

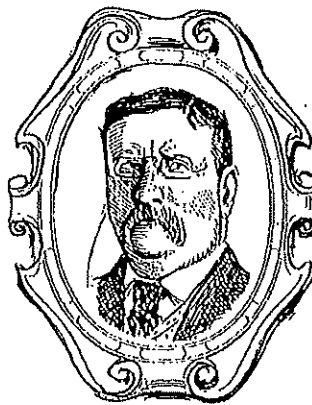
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ESSAYS

WHY THE ELECTION OF 1912 CHANGED AMERICA

Four candidates and the struggle for the soul of constitutional government.

by Sidney M. Milkis



THE 1912 PRESIDENTIAL ELECTION SHOWCASED FOUR IMPRESSIVE CANDIDATES WHO engaged in a remarkable debate about the future of American politics. Besides William Howard Taft, the incumbent Republican president, the campaign was joined by Eugene Debs, the labor leader from Indiana, who ran on the Socialist Party ticket; the irrepressible Theodore Roosevelt, who bolted from the GOP and ran as the champion of the Progressive Party; and Woodrow Wilson, the Democratic governor of New Jersey, who was elected president. All four candidates acknowledged that fundamental changes were occurring in the American political landscape, and each attempted to define the Progressive Era's answer to the questions raised by the new industrial order that had grown up within the American constitutional system.

That the 1912 election registered, and inspired, fundamental changes in American politics suggests the historical significance of the Progressive Party. Not only was it the driving force of this election, but it remains the most important third party to appear on the American political landscape in the 20th century. With the celebrated former President Roosevelt as its candidate, the most prominent figure of his age, the Bull Moose party won 27.4% of the popular vote and 88 electoral votes from six states. This was extraordinary for a third party. In fact, no third-party candidate for the presidency—before or after 1912—has received so large a percentage of the popular vote or as many electoral votes. More importantly, as a party that embraced and helped legitimize new social movements and candidate-centered campaigns, it pioneered a plebiscitary form of governance that has evolved over the course of the 20th century and appears to have come into its own in recent elections. All these features of the Progressive Party campaign made the election of 1912 look more like that of 2000 than that of 1896.

T.R. and the Bull Moosers

"More than any single leader," the Progressive thinker and editor Herbert Croly wrote, "Theodore Roosevelt contributed decisively to the combination of political and social reform and to the building up a body of national public opinion behind the combination. Under his leadership as president [from 1901-1908], reform began to assume the characteristics, if not the name, of progressivism." By bestowing national prominence on progressive objectives, T.R.'s presidency ushered in a new form of statesmanship—one that transformed the chief executive into "the steward of the public welfare," giving expression and effect to the American people's aspirations for social improvement. Roosevelt's concept of leadership and his great talent for taking the American people into his confidence made him virtually irresistible to reformers. "Roosevelt bit me and I went mad," the journalist William Allen White wrote about his participation in the Bull Moose campaign. He was not alone. Jane Addams, the renowned social worker who seconded Roosevelt's Progressive Party nomination for president (the first woman to nominate a major candidate for the presidency), declared that reformers supported T.R.'s candidacy because they viewed him as "one of the few men in public life who has responded to the social appeal, who has caught the significance of the modern movement." He was a leader, she added, "of invincible courage, of open mind, of democratic sympathies, one endowed with power to interpret the common man and to identify himself with the common lot."

Yet as Robert La Follette, one of T.R.'s critics, objected, "No party successfully organized around a man. Principles and issues must constitute the basis of this great movement." Thus

the Progressive Party's political program was especially important in defining its collective mission; these proposals unified the movement and ensured its lasting legacy. Above all, the party stood for "pure democracy," that is, democracy purged of the impure influence of the special interests. The party platform's endorsement of "pure democracy" was sanctified as a "covenant with the people," a deep and abiding pledge to make the people the "masters of their constitution." Like the Populist Party of the late 19th century, the Progressives invoked the Constitution's preamble ("We the People") in proclaiming their purpose to strengthen the federal government's regulatory authority over the society and economy. Unlike the Populists, however, Progressives sought to hitch the will of the people to a strengthened national administrative power. Animated by the radical agrarianism that had accompanied the Jeffersonian and Jacksonian assaults on monopolistic power, the Populists had sought to mobilize the states and the Congress for an assault on the centralizing, plutocratic alliance between the national parties and the large corporations or "trusts." By contrast, the Progressives, with their "gospel of efficiency" drawn from the latest discoveries of political and social science, could not abide the Populists' localized, backward-looking democratic faith.

