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Progressivism and the Executive Branch: Woodrow Wilson's Expansion of Presidential Power

By

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POL400: Senior Thesis

Thesis: President Woodrow Wilson justified his expansion of presidential power as a necessary response to the moral, economic, and political crisis of industrial modernization that followed the Civil War.

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As a young intellectual, Woodrow Wilson declared a political principle that would fundamentally redefine the American presidency*:* "Leadership and control must be lodged somewhere; the whole art of statesmanship is the art of bringing the several parts of government into effective cooperation for the accomplishment of particular objects…" (Wilson Constitutional 54). [1] The political and economic circumstances in late 19th and early 20th century America gave Wilson a chance to implement his political theory of the modern state. The effects of massive immigration to the United States and rapid industrialization of the nation's economy, combined with unrest and radicalism in the labor class, led Wilson to believe that government was the only institution that could respond efficiently and justly to the crisis of modernization. Beginning with Wilson, the president became the leader of the nation's public policy debate, a role that the Founder's never intended especially in regards to socio-economic issues (Diamond 7). Wilson used these conditions to justify the nation's shift away from the Founders' moderate and limited vision of the executive and toward a president who would lead an administrative state unlimited in power and scope. President Woodrow Wilson justified his expansion of presidential power as a necessary response to the moral, economic, and political crisis of industrial modernization that followed the Civil War.[2]

In order to understand the expansion of presidential power under Wilson, it is essential to

understand the limited role of the presidency as crafted by the Founders. Article II of the Constitution, which outlines the powers of the president, builds upon the philosophic principles engrained in the Declaration of Independence: that the duty of government is to protect the unalienable rights of its citizens, among them "life, liberty, and the pursuit of happiness" (Declaration of Independence).[3] Three important and explicit domestic powers of the president include the veto[4] and the state of the union address.[5] The executive would also enforce Congressional legislation and defend the nation against foreign attack.[6] The Founders did not envision the president taking an active role in creating legislation. They restricted the possibility of a legislative president by institutionalizing the separation of powers that would deny the president the ability to actively partake in law making.[7] The president's power is further limited because he is constrained to enforcing only the laws passed by Congress. The Constitution in Article I Section 8 limits Congress to passing a law only if it will assist with the "execution" of Congress' enumerated powers. The president is then limited in scope to executing only those laws which Congress deem "necessary and proper" to protect natural rights. Although the Constitution strictly constrains the president to a very short list of actual powers enumerated in Article II, Alexander Hamilton in *Federalist 70* argues, "energy in the Executive is a leading character in the definition of good government" (Hamilton 421).[8] Hamilton did not mean that the president should have arbitrary power comparable to the King of England, but that he should have enough power to enforce the necessary and proper acts of Congress for the protection of natural rights. However, the Founders were not blind to the possibility that such a limited office could be expanded and used for nefarious political ambition: "The Founders sought to deflect the great force of presidential ambition from its possible manifestations in demagoguery or 'image' appeals" by creating electoral institutions that would deny the ability of factions to rally behind "different leaders ambitiously contending for pre-eminence and power" (Ceaser Political 711; Hamilton 73).[9] Thus, the Founders created a president whose power was constrained by limited laws focused solely on

the protection of natural rights, and who was limited in his ability to appeal to the passions of the people.

Several changes occurred over the course of the 19th century that tested the ability of the Founders' modest executive to meet the needs of a society vastly different from the one the Founders understood. Between 1890-1920, the population of the United States more than tripled.[10] Massive immigration was transforming the ethnic and cultural demographics of America. [11] Immigrants flocked to the cities seeking economic advancement, urbanizing a country that had once heavily relied on agriculture as the nation's main source of income.[12] The nation's population changed drastically from Founders' age when "the population was chiefly agricultural, and the labor of the farm was for the most part performed by independent farmers who tilled their own soil" (Ely Labor 36). Urban immigration in the late 19th century helped transformed the nation's city, and in turn, America's economy.[13]

Massive immigration and urbanization helped lead to the industrialization of the nation's economy. The city "constituted a nerve center of the rising industrial order" (Schlesinger 44).[14] By 1890, manufacturing took the lead as the nation's chief source of wealth, topping the value of agriculture by more than two to one by 1900 (Schlesinger 40). An economy that once relied almost exclusively on agriculture in 1789 was the world leader in industrial manufacturing by 1900. No other epoch in the history of man had seen such a transformation in wealth, technology, and the role of labor.

According to Progressives[15] like Richard T. Ely and Wilson, and socialists like Eugene V. Debs, life as a "dependent" industrial laborer in the city meant that he could no longer be self-reliant, as he could in the Founders age.[16] The Progressives believed that the Industrial Revolution transformed the laborer from "a self-respecting craftsman, often master of his own tiny shop…[to a] mere tender of a machine, his conditions of employment fixed by managers representing

absentee owners" (Schlesinger 92).[17] Progressives argued that the economic revolution, which resulted in unprecedented wealth and production, brought with it "large-scale methods of impersonal corporate control" (92). According to the Progressives, the laborers' working conditions consisted of dark, poorly ventilated structures that promoted ill health among workers, and low wages meant that city dwellers working in the factories lived at or below a bare subsidence level (Viault 90). Furthermore, Progressives argue that the rise in the number of immigrants willing to work for cheap wages displaced many native workers and allowed industrialists to pay their employees poorly (Schlesinger 92).[18]

In response, social reformers bent on transforming the industrial-capitalist system emerged in opposition to laissez-faire government and natural property rights. Ely remarked that at the time of the Founding there were "no traces of anything like a modern trades-union…There was little need, if any, of organization on the part of labor" (Ely Labor 26). Contrary to the limited vision of the Founders, who lived in an agrarian society of self-dependency, Progressives believed that the modern industrial age resulted in difficult working conditions, low wages, and worker exploitation, and thus created a need for labor unions to defend the laborer against the capitalists. Radical labor leaders and academics emerged, and formed unions as a remedy to the crisis facing the new labor society.[19] Some prominent laborer leaders were Debs and Daniel De Leon. The expansion of union membership drew socialists and radicals to the cause of labor (Schlesinger 94).[20] Labor-employer relations hit a disastrous nadir towards the end of the 19th century. The development of labor unions, which demanded benefits including an eight-hour workday, increased wages, and better working conditions, "was accompanied by bitter and sometimes bloody labor-management conflicts" in the form of strikes that escalated into deadly riots (Viault 74).[21] The strikes, no matter how unsuccessful in fully achieving their economic goals, propelled leaders like Debs onto the

national stage.[22] With the ensuing rise of the radical labor movement, the people of the United States turned to the government for solutions.

Wilson shared the general Progressive critique that the Founders' Constitution was antiquated, and that capitalism and industrialization were unfair and exploitative, as he discussed in *The New Freedom*. He, like all Progressives, believed that the nation needed serious reform. By the time Wilson was elected president in 1912, he had already developed his intellectual and practical plan for the new role of the modern state. In order to achieve the ends of a new government, Wilson justified his expansion of federal power as a necessary response to the crisis of industrial modernization. The root of the industrial problem, as Wilson saw it, lay in the cause of industrialism itself: corporations and free-market capitalism. In his argument against corporations and in favor of government control over the economy, Wilson espoused the Progressive view that at the time of the Founders the government did not *need* to play an active role in regulating the economy (Wilson Woodrow 108). However, in the new industrial age, nothing *but* the government could protect the worker.[23] Corporations violated what Wilson identified as the democratic equal opportunity of the people, subjecting the people to impersonal control, exploitation, and dangerous working conditions (Wilson New Freedom 21).[24] To alleviate the stranglehold of corporations on the American worker, Wilson suggested that it is the duty of government "to subordinate corporations to the public interest" (Wilson Woodrow 94). Since corporations have stripped the individual of their strength, "the moralizer and disciplinarian of corporations can in the nature of the case be none other than the government itself" (102). Wilson did not believe that the role of government could any longer be restricted to the protection equal rights under law, but that, in the new age of industrial abuse, it must also guarantee some measure of economic equality and promote more equal employer-employee relationships to prevent exploitation.

