

The History of the Twentieth Century
Episode 310
“A Switch in Time”
Transcript

[music: Fanfare]

I see one-third of a nation ill-housed, ill-clad, ill-nourished. It is not in despair that I paint you that picture. I paint it for you in hope—because the Nation, seeing and understanding the injustice in it, proposes to paint it out...

The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

Franklin Delano Roosevelt, Second Inaugural Address.

Welcome to *The History of the Twentieth Century*.

[music: Opening Theme]

Episode 310. A Switch in Time.

The last time we considered Franklin Roosevelt and American politics was in episode 297, when we took note of Roosevelt’s historic re-election and his remarkable popularity. He was sworn into office for his second term on January 20, 1937, making him both the last President to be sworn in under the old timetable and the first to be sworn in under the new.

Roosevelt’s first term in office had been nothing short of revolutionary, and the America of 1937 was different in many ways from the America that had sworn in Roosevelt not quite four years earlier. America had changed, and American government was radically different, operating in ways never seen before.

There was one part of the American government, however, that was not radically different. One part that had hardly changed at all. I am referring to the United States Supreme Court.

The Supreme Court that attended Roosevelt’s second inaugural was exactly the same nine men who had sat on the day of Roosevelt’s first inaugural. Let’s review, shall we?

The Court's senior Justice, 77-year-old Willis Van Devanter, had been appointed by William Howard Taft, back in 1911. Woodrow Wilson had appointed the 74-year-old James McReynolds and the 80-year-old Louis Brandeis. Warren Harding had appointed the 79-year-old George Sutherland and the 75-year-old Pierce Butler. Calvin Coolidge had appointed the 64-year-old Harlan Stone, and Herbert Hoover had appointed the Chief Justice, 74-year-old Charles Evans Hughes, as well as the 66-year-old Benjamin Cardozo and Owen Roberts, who, at the tender age of 61, was the baby of the Court.

No vacancies had emerged in the Supreme Court during Roosevelt's first term, making him the first President to go a full term without making an appointment to the Court since James Monroe, 115 years ago.

And that was a problem, for Roosevelt, his Administration, and the New Deal. The Supreme Court had on six occasions found New Deal legislation unconstitutional. There were three legal principles the Court applied at this time that greatly restricted the power of the US Federal government to impose economic regulation, and all three were constitutionally dubious. One was the *Lochner* decision, now over 30 years old, which held that regulation over employee wages and hours was unconstitutional, on the grounds that it violated the constitutional freedom of contract, although "freedom of contract" is nowhere mentioned in the Constitution.

Second was a line of cases from the 19th century limiting the scope of the Constitution's Commerce Clause. That clause specifically authorizes Congress to regulate interstate commerce, but the Court had held that the Commerce Clause did not permit regulation concerning the internal operation of individual factories or farms, because, according to the Court, this had only an "indirect effect" on interstate commerce, a distinction again found nowhere in the text of the Constitution.

Third was the so-called "non-delegation doctrine," which holds that powers granted to Congress by the Constitution could not be re-delegated by Congress to the Executive branch. This one is a particularly vague concept, supported by exactly no language in the Constitution itself, yet the Court has already used it twice to limit Roosevelt's authority under New Deal legislation.

Four of the oldest and most conservative Justices were the most hostile to the New Deal: Van Devanter, McReynolds, Sutherland, and Butler. Newspaper reporters of the time dubbed them "The Four Horsemen," a reference to the vengeful supernatural figures described in the Christian Book of Revelation. Against them were three liberal Justices dubbed "The Three Musketeers," Brandeis, Stone, and Cardozo. Chief Justice Hughes and Justice Roberts were somewhere in the middle, though Roberts frequently voted along with the Four Horsemen.

You can easily discern here the outline of the complaint Roosevelt and his supporters had against the Supreme Court. The election results in 1932, 1934, and 1936 represented a clear mandate from the American people for radical change in the policies of the national government. Yet a Supreme Court, made up entirely of judges appointed before those elections were held is

blocking the changes the public demanded, relying on dubious legal doctrines with no clear constitutional basis. So yeah, that's a problem.

