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## A Constitutional President: Ronald Reagan and the Founding

*Edwin Meese III, Lee Edwards, Ph.D., James C. Miller III, Steven F. Hayward*

**Abstract:** Throughout his presidency, Ronald Reagan was guided by the principles of the American founding, especially the idea of ordered liberty. In the opening of his first inaugural address in 1981, President Reagan echoed the preamble of the Constitution, calling on the country's citizens to "preserve this last and greatest bastion of freedom." Eight years later, in his farewell address, President Reagan pointed out that the American Revolution was "the first revolution in the history of mankind that truly reversed the course of government, and with three little words: 'We the people.'" In his State of the Union speeches, Reagan referred to the Constitution more than any other President of the past half century. A survey of his presidential papers reveals 1,270 references to the Constitution. On September 9, 2011, as part of The Heritage Foundation's "Preserve the Constitution" series, two former Reagan Cabinet members and two Reagan historians discussed how the Constitution provided the foundation of the Reagan presidency.

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EDWIN MEESE III, Ronald Reagan Distinguished Fellow in Public Policy, and Chairman of the Center for Legal & Judicial Studies, at The Heritage Foundation: Today we begin the second annual "Preserve the Constitution" series, a number of programs devoted to the United States Constitution, which has endured for more than two centuries as one of the oldest continually used constitutions in the world. It is also one of the most imitated in the course of that 200-year-plus history. Today's event, by the way,

### Talking Points

- Ronald Reagan understood, perhaps more than any other modern President, how important the U.S. Constitution is to a free and civil society.
- Ronald Reagan has been hailed as one of the country's transformational Presidents. One of his transformational achievements was a rekindling of interest in the Constitution, especially the role of the judiciary in being faithful to the Constitution.
- President Reagan supported a balanced-budget amendment and a spending-limitation amendment. He had gut instincts that were informed by the Constitution.
- President Reagan said it was his intention to demand recognition of the distinction between the powers granted to the federal government and those reserved to the states or to the people.
- President Reagan consistently sought to reintroduce constitutional principles and limits to American politics in his speeches and actions.

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closely coincides with Constitution Day itself, September 17, 1787, when the drafting of the Constitution was completed, and then signed and sent to the states for ratification.

Ronald Reagan has been hailed by both parties in the debates as one of the country's transformational Presidents. One of the things that he transformed really was an interest, or a "re-interest," if you will, in the Constitution. Many people have asked how Ronald Reagan was able to be such a success as President, considering that he took office at a time of economic crisis, at a time of great vulnerability in international affairs—the threat of the Soviet Union, at a time when the spirit of the American people was flagging. The previous President had declared that the people of the United States were in a malaise. Ronald Reagan never believed that. He felt it was the leadership that was in a malaise. Nevertheless, as a result of his eight years as President, he was able to revitalize the economy and start the longest period of economic growth in the country. He was able to rebuild our national defenses, our national security situation and capabilities, which had deteriorated in the aftermath of the Vietnam War.

Reagan was able to revive the spirit of the American people. Particularly, he was able to rekindle interest in the Constitution, especially the role of the judiciary in being faithful to the Constitution. So, today, we're going to talk about how that came about. Why was President Reagan so successful? I would suggest that one reason is: He did what the Constitution said he should do, and he did what the Founders had in mind in terms of a constitutional presidency. So we'll learn about that from our speakers today.

Our first speaker is Lee Edwards. Lee is a Distinguished Fellow in Conservative Thought here at Heritage. He has written biographical material on a number of people, including Ronald Reagan, and spends his time studying the conservative movement and its relationship to the government.

Next is Jim Miller. Jim is currently still in government service as a member of the Board of Governors of the U.S. Postal Service. He was chairman of the Federal Trade Commission, and also, most important, director of the Office of Management

and Budget at a time when the deficit was going down, not up.

Steve Hayward is a fellow at the American Enterprise Institute, as well as a number of other places, including the Claremont Institute. Steve is the author of a number of very important books for the conservative movement and, in my opinion, one of the best authors on Ronald Reagan and the era in which he governed, first as governor of California, and then as President of the United States. Steve has tapped into not only Ronald Reagan himself, but also the era in which he operated, and how the conservative movement grew over that period.

So we now turn to these authors; we'll start with Lee Edwards.

