

Barack Obama's current war powers can be traced back to the time of FDR

*In September, a great deal of the debate over the potential for U.S. intervention in Syria centered on President Barack Obama's ability to take action without consulting Congress. While many argued that this consultation was necessary, modern presidencies have been characterised by a lack of constraints where national security is concerned. **Richard Moe** traces the President's current war powers back to the re-election of President Franklin D. Roosevelt for a third term in 1940. He writes that FDR's leadership at the onset of World War II led to an expansion of the President's war powers that continued for the following seven decades.*



Earlier this year, Barack Obama became the first president in recent memory to propose limiting the powers of his office when he called for reigning in the use of drones. "Unless we discipline our thinking, our definitions, our actions," he [said on 23 May 2013](#) referring to the expanded authority of the presidency after 9/11, "we may be drawn into more wars we don't need to fight, or continue to grant presidents unbound powers more suited for traditional armed conflicts."

Virtually every president since the Second World War has vigorously protected the executive powers he inherited, and several sought to expand those powers further. The net result is a modern presidency with few constraints built into it when national security is involved. Chief executives have come to employ American power abroad on their own initiative so frequently, particularly in the age of terrorism, that it has become disturbingly commonplace.

This development was effectively given birth on 5 November 1940, when President Franklin D. Roosevelt was elected to an unprecedented third term. The actions he took immediately before and after that election planted the seeds of the national security state we have become today. At a time when our headlines are dominated by the NSC, the CIA, the NSA, and the myriad alphabet agencies that constitute our national security infrastructure, it's hard to imagine a time when they didn't exist. It's even harder to imagine a time when they didn't seem necessary.



President Roosevelt signing the Burke-Wadsworth Conscription Act. September 16, 1940. Credit: FDR Presidential Library & Museum (Creative Commons BY NC SA)

By 1939 Roosevelt had long planned to retire to his beloved Hyde Park when his second term ended in January 1941. He was tired, broke, and the New Deal had run its course. Much as he loved being president, he believed his place in history was assured; it was time to go home.

All that changed in September 1939, of course, when Adolf Hitler invaded Poland, causing Great Britain and France to declare war on Germany. FDR became convinced that if those countries fell, the war would come to the

Americas. So, despite rampant isolationism in the country, he persuaded Congress to amend the Neutrality Act and made it his top priority to get them everything they needed “short of war.” The rest is well known: In May 1940 Hitler unleashed the new military art of blitzkrieg and conquered virtually all of continental Europe, including France. Only Britain remained in his path, but most believed that its days too were numbered.

FDR couldn't find another Democrat who supported his policies and whom he believed could be elected. Concluding he was best qualified to steer the country through this crisis, Roosevelt allowed himself to be “drafted,” which is to say he decided to run.

Although the consummate politician doing all he could to win a tough and hard fought race, FDR never forgot why he was running: he was preparing America for the war he knew was coming. In August 1940, three months before the election, he supported the first peacetime draft in American history and, without seeking congressional approval, he sent fifty aging but desperately needed destroyers to Britain in exchange for naval bases in the Caribbean. Both measures were hugely controversial and involved significant political risk.

He used his election victory as a mandate to persuade Congress to enact Lend-Lease, which gave the president extraordinary powers to send aid to Britain and other allies. His opponents said he was becoming a dictator.

The combination of these actions led directly to changes in the presidency itself and especially to the tools available to it. Until FDR made Harry Hopkins his de facto national security advisor in 1941, he had no White House staff to assist him; not until after the war would a formal National Security Council be created. Roosevelt had no formal intelligence apparatus on which to rely; his information from abroad was largely ad hoc, not infrequently provided by friends and former Harvard classmates returning from Europe. The president today has a loose collection of intelligence organizations too numerous and complicated for most people to understand.

The leadership Roosevelt exhibited in 1940 and early 1941 succeeded in piercing the veil of isolationism that had defined the country's foreign policy since its earliest days. Thereafter the United States would be seriously engaged in the affairs of the world, perhaps never more so than in recent years. The neo-isolationists in the Congress today are but a faint echo of those who sought to thwart Roosevelt's efforts to aid Britain.

After the 1940 election the American electorate would view the presidency very differently, and use expanded criteria in evaluating candidates. The question that year was which candidate was best qualified to protect the American people; polls showed that voters answered it decisively in FDR's favor.

Elections matter and the election of 1940 matters still for its profound effect in shaping the internationalist nation we have become. But after nearly three quarters of a century it is time, as President Obama suggested, that we consider disciplining “our thinking, our definitions, our actions” with some thoughtful and measured restraint.

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Richard Moe was chief of staff to Vice President Walter Mondale and a senior advisor to President Jimmy Carter from 1977 to 1981. His new book is [Roosevelt's Second Act: The Election of 1940 and the Politics of War](#), published by Oxford University Press.

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