The Supreme Court of this era is often remembered as particularly hidebound and reactionary. There is some truth to this picture, but in some ways this Court was more broadminded than it is usually given credit for. For example, this is the Supreme Court that first ruled that the First Amendment applied to the states and blocked state actions against newspapers in Minnesota as well as an Oregon law prohibiting Communists from distributing literature and a California law making it a crime to fly a red flag. And this was the same Supreme Court that in 1932 overturned the convictions of the Scottsboro Boys, a group of nine African-American teenagers convicted of raping two white women in Alabama, on the grounds that their trials had been rushed and they had not had effective legal representation. That was a landmark case in its time.

It also has to be said that some of the early New Deal legislation, especially during the Hundred Days, was drafted in haste and sloppily. A court is more likely to uphold a law with clear language and defined limits than one that is vaguely worded and potentially subject to abuse.

The question first came up in 1935, when the Court was considering gold clauses. You may recall I mentioned before in episode 283 that it was customary at the time for many kinds of contracts to contain language permitting a party to demand payment in gold. Congress had passed a law voiding such clauses, and the Supreme Court was reviewing the law. Roosevelt held a meeting in the White House with some of his advisers to explore their options should the Court rule against the government.

The possibility of amending the Constitution to broaden the Commerce Clause was considered, but abandoned as too difficult. Then one of those in the room, Robert Jackson, pointed out that a similar problem had faced the Administration of Ulysses Grant in 1870. Back then, Congress simply created two new seats on the Supreme Court. Grant filled them, and the new Justices duly voted the way Congress and the Administration had wanted.

The US Constitution does not specify the number of Justices on the Supreme Court. That is set by statute, and can be changed by statute, and had in fact been changed by statute seven times in US history, including situations when the change was blatantly political, as in 1870. Roosevelt was intrigued and asked his Attorney General, Homer Cummings, to look into it.

Cummings returned with a proposal that was found in the archives of the Justice Department. Since the Constitution guarantees Federal judges lifetime appointments, a proposal was drawn up to allow the President, in any case where a Federal judge was more than 70 years old and had served for more than ten years, to appoint another judge, in order to insure there were enough judges young enough and with active enough minds, to discharge the duties of a Federal court.

Roosevelt loved the idea, not least because it would allow him immediately to appoint some 50 Federal judges, including six to the Supreme Court, instantly expanding that body from nine to

fifteen. And best of all, this proposal that had been collecting dust in the Justice Department archives had originally been drawn up in 1913, during the Wilson Administration, by none other than the person who was then Wilson's Attorney General and was now Justice James McReynolds, one of the Justices most hostile to the New Deal.

Roosevelt unveiled the plan publicly just two weeks after his second inaugural. The beauty of it was that the proposal was nonpartisan on its face. Roosevelt presented it not as a rebuke to a Supreme Court that was out of step with the American public, but as a remedy for a court system that had become slow and inefficient, owing to the ages of the judges.

This framing didn't fool anyone. In hindsight, it might have been more effective for Roosevelt to come out and say what was really on his mind, rather than presenting an argument based on the supposed slowness and inefficiency of the Federal courts.

Even the Democrats in Congress viewed Roosevelt's court plan with distaste. In the House, Majority Leader Sam Rayburn refused to back the proposal. The House Judiciary Committee refused to consider it. That meant the Senate would have to step forward. In the Senate, the Majority Leader, Arkansas Senator Joe Robinson did not approve of the plan, though he felt bound by his position to support the President. Some Senators spoke in favor of the plan, including Alabama Senator Hugo Black, one of Roosevelt's most ardent supporters. On the other hand, Progressive Senator Hiram Johnson of California opposed it, as did Montana Democrat Burton Wheeler, one of Roosevelt's earliest political supporters.

The press was hostile to the plan. Newspaper editorials compared it to what was going on in Nazi Germany, where Hitler was not so much imposing a new system of government on Germany as he was merely bending the existing one to his will by filling all important positions in the government with Nazi loyalists. Wasn't Roosevelt doing the same thing? Members of Congress found their constituent mail running heavily against the Roosevelt plan.