**LEE EDWARDS, Ph.D., Distinguished Fellow in Conservative Thought in the Center for Principles and Politics at The Heritage Foundation:** Thank you so much, Ed. Good afternoon, ladies and gentlemen. As Ed said, Ronald Reagan understood, perhaps more than any other modern President, how important, how indispensable, really, the U.S. Constitution is to a free and civil society. In the opening paragraphs of his first inaugural address in 1981—much of which Reagan drafted personally (we have copies of his longhand draft, which he did on a yellow legal pad)—President Reagan echoed the preamble of the Constitution calling on "we the people" to do whatever needs to be done to preserve "the last and greatest bastion of freedom."

Eight years later, in his farewell address to the American people, the President said that the American Revolution was "the first revolution in the history of mankind that truly reversed the course of government and with three little words: 'We the people.'" "We the people," he said, tell the government what to do. It doesn't tell us. The idea of "we the people," he explained, was the underlying basis for everything he had tried to do as President. Really, under all circumstances, I would argue, President Reagan looked to the Constitution as his North Star. In his State of the Union speeches, for example, Reagan referred to the Constitution more than any other President in the preceding fifty years, an average of 16 times per speech. A survey of his presidential papers reveals 1,270 references to the

Constitution during his eight years in the White House; and another 113 mentions of the Declaration of Independence. That's serious referencing.

For Ronald Reagan, the federal government had failed badly to control itself. As he said at that first inaugural, "it is time to check and reverse the growth of government, which shows signs of having grown beyond the consent of the governed." The President said it was his intention to demand recognition of the distinction between the powers granted to the federal government and those reserved to the states or to the people. In his speeches and his actions, Reagan consistently sought to reintroduce constitutional principles and limits to American politics. Indeed, not since Calvin Coolidge was in office did a President acknowledge so frequently his reliance on the Constitution for political guidance.

The President applied his understanding of the Constitution to judicial appointments, particularly. At the swearing-in ceremony for William Rehnquist as chief justice and Antonin Scalia as associate justice of the Supreme Court in 1986, President Reagan discussed the great constitutional system that our forefathers gave us. They settled on a judiciary, he said, that would be independent and strong, but one whose power would also, they believed, be confined within the boundaries of the written Constitution and laws. This doctrine of constitutional originalism was ably described and defended by President Reagan's attorney general, Edwin Meese III.

In Reagan's view, the Constitution's very survival depended on its meaning being predictable from day to day. The President quoted Madison: "If the sense in which the Constitution was accepted and ratified by the nation is not the guide to expounding it, there can be no security for faithful exercise of its powers." In fact, Attorney General Meese had begun a great debate about the Constitution the preceding year. In a speech to the American Bar Association, he said that the Supreme Court had engaged in too much policymaking in its most recent term and showed too little deference to what the Constitution, its text and intonation, may demand. The high court, he said, should employ a jurisprudence of original intent, a return to the intent of the authors of the Constitution and the Bill of Rights.

Leading the cheers for the attorney general in the debate was President Reagan. He pointed out that despite their considerably differing opinions about the proper role of government, both Alexander Hamilton, the prime Federalist, and Thomas Jefferson, the eloquent Anti-Federalist, endorsed the principle of judicial restraint. Reagan quoted Jefferson who said, "Our peculiar security is in the possession of a written Constitution." Reagan also quoted Justice Felix Frankfurter, a leading liberal of his day: "The highest exercise of judicial duty is to subordinate one's personal pulls and one's private views to the law."

When President Reagan introduced his Economic Bill of Rights in July 1987—to which, I think, we need to pay a bit more attention, particularly these days—he noted that two months hence, America would commemorate the 200th anniversary of the Constitution, an event that would have "a special place in the hearts of all who love liberty." On that anniversary, he said, Americans would kneel in prayer and gratefully acknowledge, as Jefferson wrote, that "the god who gave us life also gave us liberty..." We're still Jefferson's children, Reagan insisted, still believers in freedom as the unalienable right of all God's children.

Reagan had first expressed that fact publicly in 1964 in his famous "A Time for Choosing" speech for presidential candidate Barry Goldwater. Reagan said then that the choice before the American people came down to this: whether we believe in our capacity of self-government, or whether we abandon the American Revolution and confess that a small intellectual elite in a distant capital can plan our lives better than we can plan them ourselves. America's strength, Ronald Reagan believed with all of his heart and mind and soul, rested in the people. So, in his first inaugural address, the new President broke sharply with the progressive reliance on government and boldly declared, "In this present crisis, government is not the solution to our problem; government is the problem." He also said that, "it's not my intention to do away with government. It is rather to make it work—work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it."