Today, scholars puzzle over the apparent contradiction between the Progressives' celebration of direct democracy and their hope to achieve more disinterested government, which seemed to demand a powerful and expert national bureaucracy. But Progressives came to see that the expansion of social welfare and "pure democracy," as they understood it, were inextricably linked. Reforms such as the direct primary, as well as the initiative and referendum, were designed to overthrow the localized two-party system in the United States, which for generations had restrained the growth of the national government. By the same token, the triumph of "progressive" over "pioneer" democracy, as Croly framed it, would put the American people directly in touch with the councils of power, thus strengthening their demands for government support and requiring the federal government to expand and transform itself in order to realize the goals of Progressive social welfare policy.

New Nationalism vs. New Freedom

Still, the profound shift in regime norms and practices represented by progressivism did not entail a straightforward evolution from localized to "Big Government." Indeed, the Progressive Party was badly crippled by fundamental disagreements among its supporters over issues that betrayed an acute sensitivity, if not attachment, to the country's commitment to local self-government. The party was deeply divided over civil rights, leading to bitter struggles at the Progressive Party convention over delegate selection rules and the platform that turned on

whether the party should confront the shame of Jim Crow. In the end, it did not, accepting the right of the states and localities to resolve the matter of race relations. Moreover, Progressive delegates waged an enervating struggle at the convention over whether an interstate trade commission with considerable administrative discretion or militant antitrust policy was the appropriate method to tame the trusts. New Nationalists, led by Roosevelt, prevailed, pledging the party to regulate, rather than attempt to dismantle, corporate power; however, this disagreement carried over to the general election. The Democratic Party, under the tutelage of their candidate, Woodrow Wilson, and his advisor, Louis Brandeis, embraced a "New Freedom" version of progressivism, which prescribed antitrust measures and state regulations as an alternative to the expansion of national administrative power.

The split between New Nationalism and New Freedom progressives cut to the very core of the modern state that, ostensibly, the programmatic initiatives touted by Progressives anticipated. As Croly acknowledged, the Progressive program presupposed national standards and regulatory powers that "foreshadowed administrative aggrandizement." And yet Progressives could not agree on how administrative power should be used. Indeed, the conflict between New Nationalism and New Freedom Progressives revealed that many reformers shared the profound uneasiness of their Populist forbears about the very prospect of expanding national administrative power. This anxiety was not merely a hastily contrived reaction to the administrative ambitions of New Nationalism; it was allied to a celebration of local self-government that was deeply rooted in American political culture.

Nonetheless, this reluctance to embrace centralized administration did not represent a commitment to local self-government as traditionally understood and practiced. The "compound republic," as James Madison called it, was shaped in the 19th century by party organizations and legal doctrines that formed a wall of separation between government and society. Progressives of all stripes were committed to breaching that wall. New Freedom progressives wanted to expand the responsibilities of the national government, but hoped to find non-bureaucratic and non-centralized ways to treat the nation's economic ills. They advocated measures like the Sherman Act, enacted in 1890, that would rely on competition and law, rather than administrative tribunals, to curb the abuses of big business. Just as significant, New Freedom progressives hoped to cultivate local forums of public discussion and debate that would "buttress the foundations of democracy." For example, Wilson and Brandeis were active in the "social centers" movement that sought to make use of school buildings for neighborhood forums on the leading issues of the day.

Still, the Progressive hope of strengthening self-government in the United States depended ultimately on somehow transmuting local self-government into direct rule of the people, who would not have to suffer the interference of decentralizing associations and institutions. Only then could individuals participate in a national movement of public opinion that might cultivate a "more perfect union." "Truly, the voice of the people is the voice of God," wrote a progressive journalist, echoing Andrew Jackson, "but that means the voice of the whole people."