The Senate Judiciary Committee held hearings on the plan in March, and Burton Wheeler dropped a bombshell: a seven-page letter from Chief Justice Hughes opposing the plan. This was the first time since the early days of the Republic that a Chief Justice had spoken on a question before Congress. In the letter, which Wheeler read aloud, Hughes argued that there was no congestion of cases in the Supreme Court's calendar, and that adding more Justices would slow down, not speed up the Court's work. He criticized New Deal legislation for being poorly drafted and Administration representatives for presenting weak arguments. And although the Chief Justice drafted the letter, it was cosigned by two of the Court's most senior members, Van Devanter, one of the Administration's most consistent opponents, and Brandeis, one of its staunchest supporters.

A week later, in a major decision, the Court upheld a state minimum wage law in Washington by a vote of 5-4, despite that fact that it had overturned a similar law in New York just months earlier by the same 5-4 margin. And not only upheld the law, but explicitly overruled the line of

cases dating back to *Lochner* that had barred government regulation of hours and wages. Eight Justices had voted the same way both times; the switch came from Owen Roberts, who moved from the conservative column to the liberal column and in that one move had undermined most of what was left of Roosevelt's argument. Newspaper reporters quickly dubbed Roberts' change of heart as "the switch in time that saved nine."

Two weeks later, the Court upheld the National Labor Relations Act, one of the most radical pieces of New Deal legislation, overruling the line of cases that had limited the Commerce Clause. That was a 5-4 decision made possible by the vote of Chief Justice Hughes. Soon after that, the Court upheld the Social Security Act, this time by a vote of 7-2.

In May, the Senate Judiciary Committee voted against the court plan, 10-8, and that same day, Justice Van Devanter submitted his resignation, giving Roosevelt his first opportunity to make a Supreme Court appointment.

Roosevelt, however, was not satisfied with any of these developments and insisted on pushing the plan anyway. Perhaps after his run of successes he had begun to doubt that he could lose. In the Senate, Majority Leader Robinson soldiered on with what was increasingly looking like a lost cause until he died suddenly of heart failure in July, at the age of 64. Robinson was respected by his colleagues in the Senate, and it was hard not to think that the pressure put on him by Roosevelt to fight for a judicial plan he didn't himself believe in had something to do with his untimely death. A few days later, the full Senate rejected the Roosevelt bill by a vote of 20-70, an astonishing defeat in so lopsided a Senate.

Roosevelt would appoint Hugo Black to succeed Van Devanter, and would appoint two more Justices in the following year. Ultimately, he would appoint eight Justices during his term of office.

This story from US politics is often told as a cautionary tale about messing with the Supreme Court, a warning that the American public supports and respects the Supreme Court and looks askance on any politician, even a popular one, who seeks to influence it.

That's probably too broad a reading of this story. Roosevelt's key mistake here was not in proposing a change to the Federal judiciary; it was in how he did it. He proposed an oblique and convoluted reform that was supposedly about the ages of the Justices, when everyone knew what was really bothering him. As I said, an honest, frontal attack on the real problem—a Court out of step with the country—might have been better received. And even worse, he refused to back down even after it became clear there was no enthusiasm for the plan even among fellow Democrats in Congress, and even after the Supreme Court itself changed course.

Whether the Supreme Court overruled its own precedents for lofty, principled reasons, or because, as Finlay Peter Dunne once said, it follows the election returns, is something historians still debate, but either way, the shrewder move for Roosevelt would have been to accept the olive

branch the Supreme Court was offering and meet them halfway by dropping the proposal. Instead, he chose to go all-or-nothing, and took a stinging public defeat. It was a rare political misstep from an adroit politician accustomed to getting his own way. Until now.

[music: *Those Crazy Cats.*]

In the spring of 1937, US industrial output caught up to where it had been in 1929. The Dow Jones Industrial Average, which had bottomed out at 34 in 1933, was at 190. Unemployment was down to 12%, well below the peak. I should note that US unemployment statistics at this time counted people working in public programs, like the WPA or the Civilian Conservation Corps, as unemployed. The actual percentage of American workers who had no work whatsoever was under 5%.