Well, here was certainly no radical libertarian with a copy of *Atlas Shrugged* on his desk, but a conservative led by the prudential reasoning of *The Federalist*, which he singled out as one of the books that had most influenced him. Reagan was, I would argue, a modern Federalist, echoing James Madison's call for a balance between the authority of the national government and the authority of the state governments. Ronald Reagan shared Madison's concern about the abridgement of the freedom of the people by the gradual and silent encroachment of those in power. Reagan pointed out that we'd been tempted to believe that society has become too complex to be managed by self-rule, that government by an elite group is superior to government for, by, and of the people. But he asked: If no one among us is capable of governing himself, then who among us has the capacity to govern someone else? Looking where the nation was after more than 70 years of political liberalism, Reagan later wrote, "We had strayed a great distance from our Founding Fathers' vision of America." He was determined as President to recapture that lost vision of a shining city on the hill.

I mentioned earlier that *The Federalist* was a book with which Reagan was very familiar. Here is how I know that: In the fall of 1965, Reagan was traveling up and down California, testing the waters to see how much public interest there was in his running for governor of California. My wife, Anne, and I spent two days on the road with him collecting material for a Reagan profile I was writing for a national magazine. The second day, I asked him which books had had the most impact on his political thinking. He hesitated, saying, well, he didn't want to single out any one particular book. Then he said, "Well, of course there's *The Federalist* and *The Law*." I'm hard-pressed to think of another political figure who would provide those same titles. I was able to confirm his political tastes that same day when we visited his home in Pacific Palisades, and there in his library, dog-eared and annotated, were *The Law* by Frederic Bastiat, *Witness* by Whittaker Chambers, and *Economics in One Lesson* by Henry Hazlitt. If Heritage had published its *Guide to the Constitution* in 1965 instead of 2005, I'm confident it would have been on Reagan's bookshelf as well. Thank you.

**JAMES C. MILLER III, Senior Adviser at Husch Blackwell, LLP, and Director of the Office of Management and Budget in the Reagan Administration:** Thank you very much. I'm honored to be here with so many friends and people who work in the vineyards. More power to you. God bless you. It's important work.

Asking me to speak about Ronald Reagan in front of Ed Meese is like asking a professor of literature to opine publicly on what James Joyce meant in *Ulysses* with Ulysses sitting in the audience. Ed Meese knows more in his fingertip about Ronald Reagan, I dare say, than all of us put together.

It was easy being a policy adviser and implementer for Ronald Reagan. It was easy because he had a core set of beliefs. Once you got a handle on those beliefs, it was easy to do your job. And there was nothing more important than to go to "the speech" ("A Time for Choosing"), which he gave on behalf of candidate Barry Goldwater. If you read "the speech," you'll realize that it's really all there. Almost everything that Reagan addressed throughout his presidency is in "the speech."

We also had Martin Anderson's black books with all of Reagan's policy statements in them. If you read the statements, you would see a cohesive set of principles. If you looked at those principles and began to think about them, you would realize that they emanate from the Constitution of the United States and the culture we have cherished over the years. It was a single set of consistent principles. Now, Ronald Reagan didn't go out and proselytize about the U.S. Constitution any more than he went out and proselytized about his religion. But he practiced both in all his political decision-making. And, as Lee and others have pointed out, he frequently referred to the Constitution's language and to the principles incorporated in the Constitution.

Ronald Reagan was absolutely tenacious. As Ed Meese will remember, President Reagan, sitting in the Situation Room, would say frequently, "If the Soviets want to wage a cold war, it is a war they will not win." He would have people sitting around the table saying, "No, no, Mr. President, you can't..."—and he would repeat, "If the Soviets want to wage a cold war, it is a war they will not win." Do you remember the controversy over the intermediate-



range ballistic missiles in the early 1980s and the people in the streets demonstrating against them? He held firm. What about his buildup of military might for the United States from a position of weakness to a position of strength? I know that people on the Left these days like to say, “We knew all along the Soviet empire was going to fall.” They’re simply wrong. The evidence lies in the remarks by Soviet officials themselves. When they realized there was no way to out-pace the United States, they gave up. That’s the reason the Berlin Wall came down.

By the way, if you look back at federal spending during the 1980s, there were two major categories. President Reagan supported strong investments in defense, and many times over his objections there were great investments in domestic programs. Do a benefit-cost analysis and ask yourself: What was the rate of return on those two? Did the investment in these domestic programs produce very much? No. Did the investments in defense produce something? Absolutely. They produced the liberation of hundreds of millions of people from Communist, Marxist domination.