Wilson and the socialists shared many ideologies; namely, that capitalism was inherently unfair and in the modern era, dangerously exploitative (Wilson New Freedom 21). This was a fact he acknowledged in his essay "Socialism and Democracy". They believed that it was necessarily the government's duty to regulate corporations and protect the worker. Therefore, Wilson did not wholeheartedly reject the tenets of socialism.[25] However, he did reject socialism as a political movement. His primary objection to socialism was that it was revolutionary; socialism was abstract theory, and denied the possibility of sociopolitical evolution according to the historical environment.[26] According to Wilson, in the modern state Progressivism was the only legitimate alternative to socialism. Progressive and socialist policies and objectives were similar. However, Wilson understood the role of government as an elite administrative leader. Therefore, a departure from moderate progress and the adoption of the radical socialist agenda would put too much power in the hands of the people, and take power away from the ruling administrative elites.

Wilson believed that immigration was largely responsible for the influx of radicalism in the labor movement. According to Wilson, revolutionary philosophies such as socialism filled the minds of Europeans and "that philosophy [of European immigrants] is in fact radically evil and corrupting" (Wilson Edmund vol. 8). Industrialization, immigration, and radicalization of the labor force presented a threat to the organic growth of American government and economic policy, and thus threatened the utopian state. Wilson saw it as his responsibility to give birth to the Progressive idea of the modern state in America, and to form a new presidency that would lead the country into a new era of politics.

Wilson rejects the political theory of the Founding, and seeks to replace it with Progressive political theory. The political philosophy of the Founding, espoused by the Declaration of Independence, echoes Locke's *Second Treatise of Government*.[27] Before men entered civil society,

there was the state of nature where "all men are created equal".[28] Although it precedes civil society, the state of nature is governed by the Law of Nature. The Law of Nature states that that every man has a right to his "life, liberty, and property". However, Locke says that in the state of nature, a society where there is no government to enforce the law, "no body" exists to "preserve the innocent and restrain offenders" (Locke 271). Therefore, to protect and preserve themselves, men mutually consent to enter civil society and, "to secure these Rights, Governments are institute among Men" (Declaration). Once were without government obeying only the law of nature, men freely formed a social compact and agreed to enter society in order to protect their lives, liberty, and property. The government, once formed, is necessarily limited because it derives its "just powers from the Consent of the Governed" (Declaration). Thus, the government's authority comes from the will of the people, and the end of government is to secure the life, liberty, and property (natural rights) of its citizens.[29]

In *The State*, Wilson's treatise on government, he argues that, "The probable origin of government is a question of fact, to be settled, not by conjecture, but by history" (Wilson State 1). Wilson claims that the patriarchal family was the first political system (Wilson State 3).[30] His theory claims that man is born into familial government, and "all that they possessed, their lives even and the lives of those dependent upon them, were at the disposal of this absolute father-sovereign" (Wilson State 6). In the archaic form of familial government, Wilson claims, "the only individuality was the individuality of the community as a whole. Man was merged into society" (Wilson State 12). The father brings each individual member of his family into mutual cooperation and effectively owns the lives of each family member (Pestritto Woodrow 46). Wilson and many Progressives subscribed to the belief that the modern state, following the model of the absolute-father sovereign, must bring individuals into a collective unit working towards the same historical

ends of what Hegel called the "Divine Idea"—the perfect form of government on earth (Pestritto Woodrow 15-16, 46).[31] Individualism existed only in the sense that each individual in the family, community, or nation worked for the mutual benefit of the collective. According to Progressives, it is the responsibility of the modern state to unify, or "merge" men into one collective society.

Furthermore, in *The State* Wilson argues, "political growth refuses to be forced; and institutions have grown with the slow growth of social relationships; have changed in response, not to new theories, but to new continuing circumstances" (Wilson State 575).[32] Men cannot abstractly create government, and "must take as its guide the historical spirit of its own particular epoch" (Pestritto Woodrow 35). Historicism[33] argues that government reflects history—government slowly evolves according to the social, political, and economic environments of the people. In order to marry paternalism and historicism, and for Americans to accept the birth of modern state, Wilson believed that he needed to redefine liberty to reflect historical evolution.[34] The new meaning of liberty rests on the ability of the majority to use the power of government as they see fit: "political liberty is the right of those who are governed to adjust government to their own needs and interests" (4).[35] Wilson and the Progressives argued that it is the responsibility of the modern state, and, more specifically, the executive of the government, to direct the public will and to embody the peoples' democratic *majoritarian* spirit. The executive had to lead because a multitude of leaders would be inefficient. The president and the elites of his administration, by directing and embodying the people's will, would move the government towards its proper historical growth and form a paternal government.

Wilson resented that the Founding, established by the Declaration of Independence, was rooted in what he believed to be the fallacious ground of state-of-nature and social-compact theory. He denied the factual accuracy of the state of nature and social compact theories developed by

Locke and Hobbes, dismissing them as "conjecture".[36] He also concluded that social compact theory has led to unwarranted emphasis on natural rights and the individual. Wilson replaced the social compact theory with his factual-based patriarchy.[37] He believed that patriarchy as a political concept surmounted individualism because it was based in historical proof and it allowed for a more collectivist version of society. In Wilson's argument, individualism and rights in the spirit of the Founding was a hindrance to progress and patriarchal government because individualism inspires people to work for their self-interest, not for collective interest.

According to Wilson, the theory of historicism and "political growth" precludes men from grounding government in abstract theories, like the Declaration. To Wilson, the Founder's conception of political theory makes the American government "incapable of adjustment to necessary historical change" because social compact and natural rights theory roots men in universal, unchanging principles (Pestritto Woodrow 5).[38] Therefore, Progressivism offered Wilson a venue to transform government away from the mistaken Founding principles and towards a paternal government that could grow organically according to historical situation (80). The Founder's idea of freedom, which meant freedom from the tyranny of government, and indeed from the majority, was inherently misplaced according to Wilson.[39] The limited government established by the Founders was inadequate because it did not allow the government to effectively respond to its people and to unforeseen crises. Thus, the new era of Industrial Modernization required unlimited government and provided Wilson with the justification to bring forth the modern state.

Wilson's "organic theory of politics was based on the premise that governments were living, evolving organisms which took their form from the customs, habits, and opinions of the people" (Turner Woodrow Wilson and Public 507). In order to lead the organic evolution of government, Wilson imagined a new meaning of government with the Progressive presidency at

the helm of the modern state. The president would be a powerful party leader, a great orator able to direct, mobilize embody the public will.[40] Wilson "began urging that the President might unite the executive and legislature and provide the desired leadership by asserting his three-fold role of party leader, national leader, and constitutional executive" (508).[41] Wilson believed that the president needed to take the role of public leader starting at the nomination process. He saw the Founder's system of election inherently flawed, and believed, contrary to the Founder's vision, that "the selection system should be designed to elevate a dynamic leader above the political party and make the party serve his will" (Ceaser Political 711). Wilson's expansive view of the presidency was a complete break with the Founders' vision of a moderate and limited presidency. Government, according to Wilson must be unfettered so it can affect and embody the will of the people (Zenter 579). In Wilson's Progressive view of the presidency, it makes no sense to limit the government in order to protect the people from their own organic will. It was then necessary to dismantle the institutional limits of American constitutionalism (Pestritto Woodrow 7).

If his objective was to create a democratic system that would translate public needs into quick and efficient government action, then separation of powers was the inherent evil that made government both undemocratic and inefficient (Pestritto Woodrow 123). [42] Wilson argued that separation of powers made the government not only inefficient, but irresponsible as well (124).[43] In order to achieve the ends of the modern state, Wilson had to free the presidency from its Constitutional restraints by disintegrating the separation of powers, establishing a public and legislative presidency, and creating an executive administration that would shape the legislative process. [44] Going beyond the separation of powers would be fundamental to Wilson's creation of the modern state.

