectual was to help Western society conserve and recreate its ethical basis against the challenges of industrialism, materialism, relativism, and totalitarianism. Viereck was thus an elitist who affirmed the need for a responsible aristocracy of intellect and morals (not of property and wealth). Elites should restrain democratic impulsivity while also accepting responsibility both for preserving ethics and for guiding reforms on behalf of social cohesion and stability. Although Viereck the poet and aristocratic intellectual yearned to retreat to the privacy of his study, at such a dangerous time his duty was to defend "the publicly embattled right to have a private life."[67] His historical models were figures such as Edmund Burke, Clemens von Metternich, Benjamin Disraeli, and Winston Churchill. He treated them as aristocratic conservative reformers: They all saw wisdom and justice in policies that averted strife by aiding and sustaining a decent life for workers and the common people.

Accordingly, Viereck's conservatism was in the "evolutionary moderate spirit."[68] The true conservative "evolves change peacefully and gradually from above instead of by unhistorical haste or

by mob methods from below." To this effect he was fond of quoting Metternich: "Stability is not immobility," as well as Burke: "a state without the means of some change is without the means of its conservation."[69] Indeed, the Burkean understanding of evolutionary change and prudent reform was always prominent in Viereck's thought. Of the last-quoted statement he wrote that it "best expressed [Burke's] most lasting achievement: the synthesis of conservatism with evolution."[70] Further, Burke's dictum that "a disposition to preserve and an ability to improve, taken together, would be my standard of a statesman" remained for Viereck "the perfect definition of the evolutionary kind of conservative." The goal, again in Burke's words, as quoted in Viereck, was "at once to preserve and to reform."[71] Viereck sought to conserve the spiritual and ethical heritage of the West so that art, philosophy, and aristocratic individualism did not succumb to greedy materialism, value relativism, or anti-political totalitarianism. Human beings could not be remade nor society perfected, but improvement and decency were possible. "Gradual, limited reform can indeed be accomplished . . . [and] humane reforms can be achieved and urgently ought to be, despite the resistance of reactionaries (a resistance as doctrinaire as progressivism). We must build what society we can out of what clay we have."[72]

Given these views, balance and moderation were also consistent themes in Viereck's understanding of conservatism. "The conservative is by definition moderate in all things," he wrote.[73] Since conservatism was not an ideological system but a humble orientation toward human limitation and fallibility, he described it as "a way of living, of balancing and harmonizing; it is not science but art. Conservatism is the art of listening to the way history grows."[74] Preserving the best of Western civilization, while discarding its errors and crimes, required discrimination, judgment, and restraint so that extremes were eschewed in favor of moderate change. Balancing change with preservation maintained what was essential. "The conservative principles *par excellence* are proportion and measure; self-expression through self-restraint; preservation through reform; humanism and classical balance; a fruitful

nostalgia for the permanent beneath the flux; and a fruitful obsession for unbroken historic continuity."[75]

One thing America had to conserve and build on was the Constitution, and especially its ability to moderate political extremes. Viereck found much to admire in America's "Burkean founding fathers" and the "Conservation of 1776." Americans had demanded not a utopia founded on a priori abstractions but the restoration of the rights of Englishmen.[76] "Our conservative Constitution" further reflected the belief that democratic opinion must be limited and moderated by representative and aristocratic-tending institutions. Checks on popular will promoted reflective and reasonable governance and a mostly traditional set of civil liberties against the state. While believing in a natural aristocracy of intellect and talent, the American founders eschewed a hereditary aristocracy or a president for life with an absolute veto. Similarly, property was to be protected, but plutocracy was decidedly rejected. The rich and well-born could not be relied on to govern for the common good any more than could the changeable will of the democratic majority.[77] Viereck's hope was that the Supreme Court and the Constitution could hold conflicting elements of society in some decent and moderate balance along the lines suggested in *Federalist* No. 10.[78]

Viereck ruthlessly criticized the "cash-nexus Old Guard" of the Republican Party for preferring its own greedy self-interest to balance and social cohesion,[79] but he also understood that constitutional balance required restraints on democratic popular opinion. The modern era of mass society and totalitarianism made it plain that "democracy is housebroken, is tolerant, humane, civil libertarian, only after being filtered, traditionalized, constitutionalized through indirect representation."[80] It was consistent with his analysis that the Senate's censure of McCarthy and the Supreme Court's decision in *Brown v. Board of Education*, both of which he approved, were issued by two of the nation's most undemocratic institutions.[81] Both the Senate and the COURT had thankfully found the courage and the resources within the constitutional

system to achieve necessary and humane results, counterbalancing the power of demagogues and bigots.