Although they disagreed about how to reform the economy, Progressives tended to agree on the need for direct democracy. No less than the Wilsonians, New Nationalist reformers championed institutions and practices that would nurture a direct system of popular rule on a national scale. Thus T.R. joined Wilson in calling for the use of school-houses as neighborhood headquarters for political discussion. Indeed, T.R.'s bolt from the Republican party freed him to make a bolder, more consistent defense of "pure democracy" than Wilson, who, as the nominee of the Democrats, was necessarily more constrained by the structure and organizational practices of the traditional two-party system. In disdaining party politics, and the local self-government it embodied, T.R. gave voice to progressive faith in the American people's aspiration for social justice, and to the responsibility of leaders to give effect to these aspirations. As he stated this creed in his campaign address at Carnegie Hall:

In order to succeed we need leaders of inspired idealism, leaders to whom are granted great visions, who dream greatly and strive to make their dreams come true; who can kindle the people with the fire from their own burning souls. The leader for the time being, whoever he may be, is but an instrument, to be used until broken and then to be cast aside; and if he is worth his salt he will care no more when he is broken than a soldier cares when he is sent where his life is forfeit in order that victory may be won. In the long fight for righteousness the watchword for all of us is, spend and be spent. It is of little matter whether any one man fails or succeeds; but the cause shall not fail, for it is the cause of mankind.

Ostensibly, the cause of Progressivism—the platform's commitment to direct democracy and social and industrial justice—gave reform leadership its dignity, indeed its heroic quality. But the celebration of public opinion left leaders at the beck and call of the people. As the influential Wisconsin reformer, Charles McCarthy, warned Roosevelt, the American people were "jealous of losing control" over their political destiny, and four years of Taft had only served to intensify their desire to "have greater control over the presidency." T.R.'s 1912 campaign exalted this desire into a creed. Sensing that "pure democracy" was the glue that held together the movement he sought to lead, Roosevelt made the cause of popular rule the

centerpiece of his frantic run for the White House. As Roosevelt said in his "Confession of Faith," delivered at the Progressive Party convention, "the first essential of the Progressive programme is the right of the people to rule." This right demanded more than writing into law measures such as the direct primary, recall, and referendum. It also required rooting firmly in custom the unwritten law that the representatives derived their authority "directly" from the people.

Roosevelt's very appearance at the Progressive Party's convention symbolized a new relationship between leaders and the led. In the past, party nominees had stayed away from the convention, waiting to be notified officially of their nomination. A presidential candidate was expected to demur as a sign of respect for the party's collective purpose. T.R.'s personal appearance at the Progressive convention gave dramatic testimony to his dominance of the proceedings. More significant, it gave evidence of an important historical change, of presidential campaigns being conducted less by parties than by individual candidates who appealed directly for the support of the electorate.

Roosevelt's presence in Chicago, the record of the proceedings tells us, roused the delegates to such an emotional state that they could only be subdued by a reverential singing of the "Battle Hymn of the Republic." The delegate's reverence went beyond devotion for their candidate, however; it expressed their collective identity. T.R.'s dominant role in the Progressive Party campaign was not simply a matter of his personal popularity; it followed directly from the Progressive animus against mediating institutions, such as political parties, that discouraged direct contact between reform leaders and the people. Indeed, the reform-minded delegates who came to Chicago championed the direct rule of the people with a fresh enthusiasm that surprised and impressed the journalists who witnessed the proceedings. After observing an evening of reformist speeches, punctuated by the singing of hymns, "which burst forth at the first flash of every demonstration," a reporter for the *San Francisco Examiner* marveled that the convention "was more like a religious revival than a political gathering."