Wilson believed that since the president was the only nationally elected official, he should inform and embody the public will of the nation.[45] As the embodiment of the public spirit, Wilson

argued that the president must direct Congress' legislative agenda towards his specific legislative goals. Using his increased power of administration, the president would then forego the limitations inherent in the separation of powers.[46] Wilson went beyond the separation of powers in four main ways: he informed the public directly about his legislative initiatives, used powerful rhetoric to sway Congress, used the veto power to pressure Congress into adopting his political vision, and drafted legislation that he presented to Congress. With his rhetoric, Wilson would inform the public about his legislative agenda. Once he sold his legislative vision to the public through his addresses, he could then claim that he was embodying the spirit of the people when he pushed Congress towards his own legislative ends. Virtually no other president wielded this much legislative power. As a public president, Wilson thought it was essential that he deliver the State of the Union and other addresses in front of Congress in order to powerfully propose his legislative agenda (Ceaser The Rise 162). No President since John Adams had appeared in front of Congress, and no other president had used a Congressional address to outline a legislative agenda.[47] He also revolutionized the use of veto power, and gave his Constitutional duty a shrewd political purpose that amounted to political horse-trading. His use of veto power was beyond what earlier presidents had imagined.[48] Furthermore, and most astonishingly, "in strict conformity with his earlier developed theory of executive leadership…[Wilson] exerted influence at every stage of the legislative process. He planned the legislative programs. He and his assistants took an active part in drafting bills. After bills were introduced, he used various means to secure their adoption" (Turner Woodrow Wilson as Administrator 252). For the president to draft bills was a complete break with the Founder's vision of separation of powers, and was far beyond what earlier presidents had done.[49] In a time of crisis, he claimed that he was embodying the democratic spirit of the people in order to achieve what he perceived as necessary reform. Through his initiative to create a public and legislative presidency, Wilson defined a fundamentally new role for the president.

In Wilson's modern state, the executive administration would be responsible for drafting legislation as presented by the president. Meanwhile, "Wilson consistently maintained that Congress had to abandon is traditional legislative functions", leaving those specifically to the administrative state (Pestritto Woodrow 222).[50] Wilson believed that the administrative state led by a powerful and public executive was the only institution of government that could respond efficiently to the crisis of industrial modernization. Administration was, in fact, the only legitimate and lasting form of government because it was entirely amendable to contemporary needs. The president was to provide the vision of a political agenda, excite and rally the public behind him, and have his administration draft a bill that would be publicly debated in a parliament-like Congress mostly for the benefit of informing the people (Pestritto Woodrow 152). Congress, of course, would pass the bill as drafted by the administration. These entirely new functions of the state, and specifically of the president, were products of Wilson's Hegelian education and the spirit of Progressivism. According to Wilson, limited American constitutionalism was dead. Administration was the new state. The new administrative government would be separate from political corruption and turmoil, and instead would be led by a charismatic, elite, and public president.

The Progressive Era introduced America to new theories of society, economics, and politics. Although he did not have complete success ushering administrative government into the United States, Wilson did begin to rewrite the Founder's concepts of liberty and democracy, and was able to vastly grow the administrative and legislative powers of the presidency. When Franklin D. Roosevelt took office just thirteen years after Wilson's final term, he used a new socioeconomic emergency to justify an even greater expansion of presidential power. FDR, and most subsequent presidents, have followed the example of Wilson, the first president to argue for unlimited government power (West The Progressive). Wilson was the first president to use his office to advocate in Congress for a domestic legislative agenda policy. In Wilson's Progressive

government, the state could affect any social, economic, or political issue according to popular desire. The government could control every facet of society. President Woodrow Wilson justified his expansion of presidential power as a necessary response to the moral, economic, and political crisis of industrial modernization that followed the Civil War.

Endnotes

[1] See Appendix A for biography of Woodrow Wilson.

[2] This paper will ignore Wilson's use of presidential power when dealing with war-preparedness and national security issues. For instance, Wilson imprisoned thousands of American citizens for speaking out against the war effort (United States Statement). The so-called "Palmer raids"—named for Wilson's Attorney General A. Mitchell Palmer— allowed the U.S. government to deport and arrest foreign and domestic citizens who spoke out against the war. Many of them were radical anarchists. However, this paper will not analyze his wartime policies because they represent a presidential reaction to wartime emergencies.

It is important to note that there are two distinct types of emergency: temporary and permanent. An example of temporary emergency would be the Civil War, or World War I. In order to solve these crises, America and the power of the president did not have to change fundamentally, only temporarily. Once the emergency was over, the president would return to his Constitutionally limited role. However, Wilson believed that the Constitution was incapable of adjusting to the permanent emergency of modernization. He contended that the Founders' Constitution, in conjunction with modern economic situations, was inadequate for the modern era. Thus, the power of the president must be permanently altered, or else the emergencies would reoccur. For instance, once a president's power was expanded to defeat radical laborers, his power could not be rescinded, or the radical laborers would once again resurface. Wilson believed that the "emergency" of industrial modernization required a fundamentally new system of government because of the inherent flaws of the Founder's system, with vastly more expansive presidential powers than were granted by the Constitution. He said that the "Chief greatness" of

the Constitution was that "there were blank pages in it, into which could be written passages that would suit the exigencies of the day" (qtd. in Wilson Says; see also endnote 48). The Constitution needed to be fundamentally altered, and new powers of the president needed to be "written".

It is not the aim of this paper to judge Wilson based on temporary change in wartime power, because that is normal in wartime emergencies. This paper will discuss what he believed to be the necessary permanent expansions of presidential power.

[3] John Locke, from whom the Founder's drew heavy inspiration during the Revolutionary period, said more specifically "life, liberty and *property"* (Locke 350, emphasis added) The Constitution protects the individuals' natural rights— life, liberty, and property. Natural rights are not susceptible to historical circumstance, but "applicable to all men by virtue of their common nature" (Pestritto Woodrow 3). See Appendix B for Article II of the Constitution.

[4] The only direct power the president has over Congress is his power to veto a bill. The Founders intended presidential veto power to be used only when returning a bill to Congress that is repugnant to the Constitution (Hamilto 415). In the Federalist Papers, Hamilton addresses the importance of the veto in two respects: (1) Without the veto, the president "would be absolutely unable to defend himself against the depredations of the [legislature]. He might gradually be stripped of his authorities by successive resolutions or annihilated by a single vote….”; and (2) "It not only serves as a shield to the executive, but it furnishes an additional security against the enaction of improper laws" (Hamilton 441). Furthermore, the Founders believed that the veto power would "be employed with great caution; and that there would oftener be room for a charge of timidity than of rashness in the exercise of it" (443). It was not designed as a tool for legislative bargaining, nor was it was assumed that the president would use his veto power to direct the

legislative process, or deny a bill simply because he deemed it unwise. George Washington returned a bill to Congress only two times during his eight year tenure, both for reasons of constitutionality (United States, United States Senate). Both Thomas Jefferson and John Adams, among later 19th century presidents, never vetoed a bill. Compare the Founder's use of the veto-power with Franklin D. Roosevelt, who vetoed 635 bills over the course of his tumultuous sixteen years in office, the most vetoes of any president. This is due to a combination of the length of his tenure, the multitude of bills Congress passed in order to lift the country out of the Great Depression, and the enormous legislative power he took on as president.

[5] Article II Section 3 of the Constitution requires the president to deliver a report on the State of the Union to Congress "from time to time," and to recommend for "their consideration such measures as he shall judge expedient" (Constitution). The Founders intended that the State of the Union be a summary of the recent happenings within the Union, an analysis of national problems, and offer remedial suggestions to Congress that adhere to the protection of natural rights. It was not intended to be the president's legislaive agenda that Congress was to enact, like the British monarch's speech from the throne. The State of the Union was designed to recommend to Congress the proper means necessary to secure the natural rights of the citizenry, especially as it related to his utmost preoccupation, common defense. For instance, Thomas Jefferson, in his first State of the Union, urged Congress to adopt a law restricting private marine warfare against foreign ships: "Its tendency to produce aggression on the laws and rights of other nations and to endanger the peace of our own is so obvious that I doubt not you will adopt measures for restraining it effectually in future" (Jefferson). Similar issues are, essentially, what the President would bring to the attention of Congress in the State of the Union. Woodrow Wilson became the first president

since John Adams to deliver the State of the Union in front of Congress. All presidents in between had submitted the State of the Union as a letter to Congress. See Appendices C,D,E.

[6] In *Democracy in America* Tocqueville notes, "In the United States the executive power is limited and exceptional….The president is…the executor of the law, but he does not really concur in making it….The president has only a temporary, limited, and dependent power" (Tocqueville 116, 121).