It was from this understanding of conservatism and the Constitution, oriented around evolution, moderation, and balance, that Viereck confronted questions of political economy, and ultimately the New Deal. As one might expect from his general approach, he did not address the minutiae of constitutional law and jurisprudence but rather assessed the place of the New Deal in the history of American society and governance. There had arrived a new "legitimism," a concept that Viereck defined as "history engendered lawfulness"—that is, the "same capacity for assimilating new social changes" that Burke had defined as "the means of conservation." In mid-century America this new legitimism was "the parliamentary, constitutional method of change plus the community feeling, not expressible in precise economic abstractions of either capitalism or socialism, that humane reform take precedence over *laissez faire*."[82] A constitutionally self-governing people could and should make the appropriate adjustment. Americans should appreciate that industrialization was a "young force, a post-1789 force, a force still unpatterned and experimental." It should not be allowed to displace the millennia of Western heritage with its "raw material energies," but rather it should be subordinated "to the old, legitimizing pattern of the Christian-Judaic ethic." If this challenge were properly met, the "new legitimism of a more deeply-rooted, ethic-centered west can transcend the false choice between plutocratic and Marxist materialism."[83]

Viereck argued that the New Deal had indeed achieved this stabilizing balance between unbridled capitalism and statist domination. It was a conservative, anti-revolutionary development that preserved capitalism while also absorbing the discontent of the poor and better incorporating them into the polity. "Roosevelt's thrashing of Old Guard businessmen, before they could provoke the country into class-war, saved them from themselves and doubled their dividends." At the same time, the economically underprivileged workers, farmers, share-croppers, African Americans, and unemployed veterans were diverted "away from

revolutionary extremes by giving them a real stake in America. For the first time they felt that America was also *their* country."[84] The Depression did not produce a revolution because the American masses let "the New Deal canalize their grievances back into the old, middleclass, parliamentary framework."[85] Labor unions, too, had the conservative effect of keeping workers' political action within the existing system (and by fostering a sense of community among themselves). Grievances were channeled into nonrevolutionary and now routine contractual bargaining. Now an established and legitimate part of the political order, unions reflected "the need for a basic humane minimum of living standards; and the fact that you keep the industrial worker conservative, in contrast with the European failure, only by sharing with him a fair stake in the status quo."[86]

Paraphrasing Burke, then, Viereck predicted that 1933, like 1688 in England, would be remembered not as a revolution made but as "a revolution averted."[87] The New Deal had "achieved the stabilizing, antiradical miracle of convincing the potentially radical masses" that capitalism could be reformed in a way that improved their lives, and it had done so while preserving constitutional government.[88] Viereck urged conservatives to recognize that the New Deal had become rooted—now it was an achievement to be conserved because it was so widely and thoroughly accepted as salutary and necessary. The Burkean who "builds on the concrete existing historical base" was the "real American conserver [who] assimilates into conservatism whatever he finds lasting and good in liberalism and in the New Deal."[89] Those who railed against its economic regulation and humane meliorism typically did so at the level of rhetorical generality. "Not one of them would think of specifically demanding abolition of such cushionings of the capitalist system as federal deposit insurance, the Securities and Exchange Commission, old age pensions, or the laws (long antedating That Man) against child labor. These laws are accepted almost unanimously by Americans of both parties, including most businessmen."[90] It was wiser and more realistic to accept that such reforms were compatible with the longer ethical tradition of the West.

"Far from being Marxist or revolutionary or leftist or a monopoly of liberals, a compassionate and humane approach to economic suffering is the logical outgrowth of the oldest Christian, Jewish, and Hellenic ethics."[91]

The New Deal never received a simpleminded or total endorsement from Viereck. He pointed out that communists had indeed infiltrated it to some limited extent, though with little effect.[92] He rejected the constitutional overreach of the court-packing plan, the New Deal's tendency toward "direct democracy," and its "sometimes excessive statism."[93] He often warned that there was a statist "line" or "margin" beyond which "welfare laws are inflated into a welfare superstate," alternatively describing it as the "line beyond which liberty is sacrificed to security," thus reaching "the margin of diminishing returns for humanitarianism."[94] The key point was that "liberty is allergic to too much concentrated central power, whether socialist or plutocratic."[95] The freedom of the industrial worker would not be secured through "a bureaucracy that creates a slave state in the name of his economic security."[96] Viereck concluded that new conservatives such as he "refus[ed] to see the New Deal as black or white." What America needed at mid-century, rather, was "a government both accepting the New Deal and pruning, purifying it."[97]