Back in the 1932 Presidential campaign, Roosevelt had campaigned on a balanced budget. One of his first acts on taking office was to push through a cut in government spending. He'd always justified the big New Deal programs on the grounds that they were temporary expenditures to deal with a national emergency. By spring 1937, Roosevelt was ready to declare the national emergency over, and revert to his earlier advocacy of a balanced budget. His 1937 budget proposal cut the deficit by 40%, with projections of an even larger cut in 1938, and a balanced budget by 1939.

At the same time, organized labor was feeling its oats after passage of the National Labor Relations Act. The year 1937 saw a spike in strikes and other labor actions. American labor unions took on two of the largest and most anti-union industrial companies in the country: United States Steel and General Motors. In both cases, the strategy was the same. These companies were the biggest in their respective fields, but they had competitors ready and willing to swoop in on their market share when the big companies were sidelined by strikes.

The United Autoworkers Union, UAW, shut down GM for seven weeks in 1937, while its competitors, Ford and Chrysler, ramped up their own production to take advantage of the sudden shortfall. Chrysler went even further, voluntarily agreeing to recognize the UAW as the bargaining agent for its own workers, sidestepping a potential strike against its own plants.

After a seven-week stalemate, Roosevelt personally telephoned GM president William Knudsen at the behest of his Labor Secretary, Frances Perkins, to encourage Knudsen to negotiate with the UAW. Roosevelt generally felt he should stay neutral in labor disputes, but agreed to the phone call in this instance, thinking it would facilitate an end to the strike by giving Knudsen a face-saving way out. It did; GM agreed to recognize the UAW.

US Steel, seeing the handwriting on the wall, also agreed to its first labor contract, with the United Steelworkers Union. On the other hand, smaller steel companies like Republic and Bethlehem, continued to resist unionization. The result was a summer of violent labor

confrontations in which led to some two dozen deaths, mostly of strikers, and many more injured.

The public was sympathetic to the strikers at first, but after months of conflict and violence and a slowing economy, public opinion began to shift. Even good-natured Franklin Roosevelt, when asked his feelings about America's labor strife at the end of June, gave an uncharacteristically grumpy answer, "A plague on both your houses," he said, quoting Mercutio's dying words from *Romeo and Juliet*.

That there would be a spike in labor actions after passage of the National Labor Relations Act was inevitable and understandable. But this, along with Roosevelt's budget cuts, plus the new Social Security taxes drawing money out of the economy, put the fragile economic recovery into a tailspin. In October, the stock market had its worst day since the Great Crash. The Dow was down to 115. By early 1938, four million jobs had disappeared, erasing a significant part of the New Deal economic recovery.

Roosevelt's reaction to this bad economic news was at first positively Hooverian. He insisted that it was all a temporary setback, and that all the situation called for was a little patience. His advisors ran out of patience by spring of 1938 and began pressing him to reinvigorate the shrinking New Deal programs. Finally in April, after the press was beginning to talk of the "Roosevelt recession," the President changed course again, calling on Congress for nearly \$2.5 billion in new spending on the WPA, the PWA, and a few other programs.

The combination of Roosevelt's Supreme Court proposal, and his insistence on pushing it even after getting most of what he wanted, and then an economic slowdown caused at least in part by Roosevelt's premature push for a balanced budget, were two serious political injuries, all the worse because they were self inflicted. Roosevelt seemed to be losing his magic touch.

Next he further compounded these mistakes with an ill-conceived plan to punish those Democrats who had failed to rally to his side during the debate over his court plan. In the 1938 mid-terms, he would personally intervene in a number of Democratic primaries in an effort to unseat Democrats who had been disloyal and replace them with committed New Dealers. This political offensive backfired. The campaign to replace conservative Democrats largely failed, and in the general election, the Republican Party, which had been so marginalized some were speculating it would disappear, came charging back. Republicans picked up 81 seats in the House of Representatives and 8 in the Senate, and after the midterms Roosevelt was left with a substantial bloc of resentful members of his own Party no longer willing to follow wherever he chose to lead them. There would be no more radical domestic legislation; no Third New Deal.