[7] For instance, Article I Section 6 of the Constitution states that the president cannot appoint to his council a member of Congress, and equally denies a member of the president's council the ability serve in elected office. The Founders intentionally designed Section 6 to constrain the president's role in legislating, and to limit the legislatures' role in executing. The Constitution in Article I, Section 6 states, "No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States…and no Person holding any Office under the United States shall be a member of either House during his Continuance in Office" (Constitution).

[8] Hamilton says:

> Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy (Hamilton 421).

[9] The Founders were concerned about the establishment of demagoguery, where a president would agitate and appeal to popular desires and prejudices rather than rely on rational, Constitutional judgment. They shared a vision of a modest president preeminent in "moral certainty" and "merit" (Hamilton 412). To achieve these ends the drafters of the Constitution

created the Electoral College. Hamilton professes the virtues of the Electoral College in *Federalist 68:* "This process of election [of the president by a certain numbers of electors in each state] affords a moral certainty that the office of President will seldom fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications" (412). Hamilton goes on to denounce demagoguery, or "popular arts", by claiming "Talents for low intrigue, and the little arts of popularity, may alone suffice to elevate a man to the first honors in a single State; but it will require other talents, and a different kind of merit, to establish him in the esteem and confidence of the whole Union…" (412).

[10] The population of the United States in 1860 was just over 30,000,000 (1860 Census). By 1890, that number had doubled to just over 60,000,000 (1890 Census). By 1920, the final year of President Woodrow Wilson's second term, the population had reached over 100,000,000 (1920 Census). See Appendix F.

[11] Between 1860-1920, twenty-five million immigrants settled in America, mostly in cities (Viault 81). In this period, "the United States experienced one of the largest transfers of population in human history…By 1910, immigrants and their U.S.-born children made up 35 percent of the population" (Mokyr 168). See Appendix G.

[12] Increased industrial activity led to advances in farming technology, which decreased the need for manual labor on the farm in order to achieve a much higher output of agriculture goods (Schlesinger 37). Between 1860 and 1880, wheat and corn production doubled (37). By 1900, production doubled again. Between 1869 and 1919, the agricultural labor force grew at only 0.9% per year, while output grew at 2.0% per year (Mokyr 169). Capital climbed 2.0% per year, while technological advances in agriculture grew by 3.9% per year, encouraging large-scale production

of crops that led to recurrent surpluses and consequently low prices, resulting in low profits. Between 1870 and 1920, the workforce went from being employed 50% to 25% in agriculture, respectively. Enormous expansion of Western agriculture had to compete in the world markets with wheat production in Russia, Australia, Canada, and Argentine, causing crop prices to again fall dramatically. The economic troubles of the farmer, which consisted of "low farm prices, high charges for what he bought, steep transportation costs, excessive taxes, [and] grinding debts" led rural natives and new immigrants to the rising industrial cities of America (Schlesinger147): "From a nation that at the close of the Civil War was still agrarian and in which half or more of all adults were self-employed, the United States had become by 1920 an urban nation in which the vast majority of individuals worked for employers" (Dubofsky 3). The superior opportunities afforded by industrialization in the cities, as well as shrinking profits in agriculture motivated natives and migrants to flock to America's urban centers. Cities in states across the country, from Rhode Island to Illinois, gained roughly 2.5 million inhabitants by the 1880s (Schlesinger 45). Meanwhile, these same states' rural districts lost roughly 200,000 residents by the 1880s. In the late 1860s, less than 1/4 of the population lived in cities—by 1890, 1/3, by 1910, ½. In 1920, 15 cities had population over 100,000 (Viault 85). See Appendices H, I, J. Appendix K details the amount of new factories as opposed to the amount of new farms between the years 1849-1920. It is obvious that farms were more numerous. This is due in part to westward expansion. However, what is noteworthy is the *rate* of increase in farms versus factories. While the number of farms increased only by one-half, the number of factories increased by just under five times. See Appendix K.

[13] The relationship between immigration/urbanization and industrialization is really cause and effect (Hirschman 917). As immigrants came to America, industry expanded. In turn, more

immigrants came, frequently at the advice of relatives who recently immigrated to the United States and found decent work and pay in factories. Immigrants urging their families to come to America led to even more immigration to the cities, and as a result, more industrialization. Furthermore, second and third generation children of immigrant parents and grandparents provided critical labor necessary for industrialization. Hirschman and Mogford conclude:

> Without immigrant labor, it seems unlikely that the American industrial revolution would have been achieved at the same pace, scale, and profitability that it did. Our claim is not that immigrant labor caused the American industrial revolution; there were a number of factors that played an important role in this epochal process. Immigrant labor, however, may well have been a necessary condition for the pace and scale of the rise of the manufacturing sector from 1880 to 1920 (Hirschman 917).

[14] Industry was able to grow at such a rapid pace for three main reasons: (1) the availability of natural resources, (2) large amounts of available capital following the rise of industry during the Civil War, and (3) the post-Civil War political climate was conducive to the growth of industry (Viault 60). In addition, immigration and the growing urban population provided the necessary labor for industrialization, meanwhile supplying a huge market for the goods produced by the factories (Viault 87): "In 1910, the foreign-born and children of foreign-born compromised more than 60 percent of the U.S. machine operators and more than two-thirds of the laborers in mining and manufacturing" (Mokyr 168). From 1860 to 1890, the nations production rose tenfold; by 1900, "urban factories produced about 90 percent of the country's total industrial output" (Viault 87, Schlesinger 41). Furthermore, "in the late-nineteenth and early-twentieth centuries, the United States emerged as the world's preeminent manufacturing nation. Its share of world manufacturing output, which had been 7 percent in 1860, rose to 24 percent in 1900 and 39 percent in 1928" (Mokyr 168). See Appendix L. This appendix gives a general overview of the huge increase in capital produced by the manufacturing sector in the midst of the Industrial Revolution.

Antebellum data on manufacturing is largely absent from historical record because prior to industrialization most manufacturing occurred on a small scale (Licht 34). Few were employed by a manufacturer, and manufacturing output was relatively low, thus it was seldom recorded. The census first began collecting manufacturing data in 1840. However, the records give an incomplete picture of manufacturing output prior to the Civil War.

[15] Progressivism in American political thought consists of three main parts: a rejection of the natural rights theory of the Founding, acceptance of relativism, and the advancement of historicism (West Progressivism 14). Thomas G. West argues in "Progressivism and the Transformation of American Government":

> In the late 19th century, educated Americans began to turn away from the natural rights theory of the founding. Their doctrines of relativism and historicism—the denial of objective truth and the claim that "values" change over time—took its place. Relativism is the view that there is objective knowledge only of facts, but not values. Science can know the truth about the material world, but it cannot tell us how to live. Historicism claims that all human thought is rooted in a particular historical time and place, so that the human mind can never escape the historical limitations of its own time (14).

Progressivism argued that a new State must be formed that would have unfettered control over property for the advancement and equity of society. West also outlines the chief goals of Progressive domestic policy:

> *First,* government must protect the poor and other victims of capitalism through redistribution of resources, anti-trust laws, government control over the details of commerce and production: i.e., dictating at what prices things must be sold, methods of manufacture, government participation in the banking system, and so on. *Second,* government must become involved in the 'spiritual' development of its citizens—not, of course, through promotion of religion, but through protecting the environment ('conservation'), education (understood as education to personal creativity), and spiritual uplift through subsidy and promotion of the arts and culture (West Progressive).