The situation called for balance and moderation, not too liberal overreach or too conservative retrenchment. At the time, Adlai Stevenson seemed to Viereck best able to lead this effort, though he later regarded that view as an overestimation.[98] He also thought it could be led by Eisenhower if he could steer the Republican Party to the political center by marginalizing its anti–New Deal right wing. After the Civil War a materialistic and irresponsible plutocracy had hijacked the party in the name of a false conservatism that should be permanently consigned to the dustbin of history. The task for Eisenhower Republicans was to "educate their party further into canalizing the material forces of commerce within the bounds of Christian ethics."[99] Viereck here advocated a politics of "centrism" and the "middle road" in which Stevenson Democrats and Eisenhower Republicans could stave off the

extreme wings of each party. In doing so he and they accepted that the New Deal had reset the spectrum of American politics at the "balanced center."[100] However, "candid and grateful admission of this New Deal historical achievement" should be tempered by keeping it within the "statist margin." "Clipping the wings of Big Government, Big Labor, and Big Business" was the "balanced role [that] ought to become the historic mission of Eisenhower Republicanism." The way forward required the party to break from the "creeping anarchism" of the laissez-faire Old Guard while blocking the "'creeping socialism'" of the "neo–New Dealers and the blueprint intoxicated statists."[101]

The Eisenhower Administration's Practical Accommodation with the New Deal

The new conservatives' intellectual accommodation with the New Deal was practically applied, and for similar reasons, in the governing philosophy of the Eisenhower administration and in the principles and leadership style of the president himself. Detailed histories of these subjects are readily available, of course, but the point here is briefly to underscore, for the first time, how the basic posture of the first Republican administration elected since 1928 sealed and legitimated the New Deal along lines similar to those of Wilson and Viereck. Like them, Eisenhower's thought and action reflected a focus on both religious ethics and moderation, with somewhat less distinct attention to balance and compromise.

To be sure, the principles that informed practice were surrounded by a concrete political context with its own influence. Public opinion and electoral dynamics compelled some level of practical accommodation with the New Deal even as Eisenhower retained traditional Republican suspicions of federal power, government paternalism, and deficit spending.[102] An extensive empirical study of voting behavior and public opinion during this period found that the Democratic Party remained a national majority even as the Republican Party began to shed some its association with economic depression and subservience to business interests. This gradual shift and Eisenhower's victories were linked to the

"willingness of the Eisenhower Administration to embrace most of the reforms of the New Deal."[103] Still, the Republican majority in Congress in 1952 was fleeting and very thin (221-to-214 in the House; 49-to-47 in the Senate). Both chambers were lost to the Democrats in 1954 and thereafter for the rest of Eisenhower's presidency. His legislative agenda had to be moderate enough to garner the Democratic votes it frequently needed to pass.[104] Eisenhower did not redefine the Republican Party or make it into a national majority, but his presidency did acknowledge political reality by accepting that the basics of the New Deal would not be reversed.[105]

Scholars have noted that culture and public life in the age of Eisenhower were permeated with religiosity and that the president saw spiritual faith, prayer, and religious ethics as central both to the nation's heritage and to its endurance.[106] His statements to this effect are amply documented. As he put it on one occasion, "[I]nsistence upon individual freedom springs from unshakeable conviction in the dignity of man, a belief—a religious belief—that through the possession of a soul he is endowed with certain rights that are his not by the sufferance of others, but by reason of his very existence."[107] He similarly understood the system of government created by the American founders: "You can't explain free government in any other terms than religious. The founding fathers had to refer to the Creator in order to make their revolutionary experiment make sense."[108] Eisenhower's religion informed his understanding of the times and his political judgment. He continually bemoaned materialism and greed, urging Americans to attend to matters of the spirit for their own sake and that of the nation.[109]

These beliefs were relevant not only to the Cold War (America confronting the "godless" and materialist communists) but also to the administration's approach to domestic politics. In a highly revealing letter to a long-time correspondent, Eisenhower connected his religious views to the role of the post–New Deal state. It was quite true, he wrote, that not everything could be reduced to the "materialistic," and therefore "the very fact that man is a spiritual thing makes it impossible for any durable

governmental system to ignore hordes of people who through no fault of their own suddenly find themselves poverty stricken, and far from being able to maintain their families at decent levels, cannot even find sustenance." Society had changed and so must the responsibilities of government. "Mass production has wrought great things in the world, but it has created social problems that cannot be possibly met under ideas that were probably logical and sufficient in 1800."[110]