Despite being tenacious and consistent, President Reagan would go to Congress and ask for certain things. He’d also compromise from time to time. When he’d get a half a loaf, would he say, “Thank you for this wonderful piece of legislation; this is exactly what I wanted”? No. He would say, “Thank you for giving me this half a loaf. Next year, I’ll be back for the other half!”

President Reagan, by the way, was willing to change the Constitution. He supported a balanced-budget amendment. He supported a spending-limitation amendment. He also had gut instincts that were informed by the Constitution. One was rejection of simple Keynesian notions about priming the economy. And he supported other ways of constraining spending, such as the Gramm–Rudman–Hollings Act of 1985.

In sum, Ronald Reagan adhered to the United States Constitution. It was his guiding light. His consistency and devotion to the principles of the Constitution, I think, are what made him a respected and highly effective President of the United States. Thank you.

STEVEN F. HAYWARD, F. K. Weyerhaeuser Fellow at the American Enterprise Institute and author of *The Age of Reagan: The Fall of the Old Liberal Order, 1964–1980*: I’m going to take as my opening text a couple of fragments from the autobiography of Calvin Coolidge, a much underrated book by a much underrated man. It’s interesting because, unlike in almost all other presidential memoirs, he doesn’t talk about the things he did in his presidency; he talks in more general terms, for example, when speaking about holding office as President: “In the discharge of the duties of this office, there is one rule of action more important than all others. It consists in never doing anything that someone else can do for you.” Remember that Ronald Reagan was often praised for his executive temperament as a delegator and, of course, as a fan of Calvin Coolidge. Coolidge’s caveat is equally important: “It is not sufficient to entrust details to someone else. They must be entrusted to someone who is competent.”

It’s a great honor for me to share the podium with two such people from the Reagan Administration: Jim Miller and Ed Meese. If you think about it, there are really two threats to liberalism: One is to cut off money, the other is to cut off power. (That is a good description of Reagan’s domestic policy.) Jim Miller and Ed Meese represented the point of the spear on both of those. There was one way you could tell that Jim Miller contrasted with his predecessor at the Office of Management and Budget. It’s when the new Speaker of the House, Jim Wright, tried to prohibit him from attending Capitol Hill budget meetings. His predecessor had been a collaborator with the spenders. But Jim Miller actually opposed tax increases in public. He became known as “The Abominable No-Man.”

It’s on the subject of government power that Attorney General Ed Meese was the tip of Reagan’s spear. We tend to forget, with the mists of time, the bitterness and depth of the opposition to Ed Meese’s appointment to that important post. The Left pulled out every low and contemptible trick it possibly could to stop him. *The New York Times* observed the following about General Meese in office: “The flame of ideological fervor only flickers at some agencies, but it burns bright at the Justice Department, where

Mr. Meese and his lieutenants have appointed a flock of young conservatives to help carry out the Reagan goals, and not just those having to do with the Justice Department.” This was meant as criticism, of course. I think the *Times* didn’t realize that it’s actually an endorsement. Among that flock of young conservatives, by the way, were two people named John Roberts and Samuel Alito.

During the 1980 presidential campaign, Reagan told *The Wall Street Journal* that, “I think for a long time we’ve had a number of Supreme Court Justices who, given any chance, invade the prerogative of the legislature; they legislate rather than make judgments, and some try to rewrite the Constitution instead of interpreting it.” There are some very interesting letters from that time period. There’s one from 1979 that really jumps out at me, in which Reagan wrote to a friend that, “The permanent structure of our government with its power to pass regulations has eroded if not in effect repealed portions of our Constitution.” I’m hard-pressed to find any other conservative Republican from that era who ever talked of how the administrative state was undermining the Constitution.

I look out today at the Tea Party movement, which seems a lot to me like the tax revolt of the late 1970s, with one conspicuous difference: Whereas the tax revolt really was just about being taxed too much, the Tea Party, while it does complain about taxes, also thinks of itself self-consciously as a full-fledged constitutional movement. The constitutional energy of the Tea Party is not directed at or limited to *Roe v. Wade*. Rather, suddenly we’re having this argument about the Commerce Clause. Liberals can’t believe that this is happening. They can’t believe that ideas once thought completely fixed in stone are suddenly unsettled.

So here we are today with a Tea Party movement that is the most significant movement to challenge the out-of-control government in a fundamental way and is trying to revive popular constitutional language. I suggest it’s not much of a stretch to draw a straight line between planting the argument about originalism 25 years ago and a populist movement that says it’s time to take the next step. That’s the challenge for Reagan’s heirs today. Thank you.