[16] This was the dominant view of Progressives and Socialists like Wilson, Richard T. Ely, Debs, John Dewey, Herbert Croly, and other leaders and scholars. However, immigrants and

natives alike saw the benefits of the industrialized city, such as higher wages than agricultural profit, increased chances of employment, and modern commodities such as indoor plumbing, telephones, paved streets, etc. (Viault 112). Furthermore, scholars argue that the conditions of industrial laborers were not worse than the conditions of a farmer. As Bittermann acknowledges, a farmer worked with heavy, dangerous equipment in any manner of weather conditions for very little pay, and relied on the uncontrollable variations of the weather to sustain his crops and profit: "Weather conditions and the presence or absence of crop and animal diseases played a substantial part in expediting the progress of household independence or, alternatively, in dashing hopes of agricultural security. A household which enjoyed a margin of independence in a favourable year could be plunged into debt and dependence in another… Such [variables] swelled the numbers in pursuit of work and expanded the commitments many households found necessary to make to off-farm labour" (Bittermann 19). A factory worker living in the city had the guarantee of work and sustainable living conditions, with more modern conveniences (Viault 112). Appendix M shows that between the years 1820 and 1870 per capita income increased by about 94%. For the years of the industrial revolution, between 1870-1913, per capita income increased by 118%. Furthermore, the manufacturing wage earner consistently made more money than a farmer did. See Appendix N (Due to a lack of reliable data for the preceding decades, the graph begins in 1892. While this does not show an extended trend of wages, it is apparent that the manufacturing wage earner consistently made more money than a farmer). In *Vindicating the Founders,* West argues that the industrial laborer understood the conditions he worked in and did not oppose them; rather, many of the industrial workers were immigrants who traveled from rural areas of relative poverty in their native countries to seek the much superior economic opportunities afforded to them by the

industrialized cities in America (West Vindicating 55; Viault 81-82). In fact, wages and modern conveniences of the industrial age resulted in an increase of life expectancy and decrease of infant mortality rates (Fertility). See Appendix O. The Founders were aware of the working conditions of the farm, however they held that free contract and property rights were best suited towards freedom and economic advancement (West Vindicating 139-140). The same argument is used to justify the economic conditions of the Industrial Revolution.

However, labor leaders such as Eugene Debs were adamant about making workers aware of their suffering and their class-consciousness. Although *Debs* thought that workers were exploited, he had to try hard to convince the *workers* that they were exploited. Debs believed that workers had to be awakened from their false consciousness—the Marxist concept which essentially argues that the proletariat, or working class, were ignorant of capitalist exploitation and their class inferiority—and that the worker needed to understand his class consciousness (Debs). To arouse the worker's class-consciousness, he used strong rhetoric, such as the "Revolutionary Unionism" speech. In Debs' view, workers were pawns of the capitalist machine, and were too ignorant to know they were suffering. See Appendix P,Q. This makes one question how much the workers were actually exploited— if they truly were, it may have been obvious to them. Regardless, Wilson, Debs, and the social reformers were eager to blame modern industrialization for the difficult conditions of the modern laborer. However, West and others argue that the increased per capita income, the increased standard of living, and the promise of work and wages proved that industrialization was beneficial for society, was not a terrific transformation in the history of the laborer, and thus did not provide a reasonable excuse for the expansion of presidential power.

[17] The transformation of America's economy meant an exodus from the agricultural industry and the rise of the urban industrial laborer. West argues that while the Industrial Revolution marked an enormous shift away from the economic and social situation of the Founders, it did not displace the need for protection of private property and free contract (West Vindicating 40). Scholars argue that many historians ignore the fact that the so-called "robber barons", the wealthy entrepreneurs such as John D. Rockefeller, Andrew Carnegie, Cornelius Vanderbilt and J.P. Morgan, committed few of injustices against workers that are attributed to them, a fact agreed upon by "historians on both the left (David Shi) and the right (Burton Folsom)" (West Vindicating 40). West goes on to argue that "the worst abuses of the period were committed, not by businesses like Standard Oil operating in the free market, but by businessmen granted special privileges or monopolies by government, such as some of the railroad companies. These problems were not solved but caused by government intervention in the free market" (41). Furthermore, entrepreneurs such as Andrew Carnegies actively pursued and promoted the humanitarian characteristics of capitalism, as he discussed in *The Gospel of Wealth.*

[18] Hirschman and Mogford argue that "although there was neither a slackening of economic growth nor a slowdown in the trend of rising wages of native born workers during the age of mass immigration in the late19th and early 20th century, [scholars] argued that wages would have grown even faster in the absence of immigration". Wages for native workers would have grown even faster than they did, although industrialization may not have occurred as rapidly. Hirschman and Mogford argue that immigrants were *willing* to work for cheap labor because in many cases, low wages in America still offered more opportunity than farming and fishing did in the rural areas of the country from which they emigrated.

[19] Progressive intellectuals like John Dewey, Herbert Croly, and Edward Bellemy "urged the elimination of competition and the creation of a socialist society based on cooperation" (Viault 70). Some favored actual socialism, while some favored a more restricted version, or a American version, that mixed capitalism with strong government regulation.

[20] While unions formed slowly over time with gains and losses throughout the late 19th century, they provided a venue for radicals to extol the virtues of socialism, communism, and anarchy, while denouncing the supposed horrors of capitalist greed, property rights, the free market, and free contract. In fact, union supporters such as Ely and Debs saw unions as an evolutionary organism that had to be developed properly over time before it could reach its revolutionary objectives. (Ely Labor 34, Dolbeare 400). It should be noted that many members of labor unions were not radical. However, the goal of labor leaders like Debs was to create class-consciousness in union members, and incite them in violence against their employers. Therefore, the leaders were highly effective in corralling their members to achieve the radical goals of socialism and the abolition of private property. Debs proclaimed, quite radically: "The [industrial] workers, enlightened, understanding their self-interest, are correlating themselves in the industrial and economic mechanism. They are developing their industrial consciousness, their economic and political power; and when the revolution comes, they will be prepared to take posses and assume control of every industry" (Debs).

[21] For instance, a strike in Chicago referred to as the Haymarket Riot escalated into a tragic labor relation's war zone, where "a bomb, perhaps thrown by an anarchist, resulted in the death of seven policemen and the wounding of 67 other people" (Viault 75). It is believed that anarchists

threw the bomb: "eight anarchists were charged with responsibility for policemen's deaths, since they had been inciting hostility towards the police" (75). See Appendices R-U.

[22] Debs, because of his leadership in managing strikes, became a prominent national figure in the American socialist movement, and ran for President on the Socialist Party ticket on five occasions (Viault 76). In the midst of labor unrest, 1877 saw the creation of the Socialist Labor Party, an opposition party to Democrats and Republicans (Dubofsky 67). The SLP exists today, and is the second oldest Socialist party in the world. From their party's website:

> During the early 1890s, the SLP attempted, unsuccessfully, to convert the American Federation of Labor and other unions into militant working-class organizations. In 1896, the Party endorsed the Socialist Trade & Labor Alliance, the first attempt in this country to build a revolutionary union movement. The SLP supported the ST&LA until the latter merged into the Industrial Workers of the World (IWW) in 1905. When the original IWW, based in Chicago, was captured by anarcho-syndicalists in 1908, the SLP participated in the formation of a new IWW based in Detroit. The Detroit IWW, later renamed the Workers International Industrial Union (WIIU), was disbanded in 1924… For individuals, socialism means an end to economic insecurity and exploitation. It means workers cease to be commodities bought and sold on the labor market, and forced to work as appendages to tools owned by someone else. It means a chance to develop all individual capacities and potentials within a free community of free individuals. It means a classless society that guarantees full democratic rights for all workers (Facts).

[23] Wilson, in *Socialism and Democracy*, writes, "In face of such circumstances, must not government law aside all timid scruple and boldly make itself an agency for social reform as well as for political control?" (Wilson Woodrow 79). Wilson echoes his former professor from Johns Hopkins University, Richard T. Ely, when he discusses the changes in America's economic, social, and political situation since the Founding, and the requirement for a new institution of economic rights and equalities. Ely claims that at the time of the Founding, "Political inequalities were the most obvious inequalities, so political inequalities were abolished. But since that time conditions of industrial development have changed, and those who are working in the same spirit to-day are

turning their attention to inequalities in economic opportunity" (Ely Property 399). Likewise, in the New Freedom, Wilson argues "the old political formulas do not fit the present problems; they read now like documents taken out of a forgotten age…" (Wilson New Freedom 19). He goes on to say "American industry is not free, as once it was free" (111).