It was this ultimately religiously grounded view of government in the new age that Eisenhower wanted the Republican Party to accept. "It is idle to say that the Federal Government can be as standoffish" to the affairs of states and localities as it was "100 years ago. Life has gotten more complicated." The Republican Party, with Abraham Lincoln, would always stand for individual liberty and limited government, but in the new era "we must never be a party that is indifferent to the sufferings of a great community where, through some unusual cause, people are out of work, where people can't educate their own children, where through any kind of disaster, natural or economic, people are suffering."[111] Eisenhower was genuinely concerned that continued centralization and bureaucratic intervention in the economy might bring paternalism and perhaps even socialism, but the New Deal had created a new baseline that must now be accepted. As he put it bluntly in an often-quoted letter to his brother Edgar, "Should any political party attempt to abolish Social Security, unemployment insurance, and eliminate labor laws and farm programs, you would not hear of that party again in our political history."[112]

This view was not simply about short-term electoral politics. Similar to themes analyzed above, Eisenhower described his efforts as steering a "middle way" between conservatives who thought the New Deal could be rolled back and liberals who thought it could be endlessly elaborated. The path of moderation was a compromise between these views. To do so required that major components of society—business, labor, agriculture—be incentivized and sometimes required to cooperate for the common good above their short-term or merely selfish interests. Thus was

the logic of the broker state central to the politics of the "middle way." Eisenhower's hope was for a moderate "modern republicanism" that accepted the basic template of the New Deal.[113]

While Eisenhower's authentic faith and his commitment to prayer are well established, religion was also important in the nuts-and-bolts politics of the middle way. He cultivated religious groups, sent letters and representatives to their meetings and sometimes spoke at them, and invited clergy (including his friend Billy Graham) to the White House to advise him. He also appointed a special assistant for religious affairs.[114] Eisenhower's administration had a particularly close relationship with the National Council of Churches (NCC), and its economic policy branch, the Department of the Church and Economic Life (DCEL), which was created in 1950. The council was the nation's largest Protestant ecumenical organization and represented denominations numbering about thirty-five million people. Its membership included many business leaders and Republican moderates with close ties to the Eisenhower administration. Heir to the early twentieth century Social Gospel tradition, it was generally liberal on matters of political economy. An important recent study concludes that the purpose of the DCEL was to "issue pronouncements declaring the welfare state an authentic outgrowth of Protestant social teachings." This position was designed to discredit "the Republican right while simultaneously creating the appearance, at least, of a broad-based Protestant consensus in favor of preserving the core of the New Deal."[115] The DCEL put out a statement titled "Christian Principles and Assumptions for Economic Life" that defended the federal government's commitment to social security and specific action on behalf of the poor while rebutting the notion that such a position necessarily premised class struggle or led to communism. It also published a book series, cultivated press coverage, and instituted "Labor Sunday" annual messages to advance its position. Eisenhower spoke to the NCC general board meeting in 1953, and several of his top advisers also spoke at other NCC meetings. There is evidence that the organization's themes found their way into Eisenhower's speeches and that he circulated NCC policy

documents to his staff.[116] In functional terms, the Eisenhower administration's relationship with the NCC helped it as the "accommodationist," moderate component of the Republican Party to isolate the "intransigent" Old Guard and entrench the fundamental achievements of the New Deal. The NCC enabled the moderates who accepted the New Deal to recast it, not in terms of class struggle or punishment of the wealthy, but in the religiously inflected terms of morality and human dignity. This strategy was very much in keeping with Eisenhower's politics of the middle way.[117]

Eisenhower's own understanding and practice of political leadership also reflected these themes. Study of this subject has focused on Eisenhower as a "hidden hand" leader who orchestrated affairs and subordinates behind the scenes, often by indirection, to preserve his own reputation for statesmanship and his room for future maneuver.[118] Within this overall approach, the political virtue of prudence guided his attempts to judiciously balance competing imperatives. He was willing to accommodate, persuade, and compromise to achieve what he regarded as moderate and realistic outcomes.[119] His private letters plainly conveyed this approach. Leadership should aim to bring "diversities together in a common purpose." It consisted "largely in making progress through compromise."[120] He described one of the overall goals of his presidency as helping "our people understand that they must avoid extremes in reaching solutions to the social, economic and political problems that are constantly with us."[121] A focus on balancing and reconciling the conflicting components of American politics, especially the American cultural dispensation toward both morality and consumerism, was central to Eisenhower's leadership and a major reason for his success.[122]

Principle and policy intertwined as Eisenhower's presidency accommodated the New Deal, ratifying its permanence and even adding to it in some instances. Perhaps most fundamental was acceptance of the basic Keynesian proposition that government must facilitate a growth economy and act to stabilize it during recession, incurring budget deficits if need be, to avoid mass unemployment. This view was put into practice without massive

new spending or tax cuts in the recessions of 1953–1954 and 1957–1958.[123] The administration's famous creation and funding of the interstate highway system also was inspired in part by Keynesian logic.[124] Additionally, while Eisenhower strove for a balanced budget and reduced spending as much as possible, he insisted on a defense policy reorientation and cuts in defense spending to protect domestic social spending. He was similarly unwilling to cut high corporate and progressive personal taxes before the nation's books were closer to balance, and he also agreed to an increase in the national debt ceiling. In sum, there was no attempt to abandon the basic path established in the 1930s. However much the administration was criticized from both the Left and the Right, its actions were "part of the evolving spectrum of Keynesian policies that dominated the economic thought and practice of the 1950s and that represented a continuation of policies first adopted during the New Deal era."[125]