Progressive Democracy and the American Constitution

As important and controversial as T.R.'s defense of the direct primary was in 1912, it was not the most debated issue of the campaign. Even more controversial was T.R.'s call for the people's right to recall judicial decisions. Aroused by the judiciary's militant defense of property rights, Roosevelt undertook a wholesale attack on its authority. T.R. first announced his support for popular referenda on court rulings in his February 1912 speech in Columbus, Ohio, the same day he finally, in his words, "threw his hat in the ring" as a candidate for president. Specifically,

he called for popular referenda to apply only to state courts; but he more than hinted that they should apply to the federal judiciary as well. In fact, the Progressives championed a form of constitutionalism that would be more immediately responsive to the rule of the people. Roosevelt authored the party plank titled, "Amendment to the Constitution," espousing the party's belief "that a free people should have the power from time to time to amend their fundamental law so as to adapt it progressively to the changing needs of the people." How this was to be done was left open, but the party pledged itself "to provide a more easy and expeditious method of amending the federal constitution."

The Progressive program seemed to challenge the very foundation of republican democracy: the idea, underlying the U.S. Constitution, that space created by institutional devices such as the separation of powers and federalism allowed representatives to govern competently and fairly. Likewise, the Progressive idea of democracy rejected traditional party politics. Forged on the anvil of Jeffersonian democracy, political parties in the United States were welded to constitutional principles that impeded the expansion of national administrative power. The origins and organizing principles of the American party system established it as a force against the creation of the "modern state." The Progressive reformers' commitment to building such a state—that is, to the creation of a national political power with expansive programmatic responsibilities—meant that the party system either had to be weakened or reconstructed.

In the face of T.R.'s challenge to the prevailing doctrine and practices of representation in the United States, the burden of defending constitutional sobriety fell most heavily on William Howard Taft. In truth, the most important exchange in the constitutional debate of 1912 was the one between T.R. and Taft. In 1908, of course, Taft had been T.R.'s heir apparent. President Taft had supported and extended the pragmatic progressive program that was the legacy of T.R.'s presidency, working for specific policies such as the Hepburn Act with the cooperation of Republican Party regulars. And yet, Taft now found his own efforts to carry on that pragmatic tradition of reform the object of scorn and derision, the victim of T.R.'s celebration of "pure democracy." "The initiative, the referendum, and the recall, together with a complete adoption of the direct primary as a means of selecting nominees and an entire destruction of the convention system are now all made the *sine qua non* of a real reformer," Taft lamented. "Everyone who hesitates to follow all of these or any of them is regarded with suspicion and is denounced as an enemy of popular government and of the people." Yet his very "hesitation" allowed Taft to find honor in the charge of conservatism leveled against him. Even as T.R.'s defense of direct democracy found great favor throughout the country, Taft resisted

this attempt "to tear down all the checks and balances of a well-adjusted, democratic, constitutional, representative government."

To be sure, he agreed that some reform of the national convention system was necessary. And while acknowledging that no political system could avoid the effects of corruption, he urged his fellow Republicans to rise above the patronage politics that had so long dominated party government. In fact, in order to fortify the polity against petty and virulent interest-group politics, Taft emphasized that political parties had the responsibility to endorse and defend fundamental constitutional principles. Accordingly, the Progressive Party's attack on representative institutions called for a new understanding of Republican conservatism, which, Taft argued, should be rooted less in a militant defense of property rights and business than in a Whiggish defense of ordered liberty. "The real usefulness of the Republican Party," he insisted, "consists in its conservative tendencies to preserve our constitutional government and prevent its serious injury."

Taft would thus "stand pat" in defense of the Constitution, which the Progressive idea of democracy threatened to destroy. He warned his fellow Republicans at a 1912 Lincoln Day dinner:

With the effort to make the selection of candidates, the enactment of legislation, and the decision of the courts to depend on the momentary passions of the people necessarily indifferently informed as to the issues presented, and without the opportunity to them for time and study and that deliberation that gives security and common sense to the government of the people, such extremists would hurry us into a condition which would find no parallel except in the French revolution, or in that bubbling anarchy that once characterized the South American Republics. Such extremists are not progressives—they are political emotionalists or neurotics—who have lost the sense of proportion, that clear and candid consideration of their own weakness as a whole, and that clear perception of the necessity for checks upon hasty popular action which made our people who fought the Revolution and who drafted the Federal Constitution, the greatest self-governing people the world ever knew.