[24] Wilson and labor union leaders critique corporations for many of the same reasons:

> In this new age we find, for instance, that our laws with regard to the relations of employer and employee are in many respects wholly antiquated and impossible. They were framed for another age, which nobody now living remembers, which is, indeed, so remote from our life that it would be difficult for many of us to understand if it were described to us. The employer is now generally a corporation of a huge company of some kind; the employee is one of hundreds or of thousands brought together, not by individual masters whom they know and with whom they have personal relations, but by agents of one sort or another. Workingmen are marshaled in great umbers for the performance of a multitude of particular tasks under a common discipline. They generally use dangerous and powerful machinery, over whose repair and renewal they have no control. New Rules must be devised with regard to their obligations and their rights, their obligations to their employers and their responsibilities to one another. Rules must be devised for their protections, for their compensation when injured, for their support when disabled…A new economic society has sprung up, and we must effect a new set of adjustments (Wilson New Freedom 21).

[25] Wilson's rejection of socialism in no way represented a rejection of statism and centralized control of government's power over the individual; in fact, Wilson agreed with these tenets of socialism, and found them wholly compatible with democracy and the aim of Progressivism, as he explains in his essay, "Socialism and Democracy":

> In fundamental theory, socialism and democracy are almost if not quite one and the same. They both rest at bottom upon the absolute right of the community to determine its own destiny and that of its members. Limits of wisdom and convenience to the public control there may be: limits of principle there are, upon strict analysis, none…The difference between democracy and socialism is not an essential difference, but only a practical difference—is a difference of *organization* and *policy*, not a different of primary motive. Democracy has not undertake the tasks which socialists clamor to have undertaken; but it refrains from them, not for lack of adequate principles or suitable motives, but for lack of organization and suitable hardihood: because it cannot see its

> way clear to accomplishing them with credit. (Wilson Woodrow 78-79).

Wilson did not embrace the socialist movement because "in practice, men had not *yet* learned how to organize government so that it could efficiently handle all of the responsibilities that socialists wanted to give it" (Pestritto Woodrow 81; italics in original). Wilson said of socialism and the radical labor movement:

> The program of the average labor organization, made up of distorted bits of economic truth, mixed with many of the cut and dried formulas of rationalistic socialism, represents an attempt to replace in the mind of the laborer the virtues of patient industry and reverence for law which had taken such deep root there, with calculated policies which ignore law and would substitute the natural rights of man. It is a perilous attempt to train the unlearned an the undisciplined to "live and trade each on his own private stock of reason." Its success is due to the fact that it uses thee theories of natural right which chime in with selfish desire and so establishes passion at the time that it overthrows habit (qtd. in Pestritto Woodrow 52).

However, while he rejected socialism practically, "Wilson was too much of an elitist and too fearful of populism to embrace the labor movement fully" (52). It was the function of the state to rule as an administration, not for populist fervor to rule the government. Wilson's disdain for populism is ironic, since his election to president rested on the support of populists (such as William Jennings Bryan), as did most of his Progressive Era Congressional enactments, including the income tax (which was authorized by the 16th amendment of 1913 and first instituted by Wilson's Underwood-Simmons Act, also passed in 1913), the popular election of senators, the Federal Reserve Act, and other major pieces of legislation. However, He was to idealistic and elitist to believe that a largely uneducated people could administrate. The federal government needed to be run by intellectuals in order to function according to societies needs; intellectuals who would have been educated in the political philosophy of Hegel and Burke, such as those who

graduated from ivy-league universities. Hence Wilson's famous speech, "Princeton in the Nation's Service"—not "steel workers in the nations service".

[26] Wilson's major critique of the American Revolution and Founding was its reliance on abstract universal principles, which he thought were repugnant to the natural evolution of the state. Likewise, the socialism of America's radical labor unions undermined organic reform. Like natural rights, Wilson saw socialism as "an abstract idea of equality that eschews any kind of historical reality" (Pestritto Woodrow 52).

[27] See Appendix V for the preamble of the Declaration of Independence.

[28] Locke says: To understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a *State of perfect Freedom* to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.

[29] The Founders created the Constitution as a legal framework that reflects the philosophy of the Founding; its function is to limit the power of the government and protect the unalienable rights of individuals.

[30] He states, "The patriarchal family…furnished the first adequate form of government" (Wilson State 13).

[31] Wilson shares Hegel's view that history is moving government and society toward a better end. The English Historical School views history as simply an ever-changing process, not directed towards a particular end. Wilson, however, buys into Hegel's more utopian view of German historicism (Pestritto Woodrow 51). Altough he subscribed to Hegel's hitoricism, Wilson learned from the English government; he admired England's ability to adapt to the nature of social

evolution without revolution. England had "simply tempered the severity of the transition… by slow measures of constitutional reform" (Wilson Woodrow 235). In studying and promoting the virtues of the "British constitutional tradition, Wilson made frequent and sharp contrasts between it and democracy in France" (Pestritto Woodrow 50). Echoing Burke, Wilson denounced the French Revolution as counterproductive to democracy and repugnant to deliberative change over time. Pestritto speaks correctly for Wilson by saying "the very notion of revolution is inherently problematic, because it proceeds without the requisite historical conditions. Revolution implies rashness, or what Wilson characterizes as an impatience to reach the proper historical circumstances" (Pestritto Woodrow 50). However, in Burke's *Reflections of the Revolution in France*, Burke discusses his acceptance of the American Revolution as a proper revolution, following the necessary transformations of a government according to historical change. Apparently, Wilson disagreed—or else he used Burke when convenient for his arguments. It should be noted that Wilson viewed Burke as too conservative. He took from Burke and the English Historical School the premise that no government can transcend historical circumstance by adopting ahistorical principles, but found a closer relation to Hegel's utopian view of history, which has a less "timid" idea of change in pursuit of the perfection of government and the state (Pestritto Woodrow 51; refer also to endnote 33).

[32] It is worth providing the full statement the previous quote concludes:

> From the dim morning hours of history when the father was king and priest down to this modern time of history's high noon when nations stand forth full-grown and self-governed, the law of coherence and continuity in political development has suffered n serious breach. Human choice has in all stages of the great world processes of politics had its part in the shaping of institutions; but it has never been within its power to proceed by leaps and bounds: it has been confined to adaptation, altogether shut out from raw invention. Institutions, like morals, like all other forms of life and conduct, have had to wait upon the slow, the almost imperceptible formation of habit…Revolution has

> always been followed by reaction, by a return to even less than the normal speed of political movement. Political growth refuses to be forced; and institutions have grown with the slow growth of social relationships; have changed in response, not to new theories, but to new continuing circumstances (Wilson State 575).

[33] Historicism claims that "all human thought is rooted in a particular historical time and place, so that the human mind can never escape the historical limitations of its own time" (Marini 14). Wilson subscribed to historicism, following the English Historical School of philosophers like Burke, but mostly he took from the German philosophers, such as Hegel: "What Wilson seems to have taken from the English Historical School was the premise that we cannot transcend our historical environment and adopt universal or ahistorical principles. But Wilson, like Hegel, was utopian about the direction of history in a way that is absent from Burke and other historical writers. Burke's conservatism, therefore, was too resistant to the kind of change that Wilson wanted to see taking place in politics—change that would need to occur in order for history's predestined end to come about" (Pestritto Woodrow 51)

[34] He claims, "[The Declaration] expressly leaves to each generation of men the determination of what they will do with their lives, what they will prefer as the form and object of their liberty" (Wilson Constitutional 4). He goes on to say, "liberty fixed in unalterable law would be no liberty at all" (4). Scholars such as West, Ceasar and Pestritto see Wilson's use of the Declaration as a perversion of the natural-rights concept of liberty that the Founders understood (Pestritto 54).

[35] Wilson thought that Progressives needed to use the power of government to implement solutions to new social and economic problems. To achieve these Progressive ends, Wilson recognized that he needed to dismantle the old beliefs of individualism and liberty in order to secure majoritarian rule and unlimited government. He was not concerned with *individual liberty*,

but with the "liberty of individuals as part of a majority to direct government in a manner that they believe the times demand" (Pestritto Woodrow 55). Wilson claims that since the laws reflect the will of a free people, obedience to the state fulfills freedom. Wilson believed that the executive and his administrators needed to develop people so that they could be free under the unlimited government of which they, as a majority, were an organic component.