From now on, Franklin Roosevelt would be an ordinary President, no longer commanding historic majorities, nor leading them into uncharted waters. "New Dealer" and "Democrat" were no longer synonyms. There were still New Deal Democrats, but they were no longer the entire Democratic Party, just a faction within it.

And Roosevelt was now a lame duck President. His campaign manager and Postmaster General, James Farley, began sounding out support for his own run for President in 1940. So did Vice President Garner. The prospect of either of them becoming Party leader made New Dealers nervous. Neither of them was likely to be as bold as Roosevelt, and the New Deal Democrats began casting about for their own leader.

This is where I want to leave the story of Franklin Roosevelt's Presidency for today, with the 1940 Presidential elections on the horizon and the domestic American political situation confused. You and I know something is about to happen that will shake up this picture, but we'll save that tale for a future episode.

But before I leave you today, I want to say a word about the status of African Americans during the Roosevelt era. It's a mixed picture. Some New Deal programs, like the WPA and the CCC employed African Americans, others, like Federal housing programs, discriminated against would-be African-American homebuyers. Roosevelt revoked the segregation in Federal employment that Woodrow Wilson had begun, but proposed nothing in the way of new civil rights laws.

Like Wilson, Roosevelt faced the political reality that white Southerners were an important constituency of the Democratic Party and they opposed any move toward equal treatment of African Americans. Programs like the WPA were condemned by some Southern Democrats as an insidious plot to undermine segregation in the South by stealth. Famously, Roosevelt told NAACP Secretary Walter White, "I did not choose the tools with which I must work," referring to Southern Democratic leaders in Congress.

It wasn't just that Southern states and districts elected conservative, pro-segregation Democrats. Once they were elected, they frequently held their seats for decades. This mattered because Congress used a seniority system to decide who got the leadership positions, who got the committee chairs. So when the New Deal tidal wave filled Congress with Democrats, the people who rode the wave into these powerful positions were typically those conservative, pro-segregation Democrats, who were at best uneasy allies of the New Deal, and the first ones to complain about even mild efforts to push back against segregation by, say, having the WPA offer the same wage rate to African-American workers as it did to white workers.

And then there was the subject of lynchings. We've talked about these before on the podcast. I'm speaking of extrajudicial torture and murder of African Americans accused of crimes, sometimes on the flimsiest of evidence, outside of the courts or the law. Since state law enforcement couldn't—or more often simply wouldn't—prosecute the perpetrators of lynchings, there's been talk of a Federal anti-lynching law since the beginning of the century, mostly advocated by Republicans, although no such law was ever enacted, even when Republicans held a wide majority in Congress.

When Roosevelt became President, New York Senator Robert Wagner, the same Robert Wagner who pushed the National Labor Relations Act, introduced an anti-lynching bill in the Senate in 1934, and again in 1937. And although 83 African Americans were murdered by lynching in the first five years of his Presidency, Franklin Roosevelt took no position on the bill.

In December 1936, a grocer in the Mississippi hamlet of Duck Hill, population 2,700, was shot and killed and his grocery store ransacked. About \$300 was stolen, which was serious money in the impoverished community. No one witnessed the crime. The county sheriff began an investigation, which focused exclusively on African Americans, even though there was no evidence as to the race of the perpetrator. Four months later, in April 1937, the sheriff arrested two young African-American men named Roosevelt Townes and Robert McDaniels and charged them with the crime. No evidence was made public linking either of them to the crime, though Townes allegedly confessed when he was arrested.

Both pleaded not guilty at their arraignment, but immediately afterward a mob seized them as sheriff's deputies were escorting them out of the courthouse and drove them to a wooded area a few miles away. There the two men were stripped to their waists, chained to trees, and tortured with blowtorches until they confessed to the murder, and to a number of other unsolved crimes in the region. Then they were both shot and killed.

No one was ever charged in these kidnapping-murders. As was typical in these cases, the local sheriff of the small community, despite being generally well acquainted with the residents of his county did not recognize a single person among the hundreds in the mob, and never saw any of them again.