Support for "pure democracy," Taft charged, found its "mainspring" in the very same "factional spirit" that Madison had warned against in his famous discussion of republican government in Federalist No. 10, an unruly majority that would "sacrifice to its ruling passion or interest both the public good and the rights of other citizens." In resisting this temptation to flatter the whims and passions of the majority, the most sacred duty of true conservatives was to uphold

the courts. As Taft told an audience in Boston, T.R.'s defense of direct democracy "sent a thrill of alarm through all the members of the community who understood our constitutional principles and who feared the effect of the proposed changes upon the permanence of government." It was unthinkable to the great majority of leaders in Congress and the states, and to the great mass of people as well, Taft argued, that Roosevelt should seriously propose to have a plebiscite upon questions involving the construction of the Constitution. T.R.'s audacity drew most clearly the fundamental issue that divided Republicans and Progressives:

The Republican Party...respecting as it does the Constitution...[and] the care with which the judicial clauses of that fundamental instrument were drawn to secure the independence of the judiciary, will never consent to an abatement of that independence to the slightest degree, and will stand with its face like flint against any constitutional changes in it....

Somewhat uncharacteristically, Roosevelt never flinched in the face of this controversy. Sensing that popular rule was the glue that held together the movement he sought to lead, his defense of it became bolder throughout 1912. Indeed, Roosevelt announced toward the end of September, in a speech at Phoenix, Arizona, that he "would go even further than the Progressive Platform," applying "the recall to everybody, including the president." As the *Nation* warned, "T.R. [now stood] upon the bald doctrine of unrestricted majority rule." Even William Jennings Bryan blushed and admonished T.R. for defending the nationalization of direct democracy. Such measures, the old populist insisted, must be confined to the states.

Despite Taft's charge that the Progressives threatened to destroy the Constitution, despite the hope of T.R.'s political enemies that such a bold campaign would kill him politically, the Progressive Party campaign of 1912 had an enduring influence on American politics and government. It was not Roosevelt but Taft who suffered a humiliating defeat, winning only two states—Utah and Vermont—and 23% of the popular vote. In contrast, T.R.'s strong showing and his dominant presence in that campaign signaled the beginning of an important change in American democracy.

From its own perspective, the Progressive Party did not seek to destroy the Constitution but to revitalize and democratize it—to renew the debate over issues that had divided the Federalists and Anti-Federalists, as well as the Jeffersonians and Hamiltonians. Indeed, the New Nationalists consciously and deliberately saw themselves as involved in a "neo-Hamiltonian" project. Of course, Progressives defended national public opinion with an enthusiasm that Hamilton would have found very dangerous. But in their celebration of national democracy,

Progressives claimed, they were merely following Lincoln, whose legacy was had abandoned by the latter-day Republican Party.

Most importantly, the Progressive faith in public opinion—this popular version of Hamiltonianism—was viewed as a compromise with, and an attempt to calm, the American people's fear of a centralized state. If national administrative power were to be strengthened and expanded, Progressives acknowledged, the people would have to be in command of it. Support for measures such as the primary, recall, and referendum displayed a willingness on the part of reformers to accommodate those fears, even as they sought to strengthen national administrative power. Jane Addams, who was no less essential than T.R. to Progressive reform objectives, explained this concession to public opinion clearly in a Lincoln Day address. A welfare state could not be created in the United States, she insisted, through the sort of corporatist arrangements that were being formed in Europe and Great Britain; it could not be formed with a centralized Social Democratic party as its agent, dedicated to building a national state that would link government and society. A welfare state could not gain popular support in the United States, Addams concluded, "unless the power of direct legislation is placed in the hands of the people, in order that these changes may come, not as the centralized government [has] given them, from above down, but may come from the people up; that the people shall be the directing and controlling factors in this legislation."

To the extent that Progressive democracy was radical, it represented a *sui generis* American form of radicalism—one conceived to rescue American individualism from a blind attachment to the Constitution, especially from fealty to the "high priests" of the Constitution. "[I]t is difficult for Englishmen to understand the extreme conservatism of my proposition as to the referendum to the people of certain judicial questions," T.R. wrote to a friend abroad; "and this difficulty arises from the fact that in England no human being dreams of permitting the court to decide such questions! In England no court can declare any legislative act unconstitutional." In fact, T.R. claimed, he sought to avoid the delegation of policy to an unchecked legislature that might truly embody the sort of factionalism that plagued France and England and had worried the architects of the Constitution. Recognizing that factionalism was abetted by militant partisanship in government, he wrote: "I do not propose to make the legislature supreme over the court; I propose *merely* to allow the people...to decide whether to follow the legislature or the court."