[36] The use of historical in this sentence refers not to *historicism,* the philosophical view of Hegel and others in the 19th century, but of pure history. In chapter one of *The State*, "Earliest Forms of Government", Wilson denies that there are any facts in the history of man to support social compact and state of nature theory. In *Constitutional Government,* Wilson takes aim at the social compact theory and the natural rights espoused by the Declaration:

> No doubt a great deal of nonsense has been talked about the inalienable rights of the individual, and a great deal that was mere vague sentiment and pleasing speculation has been put forward as fundamental principle. The rights of man are easy to discourse of… but they are infinitely hard to translate into practice. Such theories are never "law."… Only that is "law" which can be executed, and the abstract rights of man are singularly difficult to execute" (Wilson Constitutional 16).

[37] Wilson's rejection of natural rights and social compact theory amounts to a complete rejection of the very foundations of American government. The theory of patriarchal family destroys any notion of the state of nature and mutual consent that is present in the language of Declaration of Independence. If men were born *into* government, they exercised no *liberty* in mutually consenting to form civil society. If, in the first government, the absolute father-sovereign controlled all that his family members possessed, even their lives, then it would be ludicrous to think that a government derived from that model "must be instituted among men" for the protection of life, liberty and property because government inherently *owns* all of its citizens.

[38] Wilson argues that political societies grow and change in ways that go beyond what the American Founders claimed were "permanent" ideas. The Founders, according to Wilson and the Progressives, could not think outside of their particular sociopolitical epoch. The Founders could not begin to predict or comprehend the problems and needs of the future American society. Wilson saw Progressivism as the American outgrowth of historicism, fulfilling the proper role of government in a way the Founders did not.

[39] From Pestritto's *Woodrow Wilson and the Birth of Modern Liberalism:*

> The proposition of the Declaration—that the purpose of government is to secure the natural rights of citizens—makes it imperative that the government be carefully restrained and checked, since it is a constant danger that the power of the state may be employed to the detriment of the rights of individual citizens. Hence, for the founders, the greatest threat to democratic government was the threat of faction—that a majority might use the power of the state to violate the rights of the minority. Majorities, therefore, had to be limited in the way that they could employ the powers of government, and government itself had to be checked and limited by a variety of institutional restraints. The founders were also clear, as explained in *Federalist* 6 and 10, that the threat of faction is *permanent*—it does not recede with time or with the march of history, because faction is grounded in human nature….*The Federalist* maintains that human nature does not improve, that there is no progress to a point where we can stop worrying about the factious nature of men and the pernicious ends towards which it might direct the power of the state. Hence, the need to limit government and circumscribe carefully its authority is permanent (Pestritto Woodrow 5).

[40] As president, Wilson took control of mobilizing the nation towards certain causes. The gust of his attention was directed towards preparing the country for World War I, but policy initiatives such as the tariff and the Federal Reserve Act were certainly cornerstones of his legislative presidency. Wilson claims that a propaganda campaign was necessary for the proper function of administration—government needed first to direct and inform the public sentiment before it could embody public will. He took charge of the propaganda campaign, utilizing the modern press and imaging technology in a way that no national leader ever had (Turner Woodrow

Wilson and Public 505). Wilson desired to create a "publicity bureau" that would essentially act as the propaganda arm of the White House, correcting and surpassing the press as the chief source of information as it related to both domestic and foreign policy. He complained as early as 1884 that the press had more influence over public opinion than political leaders, and believed that newspapers were inadequate in providing accurate, unbiased information to the people. Wilson thought that the Untied States lacked a "national organ of opinion", and that the federal government must fill the void (qtd. in Turner Woodrow Wilson and Public 509). The United States' entrance into World War I gave Wilson the justification to establish his propaganda bureau, the Committee of Public Information: "College professors, artists, poets, advertisers, actors and photographers were enlisted to help prepare pamphlets, bulletins, posters, pictures, motion pictures, and slides to help mobilize public sentiment behind Wilson and the war effort. Through the foreign agencies of the Committee on Public Information this material was translated and distributed to all parts of the globe" (Turner Woodrow Wilson and Public 509). Wilson viewed the propaganda campaign as solely his responsibility. In a letter to Benedict Cromwell, Wilson said "It is my wish to keep the matter of propaganda entirely in my own hands.... I regard nothing as more delicate or more intimately associated with the policy of the administration than propaganda" (qtd. in Turner Woodrow Wilson and Public 516).

[41] Wilson writes in *Constitutional Government*:

> "No one else [other than the president] represents the people as a whole, exercising a national choice…. He can dominate his party by being spokesman for the real sentiment and purpose of the country, by giving direction to opinion, by giving the country at one the information and the statements of policy which will enable it to form its judgments alike of parties and of men….For he is also the political leader of the nation….Let him once win the admiration and confidence of the country, and no other single force can withstand him, no combination of forces easily overpower him…[The nation's] instinct is

> for unified action, and it craves a single leader" (Wilson Constitutional 68).

Turner takes a positive view of Wilson's role in mobilizing and uniting public opinion:

> Few presidents have had as great an impact upon our governmental institutions and the history of the world as has Woodrow Wilson. The legislation enacted during his administration and the precedents he established as President have left a lasting imprint upon the structure and functioning of our government… To a considerable extent Wilson's remarkable achievements in politics may be credited to his realization of the power of public opinion and to his ability to guide and mobilize public sentiment….
>
> Wilson attempted to follow the course of action he had prescribed as a professor of politics. Remembering his own precept, that "no single force" could withstand the President if he won the country's "confidence," he attempted throughout his administration to give "direction to opinion." In an effort to mobilize public opinion in support of his legislative program, Wilson broke a precedent of one hundred and fifteen years and delivered a number of his messages to Congress in person. His first message to Congress—presented on April 7, 1913—dealt only with the tariff question and, like most of his subsequent presidential messages, was brief, clear, brilliantly delivered, and directed as much to the public as to Congress. Approximately two months later, after Wilson was relatively certain that the tariff bill would be enacted, he appeared before Congress for a second time-this time to request the adoption of the Federal Reserve Act. Intermittently throughout his presidency, Wilson addressed Congress when he wished to concentrate public opinion and the interest of the legislators on a particular problem. The brevity of these messages practically assured that they would be quoted in full by the leading newspapers. This procedure was very successful for it enabled Wilson to direct the attention of the lawmakers and the public in general upon one specific issue ((Turner Woodrow Wilson and Public 505, 509-510).

[42] Ceaser writes: "Wilson began with nothing less than a full-scale attack on the old basis of constitutional government. The public good, in his view, could not be realized through the operation of formal institutions working within the confines of legally delegated and separated powers. It had to be forged in a 'life' relationship between a leader and the people. The task for what Wilson called a 'popular leader' or a 'popular statesman' was to overcome he inertia of institutional rule and 'interpret' for the people the truly progressive principles of the era" (Ceaser Political 731).

[43] Separation of powers was inefficient because it precluded the government from swiftly solving the problems presented by industrial modernization. It was irresponsible because it stopped government from implementing public policy "even when the new policy reflected a clear new direction in public opinion" (Pestritto Woodrow 124). Wilson makes his position clear in *Congressional Government:*

> It is…manifestly a radical defect of our federal system that it parcels out power and confuses responsibility as it does. The main purpose of the Convention of 1787 seems to have been to accomplish a grievous mistake. The "literary theory" of checks and balances is simply a consistent account of what our constitution-makers tried to do; and those checks and balances have proved mischievous just to the extent which they have succeeded in establishing themselves as realities. It is quite safe to say that were in possible to call together again the members of that wonderful Convention to view the work of their hands in the light of the century that has tested it, they would be the first to admit that the only fruit of dividing power had been to make it irresponsible (Wilson Congressional 187).

[44] To remedy what Wilson identifies as the problems of separation of powers, he imagined a system of cabinet government that would become the ruling arm of the president's administrative state. Cabinet government is "a form of government where a national legislature depends upon majority public opinion and the executive branch depends upon sustained support in the legislature" (Wilson Woodrow 131). Members of Congress would actually serve in cabinet positions in the executive branch. This forbidden in Article I Section 6 of the Constitution, which prohibits officers of one branch from simultaneously serving in another (i.e. serving in both Congress and the Executive branch). In "Cabinet Government in the United States", Wilson calls for this section to be repealed: "To give to the President the right to choose whomsoever he pleases as his constitutional advisers…would be to empower him to appoint a limited number of representatives…selecting his Cabinet from among the number of representatives already chosen

by the people….Such a change in our legislative system would not be so radical as it might at first appear" (131-132). Cabinet government would also enable "the heads of the Executive departments—the members of the Cabinet—seats in Congress, with the privilege of the initiative in legislation…" (Wilson Cabinet 498-99). Wilson did not succeed in installing cabinet government and fundmanetally destroying the separation of powers. However, his actions as president did drastically expand the executives' legislative power beyond what any other president had achieved or imagined.

