

id, fearless eyes. The great Govern-
for private and selfish purposes, and

our life as a whole. We see the bad
the sound and vital. With this vision
to reconsider, to restore, to correct
and humanize every process of our
lizing it. There has been something
o succeed and be great. Our thought
let every generation look out for it-
ade it impossible that any but those
a chance to look out for themselves.
ed well enough that we had set up a
s well as the most powerful, with an
slay, and remembered it with pride.
great.

ought. The scales of heedlessness
ir minds to square every process of
proudly set up at the beginning and
work of restoration.

icularity the things that ought to be
A tariff which cuts us off from our
ates the just principles of taxation,
in the hands of private interests; a
ecessity of the Government to sell
o concentrating cash and restricting
ll its sides, financial as well as ad-
stricts the liberties and limits the
newing or conserving the natural
activities never yet given the effi-
as it should be through the instru-
or afforded the facilities of credit
undeveloped, waste places unre-
thout plan or prospect of renewal,
studied as perhaps no other nation
we have not studied cost or econ-
ry, as statesmen, or as individuals.
ans by which government may be
he health of the Nation, the health
ll as their rights in the struggle for
basis of government is justice, not
o equality of opportunity, the first
and women and children be not
e consequences of great industrial
ntrol, or singly cope with. Society
ten or damage its own constituent
society it serves. Sanitary laws,

pure food laws, and laws determining conditions of labor which individuals are
powerless to determine for themselves are intimate parts of the very business of
justice and legal efficiency. . . .

And yet it will be no cool process of mere science. The Nation has been deeply
stirred, stirred by solemn passion, stirred by the knowledge of wrong, of ideals
lost, of government too often debauched and made an instrument of evil. The feel-
ings with which we face this new age of right and opportunity sweep across our
heartstrings like some air out of God's presence, where justice and mercy are
reconciled and the judge and the brother are one. We know our task to be no mere
task of politics but a task which shall search us through and through, whether we
be able to understand our time and the need of our people, whether we be indeed
their spokesmen and interpreters, whether we have the pure heart to comprehend
and the rectified will to choose our high course of action.

This is not a day of triumph; it is a day of dedication. Here muster, not the
forces of party, but the forces of humanity. Men's hearts wait upon us; men's lives
hang in the balance; men's hopes call upon us to say what we will do. Who shall live
up to the great trust? Who dares fail to try? I summon all honest men, all patriotic,
all forward-looking men, to my side. God helping me, I will not fail them, if they
will but counsel and sustain me!

5. The Clayton Anti-Trust Act, 1914

. . . SEC. 2. That it shall be unlawful for any person engaged in commerce, in the
course of such commerce, either directly or indirectly to discriminate in price be-
tween different purchasers of commodities which commodities are sold for use,
consumption, or resale within the United States or any . . . other place under the
jurisdiction of the United States, where the effect of such discrimination may be
to substantially lessen competition or tend to create a monopoly in any line of
commerce: . . .

SEC. 3. That it shall be unlawful for any person engaged in commerce, to lease
or make a sale of goods, . . . or other commodities, . . . for use, consumption or re-
sale within the United States or . . . other place under the jurisdiction of the United
States, or fix a price charged therefor, or discount from, or rebate upon, such price,
on the condition, . . . that the lessee or purchaser thereof shall not use or deal in the
goods, . . . or other commodities of a competitor or competitors of the lessor or
seller, where the effect of such lease, sale, or contract for sale or such condition,
agreement, or understanding may be to substantially lessen competition or tend to
create a monopoly in any line of commerce. . . .

SEC. 6. That the labor of a human being is not a commodity or article of com-
merce. Nothing contained in the anti-trust laws shall be construed to forbid the
existence and operation of labor, agricultural, or horticultural organizations, insti-
tuted for the purposes of mutual help, and not having capital stock or conducted
for profit, or to forbid or restrain individual members of such organizations from

"Clayton Anti-Trust Act, 1914," in *U.S. Statutes at Large*, Vol. 38, pp. 703ff. This document can also be
found in Henry Steele Commager, ed., *Documents of American History*, Vol. II (New York: Meredith
Publishing Co., 1963), 99-101.

lawfully carrying out the legitimate objects thereof; nor shall such organizations or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the anti-trust laws.