What happened next, though, was not typical of these cases. Photographs of the abused bodies of the lynching victims, still chained to the trees, appeared in *Time* magazine, *Life* magazine, and in a number of newspapers across the United States. The horrific killings and the stark photographs created a national uproar. An international uproar. In Germany, newspapers pointed out that even under Nazi rule, no Jewish person in Germany was ever subjected to such cruel treatment, which was true. In 1937.

Supporters of anti-lynching legislation in Congress thought the uproar might be enough to finally get the bill passed. Gallup opinion polls showed that 70% of Americans favored a Federal anti-lynching law. Even in the South, more than half of those polled supported the bill.

But it still had to get through Congress. In the House, no committee chair would bring it up for a vote, but it was brought to the floor via a discharge petition and passed 277-120, with most Southern Democrats voting against. In the Senate, Judiciary Committee chair Henry Ashurst, Democratic Senator from Arizona, allowed a committee vote. The committee voted to recommend the bill to the full Senate.

The result was a filibuster that brought the Senate to a halt for six weeks. Southern Senators teamed their speeches to prevent a vote. Louisiana Senator Allen Ellender told the Senate that Southern Senators would do whatever it took to “preserve white supremacy” in America.

Twice Wagner moved for cloture, which would have ended the debate, but both times the motion failed. When a reporter asked Roosevelt his opinion, Roosevelt noted that he had taken no position on the bill, but added “I should say there was enough discussion going on in the Senate.” This remark was widely seen as a call to the Senate to abandon the bill and move on. Senator Wagner complied, withdrawing the bill.

Despite this depressing record, the Roosevelt Presidency was also a time in which important symbolic steps were made toward racial equality, but these steps were not taken by Franklin Roosevelt. They were taken by his wife, Eleanor.

In 1939, there was a conference of a civil rights group called the Southern Conference for Human Welfare in Birmingham, Alabama. Eleanor Roosevelt was in attendance. On the first day, the conference was integrated, but this was reported to city authorities. City Commissioner Eugene Connor, later known as “Bull” Connor, ordered that the city’s segregation law be enforced. At the next day’s meeting, the meeting room was divided into black and white seating areas, but the defiant First Lady pulled her chair into the aisle between the two sides and sat there. It sounds like a little thing, but in 1939, it was a Big Deal.

Similarly, at an event where the 64-year-old African-American educator Mary McLeod Bethune was speaking, she started losing her voice. Eleanor Roosevelt, who was seated on the speaker’s rostrum, poured a glass of water and handed it to her. Again, in our time it sounds like a little thing, but back then the sight of the First Lady of the United States serving water to a Black woman was about a 6.5 on the Richter scale.

But Eleanor Roosevelt’s best-known moment came in 1939 and it involved the 42-year-old opera singer Marian Anderson, an African American born in Philadelphia. Anderson was a renowned performer, giving recitals and concerts across Europe and the United States. Nevertheless, even she had difficulty getting a hotel room or eating in a restaurant in her native country. When she performed in Princeton, Albert Einstein put her up at his house because she couldn’t get a hotel room.

The Daughters of the American Revolution, or DAR, turned down a request from Anderson and her agent to put on a concert at the DAR’s headquarters, Constitution Hall in Washington. Not only did the DAR have a policy against African-American performers, it should be noted that the District of Columbia had segregation laws at the time, and Constitution Hall lacked the separate rest room facilities required by District law for public events. A request to the District Board of Education to use a high school as the venue for the concert was also denied.

A coalition of organizations, including the NAACP, the AFL, the CIO, and a number of church groups organized protests against the DAR and the Board of Education. The controversy attracted national attention, overwhelmingly sympathetic to Anderson, and invited comparisons to Nazi Germany. Thousands of DAR members resigned from the organization in protest, among them, the First Lady, whose resignation letter declared, “You had an opportunity to lead in an enlightened way and it seems to me your organization has failed.”