[45] Wilson writes that the president is the "political leader of the nation, or has the choice to be. The nation as a whole has chosen him, and is conscious that it has no other political spokesman. His is the only national voice in affairs…His position takes the imagination of the country…If he rightly interpret the national thought and boldly insist upon it, he is irresistible; and the country never feels the zest of action so much as when its President is of such insight and caliber" (Wilson Constitutional 68).

[46] The public or rhetorical presidency "consists of two interfused elements. First, the President should employ oratory to create a active public opinion that, if necessary, will pressure the Congress into accepting his program…Second, in order to reach and move the public, the character of the rhetoric must tap the public's feelings and articulate its wishes…It seeks to infuse a sense of vision into the President's particular legislative program" (Ceaser Rise 163). The Founders specifically warned against presidential ambition and "popular arts". Presidential ambition, as defined by Ceaser and the Founders, is a threat to American Constitutionalism. Governing based on "popular leadership" would enable the president to claim that he is representing the unified will of the people, and thus "concentrate the power in the hands of one

person" (Ceaser Political 718). It was vital the president not simply react to public opinion, following the momentary passions of the people according to historical changes.

[47] Brinkley and Dyer note that "Wilson's inauguration opened a new chapter in the modern presidency. He became the first chief executive since John Adams to appear before Congress in person… as if he were prime minister, by sitting in on committee meetings on Capitol Hill and driving the Democrats…toward their legislative goals" (Brinkley 301). Discussing the State of the Union Address, William Howard Taft, the president who preceded Wilson, wrote in 1916: "The power and duty of the President to inform Congress on the state of the Union, and to recommend measures for its adoption, need very little comment…When the President had made a treaty, or was about to make one, and wished advice and consent of the Senate, he repaired in person to the Senate chamber" (Taft 37-38). Taft does not object to Wilson delivering the State of the Union in front of Congress. Taft does believe that the president has specific Constitutional functions which he may discuss with Congress. He clearly does not expect the president to deliver a legislative agenda. Wilson's appearance before Congress is not what revolutionized executive power. The fact that he stood before Congress and combined rhetorical force with a legislative agenda did transform the presidency. Modern scholars like Ceaser echo this point, and compare Jefferson's presidential addresses with Wilson's:

> [Jefferson] presented his case not as an attempt to win support for the particular policies of a party but rather as an effort to instruct the people in, and fortify their attachment to, true republican political principles…. Against this tradition Woodrow Wilson gave the Inaugural Address (and presidential speech generally) a new theme. Instead of showing how the policies of the incoming administration reflected the principles of our form of government, Wilson sought to articulate the unspoken desires of the people by holding out a vision of their fulfillment. Presidential speech, in Wilson's view, should articulate what is 'in our hearts' and not necessarily what is in our Constitution (Ceaser The Rise 166).

Wilson's actual State of the Union addresses are not included in this paper because the bulk of his addresses were in regards to World War I. Even his first address in 1913 spoke mainly to the coming European conflict. Later, he spoke about neutrality. By his fifth State of the Union address, Wilson expounded the need for America to enter the war, and he directed his attention to national preparedness (Wilson Fifth). However, that does not undermine his considerable rhetoric—in front of Congress, on national speaking tours, and in his writings—that was devoted crafting his legislative agenda (Ceaser The Rise 166).

[48] While the Founder's envisioned a limited role for the veto power, Wilson saw the veto as an opportunity to expand legislative pressure. He remarks that at the time of the Founders:

> His veto upon legislation was only his check on Congress, was a power of restraint, not of guidance. He was empowered to prevent bad laws, but he was not to be given an opportunity to make good ones. As a matter of fact he has become very much more. He has become the leader of his party and the guide of the nation in political purpose, and therefore in legal action… His is the vital place of action in the system, whether he accept it as such or not, and the office is the measure of the man, of his wisdom as well as of his force. His veto abundantly equips him to stay the hand of Congress when he will" (Wilson Constitutional 59, 73; for information regarding the president's view of the veto power refer to endnote four).

James Madison, for instance, vetoed five bills during his presidency, all on Constitutional grounds (A Century).

[49] "Wilson was the first President to insist that the Chief Executive and his subordinates should have their prerogative in drafting substantial numbers of legislative measures that Congress should enact virtually as drafted…" (Turner Woodrow Wilson as Administrator *n*36). As president, Wilson drafted and pressured Congress to enact some of the most consequential legislation in American history, including: The Federal Reserve Act; the Underwood-Simmons Act, the Clayton Anti-Trust Act; The Federal Trade Commission Act; the Tariff Act of 1912; the

Farm Loan Bank Act; Adamson Act (which created the eight hour work day); the creation of the National War Labor Board; the organization of the United States Department of Labor; Federal Water Power Act; the Transportation Act of 1920; the reformation of the Panama Canal Act; the Webb-Pomerence Act of 1918. Along with these monumental pieces of legislation, "there was also the passage of the basic immigration laws, the first two child-labor laws, and the development of the resources of Alaska involving…railways and the public leasing of coal fields. Finally there was the extension of citizenship to Puerto Ricans, self-government for Hawaii…and the promise of ultimate independence for the Philippines" (Dimock 9). Taft wrote in 1916 about the president's proper legislative role: "The President has no power to introduce a bill into either House. He has the power of recommending such measures as he shall judge necessary and expedient to the consideration of Congress. But he takes no part in the running discussion of the bill after it is introduced or in its amendments" (Taft 14). Taft wrote this in the midst of the Progressive Era and Wilson's presidency; thus, it is clear that Wilson's ideology was a break from the Constitutional conservatism seen in Taft's writing, and went far beyond what previous president's believed to be the proper Constitutional construction of the executive.

[50] In Wilson's "Study of Administration", he argues that bureaucratic elites who were immune from political accountability and pressures should be responsible for policymaking. He defines administration as "the most obvious part of government; it is government in action; it is the executive, the operative, the most visible side of government, and is of course as old as government itself" (Wilson Woodrow 232). Wilson believed that government needed to be divided to two functions: political and administrative. Pestritto remarks that "the political element of government [under Wilson] would not really involve itself in day-today policymaking, leaving that instead to

administrators. Free from political pressures, the government's administrative half would focus on the efficient implementation of the public will by drawing on its expertise and using the advanced machinery of the modern state" (Pestritto Woodrow 133). The administration would naturally fall under the control of the executive, who could most efficiently embody and control the direction of policy-making. Congress then had to cede its lawmaking function over to the bureaucracy of the administrative state: "Wilson urged Congress to take up this understanding and abandon its stubborn insistence on its constitutionally defined duty to legislate" (136). In "Study of Administration", Wilson argues:

> There is scarcely a single duty of government which was once simple which is not now complex…Where government once might follow the whims of a court, it must now follow the views of a nation. And those views are steadily widening to new conceptions of state duty; so that, at the same time that the functions of government are every day becoming more complex and difficult, they are also vastly multiplying in number…This is why there should be a science of administration which shall seek to straighten the paths of government, to make its business less unbussinesslike, to strengthen and purify its organization, and to crown its duties with dutifulness (Wilson Woodrow 241).

Congress would act as the political component of government by fulfilling two main functions: 1) Congressmen would be elected based on public support for the policies of party leaders and 2) Debates on the floor of Congress would serve to inform the public (Pestritto Woodrow 150,152): "Voters could, through their electoral support or rejection of these prominent part leaders, make known and felt their views of policy matters" (150). The "informing function" of Congress would "keep the legislature accountable to public opinion…[and] debates themselves [would] educate public opinion, focusing the public mind on the important issues and making public opinion worthy of its role in directing the state" (152). Wilson believed that the English Parliament was successful because they completed these functions. He argued that the American Congress should therefore be modeled after the English Parliament (Pestritto Woodrow 139).

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