SEC. 7. That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce, where the effect of such acquisition may be to substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to restrain such commerce in any section or community or tend to create a monopoly of any line of commerce. . . .

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition. . . .

SEC. 8. That from and after two years from the date of the approval of this act no person shall at the same time be a director or other officer or employee of more than one bank, banking association or trust company, organized or operating under the laws of the United States, either of which has deposits, capital, surplus, and undivided profits aggregating more than \$5,000,000; and no private banker or person who is a director in any bank or trust company, organized and operating under the laws of a State, having deposits, capital, surplus, and undivided profits aggregating more than \$5,000,000, shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States. . . .

That from and after two years from the date of the approval of this Act no person at the same time shall be a director in any two or more corporations, any one of which has capital, surplus, and undivided profits aggregating more than \$1,000,000, engaged in whole or in part in commerce, other than banks, banking associations, trust companies and common carriers subject to the Act to regulate commerce, approved February 4th, 1887, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the anti-trust laws. . . .

SEC. 10. That after two years from the approval of this Act no common carrier engaged in commerce shall have any dealings in securities, supplies, or other articles of commerce, . . . to the amount of more than \$50,000, in the aggregate, in any one year, with another corporation, firm, partnership or association when the said common carrier shall have upon its board of directors or as its president, manager, or as its purchasing or selling officer, or agent in the particular transaction, any person who is at the same time a director, manager, or purchasing or selling officer of, or who has any substantial interest in, such other corporation, firm, partnership, or association, unless and except such purchases shall be made from, or such dealings shall be with, the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission. . . .

SEC. 20. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to

or shall such organizations or
gal combinations or conspira-

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? such acquisition may be to
on whose stock is so acquired
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any line of commerce. . . .

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the approval of this Act no
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on of operation, competitors,
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nti-trust laws. . . .

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made from, or such dealings
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ill be granted by any court of
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ment, involving, or growing
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prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with a particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.



ESSAYS

The contributions in this section treat the internal complexities of progressive political culture in two distinct areas. In the first essay, Professor Alan Dawley of Trenton State University sets the larger parameters for Progressive Era reform legislation by emphasizing its response to specific social deformities induced by the Industrial Revolution. In the second contribution, distinguished historian Eric Foner of Columbia University finds in the progressive reformers' idea of freedom—that is, an activist, socially conscious state prepared to redress economic injustice—the beginnings of “modern liberalism.”

Progressive Statecraft

ALAN DAWLEY

After years of social ferment it seemed to Walter Lippmann, perhaps the most discerning social critic of the day, that American civilization was coming apart at the seams: “the sanctity of property, the patriarchal family, hereditary caste, the dogma of sin, obedience to authority,—the rock of ages, in brief, has been blasted for us.” Lippmann’s catalogue of disintegration was a clear sign that on the eve of the First World War American culture was breaking free from nineteenth-century orthodoxies. Newspapers rang with popular clamor about predatory practices by the “money trust,” landlord abuses in tenement slums, and the cruelties of child labor. Mass meetings convened to hear sexual radicals foretell the dawn of erotic delight and social radicals extol collective ownership of wealth. City streets were exotic, open-air bazaars of Russian Orthodox peasants, Jewish pushcart operators, and Italian anarcho-syndicalists, whose raw energy was celebrated by the new breed of urban realist painters. Arts and letters were a veritable kaleidoscope of bright new ideas and sentiments from the poets of the Chicago Renaissance, the irreverent cartoonists of *The Masses*, and avant-garde artists saluting the iconoclasm of the Cubists. Against the prevailing chaos of “drift,” Lippmann urged what a growing chorus of contemporaries demanded, a commanding strategy of “mastery.”

No longer could Yankee Protestant elites be complacent about their place atop the social hierarchy. The unwanted children of nineteenth-century American society were in revolt against the parent, and their revolt called into question the existing relation between state and society. From 1912 through 1916 the key battles were fought out around the trust, industrial democracy, and social justice, all of which were forced upon an otherwise unwilling national leadership by popular movements originating in the working and middle classes. . . .

Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge, Mass.: Harvard University Press, 1991), 141–150, 171–172. Copyright © 1991 by the President and Fellows of Harvard College.