The New Deal as the new baseline was clear in a speech Eisenhower gave about revisions to the tax code and the duty of citizens to pay their share: "We want to improve and expand our social security program. We want a broader and stronger system of unemployment insurance. We want more and better homes for our people. We want to do away with slums in our cities. We want to foster a much improved health program. We want a better and a lasting farm program, with better reclamation and conservation. We want an improved Taft–Hartley Act to protect workers and employers."[126] Not all these things came to fruition or were funded at the level Eisenhower proposed, but most would not have been supported by a Republican president before the New Deal. When subsequently confronting criticism for overspending, he replied that citizens wanted and expected services "that have now become accepted in our civilization as normal, that is the provision of social security, unemployment insurance, health research by the Government, assistance where States and individuals are unable to do things for themselves," and, he added, addressing "this schoolroom shortage that we have."[127]

Other well-known accomplishments on the New Deal model included Eisenhower's signing into law the creation of the Department of Health, Education, and Welfare (HEW; 1953), which included among other offices the administration of the Social Security system. The inclusion of HEW in the cabinet was in part testimony to the widespread popularity of Social Security and confirmation that it would endure. Indeed, the next year Eisenhower signed a law that expanded its coverage to millions more people, including many self-employed and significantly more agricultural and domestic workers than previously. It also created a new benefit for the disabled.[128] Eisenhower's middle way clearly accepted that there would be no "rollback" of New Deal social "safety net" programs.[129]

There are numerous other examples of how Eisenhower both accepted the rudiments of the New Deal and opposed what he regarded as any overly statist extension. Two notable policy failures are illustrative. Both he and Robert A. Taft thought the Taft–Hartley Act (1947) had proved overly harsh toward labor. Eisenhower advocated changes to the act and his administration proposed several over the years, but none came to fruition. The issue was a difficult one for Eisenhower and the Republicans, pitting moderates like him against the business constituency who insisted on retaining the act's provision for some state-level control via "right to work" laws. While this gap was not bridged and reforms failed, the point to be emphasized here is that throughout this episode, and indeed his entire administration, Eisenhower never doubted the legitimacy of labor unions, the right to collective bargaining, and the legality of strikes. As he put it in a campaign speech before the American Federation of Labor in 1952, "Only a handful of unreconstructed reactionaries harbor the ugly thought of breaking unions. Only a fool would try to deprive working men and working women of the right to join the union of their choice. [Moreover] the right of men to [strike] is a test of freedom. . . . There are some things worse, much worse than strikes—and one of them is the loss of freedom."[130] Basic New Deal protections for labor unions were no longer up for discussion.

In a different episode, Eisenhower supported a government-backed plan of reinsurance to prompt private companies to expand health insurance coverage, but it too failed. His remarks on the incident are a fitting expression of his political sensibility as a realistic but conservative reformer amid the world the New Deal had made. Angered when intense resistance from the American Medical Association helped defeat the plan, he exclaimed, "How in the hell is the American Medical Association going to stop socialized medicine if they oppose such bills as this[?]"[131] Eisenhower's middle way accepted and consolidated the New Deal while still casting a wary eye on its expansion.

Nevertheless, Eisenhower's "modern Republican" attempt to move the party decisively to the moderate center failed insofar as it prompted the revolt of conservatives led by Barry Goldwater and William F. Buckley Jr.[132] But moderates were not eliminated, nor were conservative visions of undoing the New Deal electorally viable, as Goldwater's defeat in 1964 illustrated. Eisenhower's moderation and fiscal restraint did give way to a conservatism both more strident and more tolerant of deficits and debt, but even the supposed "revolution" of Ronald Reagan never took aim at the New Deal. As recent scholarship has made plain, Reagan admired and supported much of it (and Roosevelt) and regularly compromised with political opponents in order to govern.[133] To be sure, a noticeable minority of conservatives and Republicans still rejected the Eisenhower administration's reconciliation with the New Deal when he left office in 1961, but just as surely such a position was unrealistic by the time Reagan left office in 1989. The New Deal had reset the spectrum of American constitutionalism in this fundamental way.