Back to the Future

The Progressive Party's "compromise" with public opinion in the United States points to its legacy for American politics and government. Arguably, the failure of the 1912 experiment and the Progressive Party's demise underscore the incoherence of the Progressive movement. Nevertheless, it was neither the Democrats, nor the Republicans, nor the Socialists who set the tone of the 1912 campaign. It was the Progressives. Beyond the 1912 election, their program of political and social reform has been an enduring feature of American political discourse and electoral struggle. The Progressive Party forged a path of reform that left both social democracy and conservatism—Taft's constitutional sobriety—behind. Similarly, T.R.'s celebrity, and the popularity of the Progressive doctrine of the people's right to rule, tended to subordinate the more populist to the more plebiscitary schemes in the platform, such as the initiative, the referendum, and the direct primary, which exalted not the "grassroots" but mass opinion. Indeed, in the wake of the excitement aroused by the Progressive Party, Wilson, whose New Freedom campaign was far more sympathetic to the decentralized state of courts and parties than T.R.'s, felt compelled, as president, to govern as a New Nationalist Progressive.

Of course, the Progressive Party campaign of 1912 is only the beginning of the story—the *birth* of modern American politics. It fell to Franklin Delano Roosevelt, who was inspired by T.R.'s 1912 campaign, to consolidate developments begun by the Progressive Party. Like the Progressive Party, the Democratic Party of the New Deal was formed to advance the personal and nonpartisan responsibility of the executive at the expense of collective and partisan responsibility. Understood within the context of the Progressive tradition, the New Deal is appropriately viewed as the completion of a realignment that would make future partisan realignments unnecessary. It was to be but a way station on the road to Progressive democracy, where, to quote the important Brownlow Committee report: "Our national will must be expressed not merely in a brief exultant moment of electoral decision, but in persistent, determined, competent day-by-day administration of what the nation has decided to do."

The expansion of national administrative power that followed the New Deal realignment, however, did not result in the kind of state that Progressive reformers had longed for—one enshrining regulation and social welfare policy as expressions of national unity and popular commitment. In truth, the history of the Progressive Party sheds light on the love-hate relationship Americans forged with the state in the 20th century. The 1996 and 2000 presidential elections revealed that middle class entitlements like Social Security and Medicare are still popular. Yet the rejection of national health care reform and the devolution to the states of responsibility for welfare (AFDC) show that Americans continue to abhor, even as they embrace in many important particulars, national administrative power. Meanwhile, "pure

democracy" has evolved, or degenerated, into a plebiscitary form of politics that mocks the Progressive concept of "enlightened administration," and exposes citizens to the sort of public figures who will exploit their impatience with the difficult tasks involved in sustaining a healthy democracy. Those who blame television or campaign finance practices for this development would be well served by a careful study of the deep roots of the Progressive tradition.

For better or worse, the Progressive democracy championed by T.R. in 1912, and the love-hate relationship with the state it has led to, now seem enduring parts of our political life. In this sense, the Progressive Party campaign of 1912 might very well provide useful—and troubling—insights into the future of American politics.

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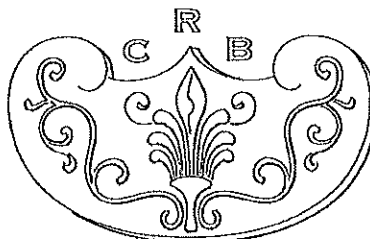
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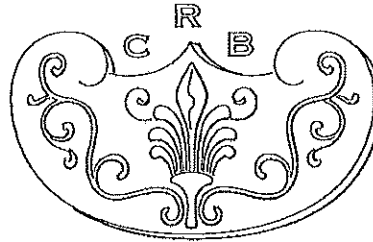
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