Anderson’s agent and the NAACP leadership came up with the idea of her performing an open-air concert at a symbolically significant location: the steps of the Lincoln Memorial. This required the approval of the Interior Department; Secretary Harold Ickes brought it to the President, who told him Marian Anderson could sing from the top of the Washington Monument, if that’s what she wanted.

The concert attracted a crowd of 75,000, and millions more Americans listened to it over the radio. Anderson opened with a rendition of “My Country, ’Tis of Thee.” Six weeks later, she was invited to the White House to perform for British King George VI and Queen Elizabeth.

Her performance was a landmark moment in American history, and so was Eleanor Roosevelt’s resignation from the DAR. Both events are still well remembered in our time, and I have been told that to this day, the Daughters of the American Revolution struggle with the stain that their 1939 refusal to host Marian Anderson has left on the group’s reputation.

We’ll have to stop there for today. I thank you for listening, and I’d especially like to thank Zhenya and Ayun for their kind donations, and thank you to Lee for becoming a patron of the podcast. Donors and patrons like Zhenya and Ayun and Lee help cover the costs of making this show, which in turn keeps the podcast available free for everyone, so my thanks to them and to all of you who have pitched in and helped out. If you’d like to become a patron or make a donation, just visit the website, historyofthetwentiethcentury.com and click on the PayPal or Patreon buttons.

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And I hope you’ll join me next week, here on *The History of the Twentieth Century*, as we return to Spain for the final act in the civil war there. We Shall Not Forget You, next week, here, on *The History of the Twentieth Century*.

Oh, and one more thing. Long time listeners may recall the name of Marine Corps Major Smedley Butler, whom we last heard from in episode 112, when he was involved in the US intervention in Haiti.

Butler was one of the few figures in American military history to be awarded two Medals of Honor. He rose to the rank of major general and was a candidate for Commandant of the Marine Corps in 1930. He did not get the appointment, and retired from the Corps shortly afterward. He went on the lecture circuit and in 1932 made an unsuccessful primary bid for the Republican nomination for the US Senate in his native Pennsylvania. Soon afterward came the US Army attack on the Bonus Army in Washington, episode 280, an event which moved Butler to declare himself a “Hoover-for-ex-President Republican.”

But the events of 1932 did more than just turn Butler against Herbert Hoover. He began denouncing big business and fascism and the American Legion, which he said was controlled by the bankers. He even criticized the Roosevelt Administration for being too cozy with big business.

He became a pacifist, denouncing war in general and the wars in which he had fought specifically as conducted for the interests of the capitalists. He wrote, “I spent 33 years and four months in active military service and during that period I spent most of my time as a high-class muscle man for Big Business...a racketeer, a gangster for capitalism...Looking back on it, I might have given Al Capone a few hints. The best he could do was to operate his racket in three districts. I operated on three continents.” In 1935, he published a book summarizing his views under the title *War Is a Racket*.

In 1934, Butler went public with an accusation that a man named Gerald MacGuire had approached him, claiming to speak for a group of bankers and businessmen, to offer Butler an army of half a million disaffected veterans plus three million dollars in financing as part of a bid to overthrow President Roosevelt and install him, General Butler, as a fascist dictator.

A special committee of the US House of Representatives was created to investigate this claim and heard the testimony of Butler and MacGuire. The committee concluded that Butler’s statements were accurate and that some kind of conspiracy had indeed been in operation, although the investigation went no further and no one was prosecuted.

Not everyone agreed. *The New York Times* declared the whole thing a hoax. As for Gerald MacGuire, he died just a few months later, of pneumonia at the age of 36; his doctor counted the stress caused by the accusations against him as a contributing factor.

This alleged conspiracy is known to history as the “Business Plot.” Some historians agree with the *New York Times*, although most are inclined to take General Butler at his word, as he doesn’t seem to have had any motive for making this up, although Butler himself did not claim to know how big this conspiracy was or who else was involved, so whether this was some idle chatter

among a few unhappy bankers and business leaders or whether it was a serious plot to overthrow the government of the United States and install a dictator remains unclear.

Smedley Butler died in 1940, at the age of 58.

[music: Closing Theme]