But for how long? It remains to be seen whether the second Trump administration will go so far as to undo the New Deal settlement first accommodated by Wilson and Viereck, the Eisenhower administration, and then the mainstream of the Republican Party for at least the past half century. If reform of unaccountable bureaucracies and punishment of waste, fraud, and abuse become attacks on, say, Social Security, federal farm subsidies, or the

Securities and Exchange Commission, we might see just how much political purchase the New Deal still has.

Conclusion

Religiously informed concern about how the state might act to improve the lives of poor and working-class people is a notable aspect of contemporary American conservatism, which has thus reapproached the New Deal after having rejected it for so long. But today's New Right, or "common good conservatives," also have rejected or sought somehow to displace the Constitution. Historical perspective reveals that two earlier "new conservatives," Francis Graham Wilson and Peter Viereck, managed to validate both the New Deal and American constitutionalism. Their thought was grounded in religion and an evolutionary conception of politics and constitutional change, which in turn enabled them to see the New Deal as a moderate adaptation that rebalanced the constitutional system by better accounting for the needs of workers and the poor. This understanding was practically applied in the Eisenhower administration's acceptance of the New Deal as the new baseline of American governance. Contemporary conservatives who want to move beyond the Constitution should reconsider these earlier thinkers and political actors. They showed that the New Deal was compatible with not only the Western ethical heritage but also the Constitution. Then as now, these things can be reconciled to reinvigorate the regulatory discipline and humane meliorism so needed in our own time.

Notes

1. Sohrab Ahmari, *Tyranny, Inc.: How Private Power Crushed American Liberty* (Forum, 2023), 147–48, 153–58, 183, 197; reviewed by John J. DiIulio Jr., "The Case for a Second New Deal," *Claremont Review of Books* 24 (Winter 2023–24): 20–22.
2. Adrian Vermeule, *Common Good Constitutionalism* (Polity Press, 2022); Brian Fraga, "'New Right Academics Argue for Biblical Lawmaking," *National Catholic Reporter*, Oct. 28–Nov. 10, 2022, 5 (first quote). Vermeule spoke on a conference panel with the title "The Wisdom of the New Deal Tradition"; Brooke Masters, "Adrian

Vermeule's Legal Theories Illuminate a Growing Rift Among US Conservatives," *Financial Times Magazine*, Oct. 14, 2022, 8, www.ft.com (second and third quotes).

3. Patrick Deneen, *Regime Change: Toward a Postliberal Future* (Sentinel, 2023), xiv; Richard M. Reinsch, "Zombie Deneenism," Law & Liberty, June 28, 2023, www.lawliberty.org; R. R. Reno, "Deneen's New Deal," *First Things*, Aug/Sep 2023, 53–56, quote at 55.
4. Adrian Vermeule, "Beyond Originalism," *The Atlantic*, March 31, 2020, https://www.theatlantic.com/ideas/archive/2020/03/common-good-constitutionalism/609037/; Patrick Deneen, *Why Liberalism Failed* (Yale University Press, 2018), 18.
5. Deneen, *Regime Change*, chap. 6; Vermeule, *Common Good*, 38.
6. Barry Cushman, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution* (Oxford University Press, 1998), convinced most historians that the shift in the Supreme Court's jurisprudence was more of an evolutionary change than a sharp break.
7. In 1934 Walter Lippmann suggested the distinction between the government's role in a "directed" economy versus a "compensated" economy. See Arthur M. Schlesinger Jr., *The Age of Roosevelt: The Politics of Upheaval* (Houghton Mifflin, 1960), 399–400. This theme was prominent in the work of Alan Brinkley, "The New Deal and the Idea of the State," in *The Rise and Fall of the New Deal Order, 1930-1960,* ed. Steve Fraser and Gary Gerstle (Princeton University Press, 1989), 85–121; Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (Vintage/Random House, 1996), 265–71. It remains widely accepted.
8. Joseph Postell, *Bureaucracy in America: The Administrative State's Challenge to Constitutional Government* (University of Missouri Press, 2017).
9. "The Opening of the 1936 Presidential Campaign," September 29, 1936, in Samuel I. Rosenman, comp., *The Public Papers and Addresses of Franklin Delano Roosevelt* (Random House, 1938), 5:389.
10. See, e.g., Barton J. Bernstein, "The New Deal: The Conservative Achievements of Liberal Reform," in *Towards A New Past: Dissenting Essays in American History*, ed. Barton J. Bernstein (Random House, 1968), 263–88.
11. Alan Brinkley, *Liberalism and Its Discontents* (Harvard University Press, 1998), 127.
12. Franklin D. Roosevelt, "The Election—an Interpretation," *Liberty*, December 10, 1932, 6–9, quotations at 7, 8.

13. John Chamberlain, *The American Stakes* (Lippincott, 1940), 28–33; James MacGregor Burns, *Roosevelt: The Lion and the Fox* (Harcourt Brace 1956), 191, 192–93, 196–98. Burns often conflates the concept with Roosevelt himself.
14. John Braeman, "The New Deal and the 'Broker State': A Review of the Recent Scholarly Literature," *Business History Review* 46 (1972): 409–29; Otis L. Graham Jr., "The Broker State," *Wilson Quarterly* 8 (1984): 86–97; Anthony J. Badger, *The New Deal: The Depression Years, 1933–40*, paper ed. (Ivan R. Dee, 2002; orig. pub. 1989), 2, 4, 310; Ken Kersch, *American Political Thought: An Invitation* (Polity Press, 2021), 142.
15. The constraints and limitations on the New Deal are similarly considered in Brian Stipelman, *That Broader Definition of Liberty: The Theory and Practice of the New Deal* (Lexington, 2012), 287–302.
16. Ronald G. Lora, *Conservative Minds in America* (Rand McNally, 1971), 177, 254–56, provides a list of new conservatives and a bibliography, and briefly treats Viereck at 185–91. Viereck and Wilson are also treated briefly in George H. Nash, *The Conservative Intellectual Movement in America Since 1945* (ISI Books, 1996; orig. pub. 1976), 58–60, 67, 68, 71, 142, 212, 234, with a bibliography at 361–62n118.
17. Francis Graham Wilson, *Political Philosophy and Cultural Renewal: Collected Essays*, ed. H. Lee Cheek Jr., M. Susan Power, and Kathy B. Cheek (Transaction Press, 2001); Francis Graham Wilson, *The Case for Conservatism* (Greenwood, 1969; orig. pub. 1951).
18. Wilson, *Case*, 12; Wilson, *Political Philosophy*, 96.
19. Wilson, *Political Philosophy*, 100; Wilson, *Case*, 17–18.
20. Francis G. Wilson, "The Anatomy of Conservatives," *Ethics* 70, no. 4 (1960): 265–81, 272.
21. Wilson, *Case*, 12. See also Wilson, "Anatomy," 269–70.
22. Wilson, *Political Philosophy*, 97–99, quote at 99. See also ibid., 34.
23. Wilson, *Case*, 5.
24. Wilson, *Political Philosophy*, 77.
25. Wilson, *Case*, 2, 3.
26. Francis Graham Wilson, *The American Political Mind: A Textbook in Political Theory* (McGraw-Hill, 1949), 495; Wilson, *Case*, 48.
27. Wilson, *Case*, 51.
28. Wilson, "Anatomy," 270. See also Wilson, *Case*, 12.
29. Wilson, *Case*, 23; Wilson, *Political Philosophy*, 80, 115, 217; Wilson, *Political Mind*, 346–70, quote at 346.
30. Wilson, *Political Mind*, 488. See also Wilson, *Political Philosophy*, 71.
31. Wilson, *Case*, 23.

32. Wilson, *Political Mind*, 478.
33. Francis Graham Wilson, *The Elements of Modern Politics: An Introduction to Political Science* (McGraw-Hill, 1936), 677, 678 (quotes).
34. Wilson, *Political Philosophy*, 46.
35. Wilson, *Case*, 7, 21.
36. Wilson, *Political Mind*, 144 (quote), 145.
37. Francis G. Wilson, "The Mixed Constitution and the Separation of Powers," *Southwestern Social Science Quarterly* 15 (1934): 14–28, 24. See also, Wilson, *Political Philosophy*, 62; Wilson, *Political Mind*, 140.
38. Wilson, *Political Mind*, 142. This statement is followed by a long quotation from *Federalist* No. 10 on faction.
39. Wilson, *Political Mind*, 124–25.
40. Wilson, *Case*, 18–19. See also ibid., 41.
41. Wilson, *Political* Philosophy, 102; Wilson, *Case*, 48, 47.
42. Wilson, "Anatomy," 273.
43. Wilson, *Political Mind*, 433, 145.
44. Wilson, *Political Mind*, 431 (quote), 475.
45. Wilson, *Political Mind*, 476.
46. Wilson, *Case*, 71.
47. Wilson, *Case*, 55. See also Wilson, *Political Philosophy*, 109–111.
48. Wilson, *Political Mind*, 474–76; Wilson, *Case*, 24; Wilson, "Anatomy," 279. See also Francis G. Wilson, "What Is a Conservative American Economy?," *Current Economic Comment* 18 (1956): 23–32.
49. Wilson, "American Economy," 25.
50. Wilson, *Case*, 33.
51. Wilson, *Case*, 19.
52. Wilson, *Case*, 23.
53. Francis G. Wilson, "Public Policy in Constitutional Reform," *Review of Politics* 7, no. 1 (1945): 58–73, 71.
54. Wilson, "Public Policy," 64.
55. Wilson, "Public Policy," 66–67.
56. Wilson, "Public Policy," 73.
57. An excellent recent treatment is Joseph Postell, "The Decision of 1946: The Legislative Reorganization Act and the Administrative Procedure Act," *George Mason Law Review* 28 (2021): 609–41.
58. Legislative Reorganization Act of 1946, Pub. L. 79-601, 60 Stat. 812, sec. 136.
59. Wilson, *Political Mind*, 481.
60. Wilson, *Political Mind*, 483.

61. Peter Viereck, *Unadjusted Man in the Age of Overadjustment* (Transaction Press 2004; orig. pub. 1956), 97–108.
62. Among the most extensive studies are Claes Ryn, "Peter Viereck: Unadjusted Man of Ideas," *Political Science Reviewer* 7 (1977): 325–66, which Ryn built on in several subsequent works; Earl Sheridan, "The Classical Conservatism of Peter Viereck," *Southeastern Political Review* 23, no. 1 (1995): 101–17; Robert J. Lacey, *Pragmatic Conservatism: Edmund Burke and His American Heirs* (Palgrave Macmillan, 2016), 157–95. See also Tom Reiss, "The First Conservative," *The New Yorker*, Oct. 4, 2005, 38–47; Jason Willick, "A Center That Can Hold," *National Affairs* 36 (2018): 156–67.
63. Peter Viereck, *Conservatism Revisited: The Revolt Against Ideology* (Transaction Press, 2005; orig. pub. 1949), 146.
64. Peter Viereck, *Shame and Glory of the Intellectuals* (Beacon Press, 1953), 9.
65. Peter Viereck, *Conservative Thinkers: From John Adams to Winston Churchill* (Transaction Press, 2006; orig. pub. 1956), 16; Viereck, *Revisited*, 71, 80.
66. Viereck, *Shame*, 12, 39.
67. Viereck, *Unadjusted*, xxix.
68. Viereck, *Thinkers*, xii.
69. Viereck, *Revisited*, 74, 66.
70. Viereck, *Thinkers*, 29–30.
71. Viereck, *Thinkers*, 27–28.
72. Viereck, *Unadjusted*, 304.
73. Viereck, *Revisited*, 75.
74. Viereck, *Revisited*, 153.
75. Viereck, *Revisited*, 70. These themes are well treated in Lacey, *Burke*, esp. 158, 160, 163, 165, 176, 179, 184.
76. Viereck, *Thinkers*, 87.
77. Viereck, *Thinkers*, 90–94, quote at 90.
78. Viereck, *Thinkers*, 92; Viereck, *Shame*, 219.
79. Viereck, *Unadjusted*, 90.
80. Viereck, *Unadjusted*, 134.
81. Viereck, *Unadjusted*, 145–51, 136.
82. Viereck, *Unadjusted*, 81.
83. Viereck, *Unadjusted*, 87, 88.
84. Viereck, *Unadjusted*, 235 (emphasis in original).
85. Viereck, *Unadjusted*, 232.

86. Peter Viereck, "The Aristocratic Origins of American Freedom," *Southwest Review* 37, no. 4 (Autumn 1952): 331–34, 333 (quote); Viereck, *Shame*, 121–22; Viereck, *Unadjusted*, 85–86, 247.
87. Viereck, *Unadjusted*, 235.
88. Viereck, *Shame*, 274. "The Disraeli–Roosevelt build-up of worker movements (Tory democracy or even Tory socialism) is a wise counter-balance against the social irresponsibility of daemonic millionaire shopkeepers." Viereck, *Unadjusted*, 86–87.
89. Viereck, *Unadjusted*, 101.
90. Peter Viereck, "Will America Prove Marx Right?," *Antioch Review* 12, no. 3 (Autumn 1952): 329–37, 330. Much but not all of this article was incorporated into Viereck, *Shame*. See also, Viereck, *Shame*, 11, 8.
91. Viereck, *Shame*, 260.
92. Viereck, *Shame*, 271–74.
93. Viereck, *Unadjusted*, 236.
94. Viereck, *Revisited*, 75; Viereck, *Shame*, 260.
95. Viereck, *Unadjusted*, 94.
96. Viereck, *Shame*, 257. See also Viereck, *Shame*, 265, 275.
97. Viereck, *Unadjusted*, 236.
98. Viereck, *Unadjusted*, xxi.
99. Viereck, *Unadjusted*, 236–37, 118–26, quote at 123.
100. Viereck, *Unadjusted*, 246–54, quote at 254; Viereck, *Shame*, 278 (last quote).
101. Viereck, *Shame*, 274–75.
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